

# COMMUNITY RELATIONS

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Denny F. Pace

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Denny F. Pace

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## Community Relations Concepts *Third Edition*

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## » DEDICATION

This book is respectfully dedicated to the thousands of professional agents and representatives of the criminal justice system who strive diligently to make the system better serve the public; and to those elected and appointed officials, educators, and public spirited citizens who constantly strive to raise the professional level of all the system's participants.

It is the author's fondest wish that *Community Relations Concepts* will contribute to a better understanding and more effective operation of the system by both students planning to enter and those already engaged in this most challenging area of public service.

*D.F.P.*

144616

**U.S. Department of Justice  
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## PREFACE

*Community Relations Concepts* is designed to be used primarily as an introductory or survey text for a lower division college course. It will also serve effectively as a co-reader for more intensive courses at the upper division and graduate level.

The text presents an overview of the various factors that comprise the relationships between the community and the criminal justice system. The text examines such basic concepts of human relations; the contact between one person and another, or one group and another. Various community relations scenarios now existing between the system and the community are discussed in considerable detail. The text will also examine community *misunderstandings* and the lack of cooperation and mistrust that may paradoxically be generated by the system's efforts to make the community a safer place.

*Community Relations Concepts* includes extensive discussion of public relations efforts currently being undertaken by agencies of the system which are designed to elicit cooperation from an often hostile community. The thrust of this text is about using the community as a means of preventing crime. Emphasis is on how different components of the criminal justice system can successfully utilize the community and its resources to assist in crime prevention.

## Chapter 1

# WHY COMMUNITY RELATIONS

### Learning Goals:

- To understand why a community must take an active role in crime prevention.
- To identify the main points of friction between a community and the criminal justice system.
- To illustrate how human relations precede the processes of community and public relations.
- To review the role of law enforcement as a responsible social agency.

### INTRODUCTION

Research clearly shows that residents of a community must assume a major role in the crime prevention activities of the community if there is to be effective crime control. Crime and the causes of crime are beyond the *sole* control of the criminal justice system. The elimination of the causes of crime and the control of crime must be addressed by the *whole* of society. The sociological, psychological and economic aspect underlying the causes of crime, while a concern of the criminal justice system, are a basic responsibility of the entire community. Certainly, it is the community that pays for the escalating *cost* of crime.

## High Cost of Crime

Most of us never stop to consider the tremendous *personal* cost of crime, both direct and indirect. Directly, each and every citizen must spend a percentage of his or her hard-earned income for such things as taxes to pay for police, courts, public prosecutors, public defenders, and correctional facilities. Police protection, alone, costs the nation almost \$28 billion. As a nation we are now spending almost \$62 billion per year on our criminal justice system (See Figure 1.1 for details).

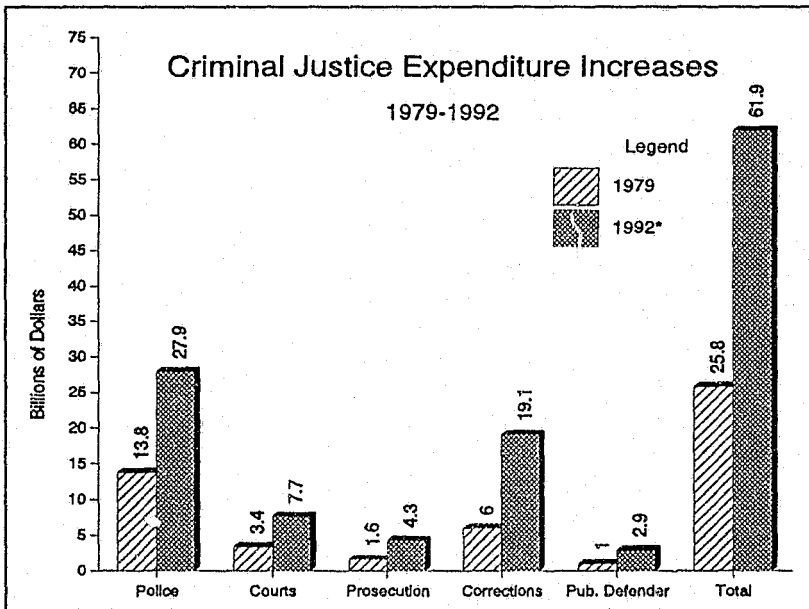


Figure 1.1. Criminal Justice Expenditures, 1983-1992. From Bureau of Justice Statistics, Washington, D.C. (\*1992 estimated)

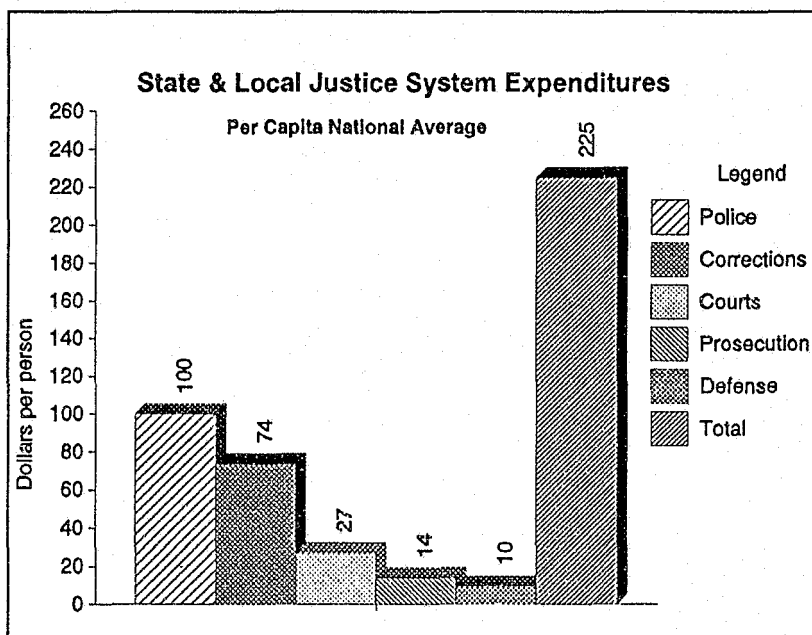
Additionally, we must pay high insurance fees to protect against car theft and our homes against burglary losses. Closer to

home, it costs each man, woman and child an average of \$225 just for state and local justice system operations (See Figure 1.2 for state and local per capita crime costs).

The indirect cost of crime is harder to determine. However, criminologists estimate that most of the goods we buy cost us at least twice what they would otherwise if it were not for shoplifters, employee theft, bad checks, and use of stolen credit cards. Hotel room rates are increased an average of 50 percent what they would need to be if guests and employees did not steal, for example, towels, robes, flat irons, dishes, food, etc. Sometimes we forget that losses in wages, medical care, hospital expenses, etc., run into the millions for victims of violent crime—not to mention the loss families suffer following the needless death of a loved one due to crime.

**“Community relations”** is a general term used to explain and identify the criminal justice system’s interaction with the people of a neighborhood or community. The term implies that human relations—the interaction between people—is the most important element in the community relations concept. When human relations does not adequately succeed, the concept of community interaction attempts to establish programs that are designed to enhance interaction between people of the community and the agents of the criminal justice system. When human relations and community interaction fail to achieve their goals, then agencies of the system, e.g., law enforcement, must develop specific public relations programs.

Such programs should be designed to improve the agency’s image within the community. In order to bring these concepts into focus, there is a need to understand the history and resources of the community in which one works. There is also a need to study concepts for designing specific projects that best serve the neighborhood community and to review the processes that will cause the programs to become an integral part of the community.



*Figure 1.2.* Average *per capita* expenditures for each segment of the criminal justice system. Federal expenditures excluded. Source: Bureau of Justice Statistics.

**“Neighborhood.”** For all practical purposes this term is synonymous with “community” as it has been applied in studies from the Kennedy School of Government at Harvard.

Each part of the criminal justice system should be understood so that its role in the community is more readily accepted.

**“Law Enforcement”** is a broad term applied to agents who have general police power and who perform enforcement services. For example, police, sheriffs, highway patrol, coroner’s officers, and bailiffs are the most common. Probation and parole officers are often associated with the law enforcement activities, but are generally regarded as being part of the correctional system. The same is true of prosecutors who investigate crime. They are

sometimes perceived as representing law enforcement but are often thought of as officers of the court.

**"Courts"** refers to the function of those who are considered officers of the court. Judges, prosecutors, defense attorneys, and court clerks are typical examples. Often, probation officers serve at the request of the court but are more often associated with the correctional system.

**"Corrections"** consist of probation officers, jail and prison employees, parole agents, and others who make decisions about the detention and release of prisoners.

Each part of these criminal justice subsystems has unique problems in communicating with the community. Because law enforcement has so many more critical contacts with the public, the primary thrust of this text will be directed toward solving law enforcement's problems in its interaction with the community.

The American criminal justice system has concentrated its efforts almost solely upon the recognition of individual crimes and the discovery of specific procedures and policies to eliminate each crime. The system has been remiss in developing methods that attack the "syndromes of crime;" a syndrome being defined as a group of causes and symptoms that occur together to foster specific crimes. These underlying causes of crime are often overlooked by the system in its zeal to solve crimes. Law enforcement officers are oriented to "getting their man" almost regardless of sometimes questionable activities in which they may engage in order to apprehend a suspect.

In this chapter we discuss three areas of concern: (1) the meaning of community relations, (2) the function of law and human interactions, and (3) the role of law enforcement as social agents.



## THE MEANING OF COMMUNITY RELATIONS

Community relations is the sum total of activities by which the criminal justice system can become a part of the community it has been sworn to serve, rather than being solely a punitive regulatory agency that is imposed upon the public. The ability of the criminal justice system to function effectively is dependent upon community approval of its acts and public support of its programs. This was demonstrated by the civil disturbances in Los Angeles in 1992. The disturbances were due, in part, to the way in which the criminal justice system was perceived by the public in the Rodney King case.

To understand the complexity of community relations, there is a need to understand the over-all crime prevention and suppression limitations of the criminal justice system in today's society. By looking at both crime and contemporary culture, the need for improved community relations will become much more obvious.

### Crime and Contemporary Community Culture

The criminal justice system acting alone has little impact upon the crimes committed in a community. In a Kansas City study, for example, there was empirical evidence that patrol operations in a police department may be highly overrated as a crime stopper. During the past two decades, research has shown that good police departments, reliable courts, and highly rated correctional systems, operating to capacity, do not necessarily keep a community free of crime.

The system's components, even though each may be efficient, may not be effective because they are often hampered by community resentment. Community resentment, generated by some isolated incident, is frequently followed by attacks from the media. As a

result of community resentment and negative press, law enforcement may assume a more passive role in crime enforcement.

Agencies of our criminal justice system must operate in many neighborhoods with problems that are rooted in the past. This includes economic deprivation and social discrimination. While relevant to the causes of crime, such factors need to be better understood relative to the relationship between the police, the neighborhood, and the total community.

### Community Relations Defined

Community relations may be defined as the total effort of the criminal justice system to become an accepted part of the community. Figure 1.3 illustrates this "umbrella concept" of community relations. In the past, community relations efforts of the various criminal justice agencies were too superficial to cause attitude changes. Since there was little change in the attitudes of the agents of the system, very little change could be expected of the people of the community.

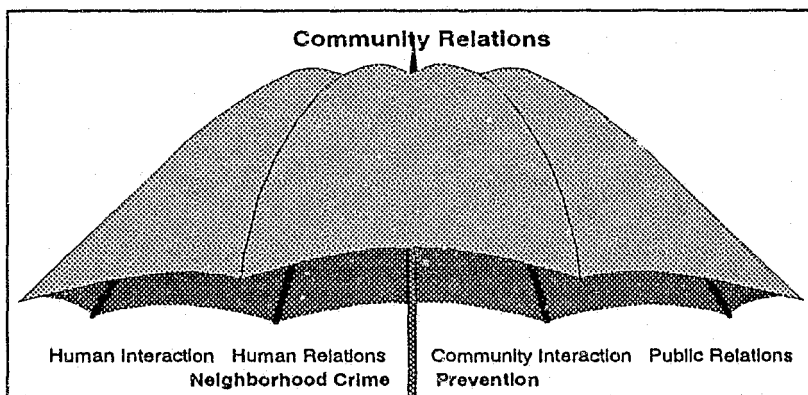


Figure 1.3. Community Relations as an umbrella concept.

The training given in order to change attitudes of criminal justice agents, ignored deep-seated prejudices that had built up in the community because of hostile acts by some criminal justice agents. These old acts of injustice prevented the community from easily accepting a new view of criminal justice procedures.

### **Community Understanding: A Key to Success**

Today, community relations implies that to reduce crime in a community it is necessary for both the citizen components of the criminal justice system to cooperate and support one another. This support will not come about unless there is an understanding between the two. Mutual trust, cooperation, and support can only be brought about by a number of complex processes.

By first understanding the dynamics of human relations, agents of the criminal justice system will then be able to utilize and implement the various techniques designed to reach the community.

### **THE PURPOSE OF COMMUNITY RELATIONS**

Community relations serves at least five basic purposes:

1. It allows agents of the system to more fully understand the importance of human behavior.
2. It lets the different components of the system know what kind of services the public desires.
3. It is a vehicle to let the public know what they are getting in services, thus serving as an information and public relations media.

4. It allows the agents of the system and the public to interact on common problems and to develop positive attitudes about one another.
5. It allows the public and the system to work in a mutual endeavor to curb community problems. These problems are often not of a criminal nature, and the agency acts merely as a catalyst to resolve a social problem. For example, a court may collect payments for child support even though no criminal or civil tort action has ever been taken.

## **THE NEED FOR POLICE—COMMUNITY INTERACTION**

Units of the criminal justice system, especially law enforcement, deal directly with the community. There is no intervening contact and the system must perfect the processes it uses in dealing with people. Services must be delivered to people in an understandable and logical way, otherwise the process has no claim upon the support of the community. Agencies of the criminal justice system must also be able to receive and understand the message that is being sent to them by the public. Thus, the two-way interactions must have an avenue upon which to travel and prosper.

Most people have no trouble reading and understanding simple legal concepts. However, when judges and attorneys delve into complex processes of law and attempt to satisfy political ramifications, the public becomes immediately suspicious of the actions. The public is interested in simple and pure justice; it is not interested in politics, lengthy legal essays, and other obscure legal maneuvering within the system. See Figure 1.4 which depicts a flow-chart (including steps from arrest to release) of the criminal justice system.

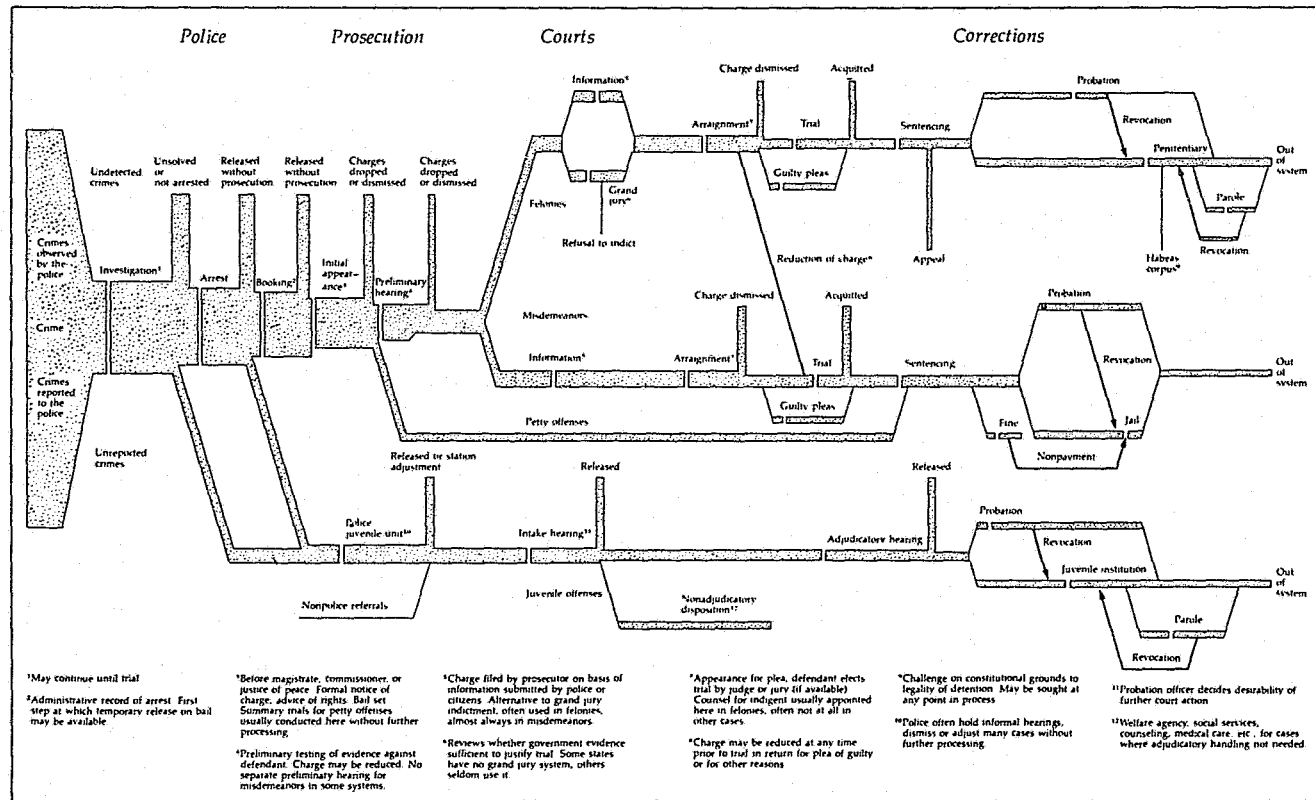


Figure 1.4. Flow-chart showing an overview of the criminal justice system.

## Discretion by Agents of the System

Because of the ambiguity in the way statutes are written, criminal justice agents frequently have to depend upon the *discretionary* exercise of authority. This exercise of discretionary authority is sometimes interpreted by police as authorization for physical violence in enforcing such things as "respect for authority." When abuses such as these occur, there is a need for this discretionary authority to be modified. Each peace officer must understand more clearly just what role he or she plays in the system.

People are not concerned with the long term effect of such things as "plea bargaining." They are, however, interested in swift and certain justice. People do not want to be concerned with why our prisons have a "revolving door" policy, nor do they want to hear that rehabilitation does not work. They are not interested in failures; winning is the "American way." They do not need nor do they want a system that cannot deliver.

Those agents of the system who are the greatest concern of, and the most visible to, the public are the police. That is, in part, because the police are usually the public's initial contact with the criminal justice system. Because of police vulnerability, and because they are the main concern of the community, we will spend a greater part of our time in discussing human and community relations as it applies to the police.

## THE FUNCTION OF LAW VS. HUMAN INTERACTION

This section examines how law is interpreted differently by the several units of the justice system and how different agencies tend to interpret and administer the law for their own benefit. Law is the catalyst that dictates the types of interaction that will take place

between agents of the criminal justice system and the community. Most of the contacts by the justice system agent are firmly anchored by legal precedence and supported by the courts. These contacts do not offer the great problems presented by the *discretionary area* of operations. Criminal justice agents, particularly in law enforcement, exercise a wide variety of discretionary actions. This discretion requires that most agent/public contacts be resolved in a brief and initial contact. Thus, proper interaction on the initial contact is the key to whether an agent has succeeded in his or her task.

### **Discretion as a Barrier to Community and Law Enforcement Interaction**

In the administration of criminal justice, discretion tends to increase as one moves down the hierarchy. For example, the field officer has a broad base for discretionary decision making while the administrator has less authority when it comes to one-on-one contact with the community. If the administrator, however, allows lax internal control, informal solidarity groups tend to form or are manipulated by legal and political pressures. These forces then become an effective barrier between the individual officer and the community.

### **Law: A Barrier to Good Community Relations?**

Law is interpreted and applied by persons who have ways of perceiving and responding to an identified power role. The law gives one person the power to control another through legal coercion, persuasion, and force, if necessary. This power tends to create a working personality that recognizes danger, authority, and efficiency as the prime motivating forces of justice. Such exercise of power, however, is often inconsistent with good human interaction.

## **Danger in Law Enforcement**

Danger prompts society to train its police to be suspicious and mistrusting. This element of danger is ever-present in police work. So, those persons in a community who have established human relationships based upon mutual trust cannot understand the necessity of suspicion and mistrust on the part of the police. The understanding needed for a solid social relationship is often incompatible with the practical needs of the system.

## **Authority**

Authority is the second factor that is instilled in the positive "take charge" attitude, required of many criminal justice jobs. The excessive or misguided use of authority by agents of the system often creates situations that are antagonistic to good human interaction. Americans are suspicious of power and do not support excess authority in police operations (see Table 1.1 for survey results).

## **Efficiency**

"Efficiency" is forced upon units of the system that should not have to respond to common measures of quantity. For example, massive campaigns to write traffic citations may be prompted by the political desire to raise revenue rather than to see justice done. Such procedure looks too much like "quotas" to suit most citizens. The long lines of violators paying tickets without the need to appear in court is satisfying the political greed for money but may or may not have a desirable impact on the problems of traffic control. This governmental greed has progressed so far that people can now mail in their fines if they do not want to go to court. This system thus makes it easier and less punitive to pay an unjust fine



Question: Do you approve of the following alternatives for dealing with crime?		
Method	Yes	No
Allowing police to stop and search anyone on suspicion.	48%	52%
Allowing police to wiretap the phone of anyone they suspect.	30%	70%
Allowing police to search a home without a warrant.	13%	87%
Encouraging citizens to carry defensive weapons such as Mace.	68%	32%

**Table 1.1.** Public survey response to question regarding police authority. From: *The Sourcebook*, U.S. Department of Justice.

than it does to demand justice for most traffic violations. In any respect, it is alienating to every person who is in the "mill" to pay his or her traffic ticket. This process, and the entire bail system, is often inconsistent with justice and good human interaction.

### Agency Collusion

Collusion of agents in the system is a fourth dimension that often hinders the integration of law and positive human interaction. It's not unheard of for law enforcement officers and politicians to band together to defend their vested interests at the expense of the public at large. For example, radar use is prohibited for enforcement purposes on state highways by many states. However, several local cities are now contracting units of their state highway patrol to use radar to write citations within the city's limits. This "back-door" tactic is a very poor community relations function.

## **THE RESPONSIBILITY OF GOVERNMENT**

Try as we may, we are unable to separate political influence from the application and administration of law. Because we are unable to separate the two, law which is written in a neutral mode often becomes a political hammer in its execution. The role of all units of the criminal justice system is defined by custom, culture, and law. However, it is constantly being redefined through political processes and court decisions.

### **Politics: The Sharing of Power**

Ideally, the components of the criminal justice system share responsibility with many agencies that have the authority for satisfying community demands. Often, other agencies are ignored or relegated to a lesser role in the exercise of power. For example, the question of arresting or merely detaining drunks has been a hotly debated issue for many years. Social service agencies have maintained that the police and the court systems should not be handling drunks because such persons are sick.

On the other hand, the police position is that a person cannot be detained unless legally processed (arrested, booked, photographed, and fingerprinted). Thus, conflict between competing agencies often creates difficult problems for cooperation, and the public is the loser.

The hierarchy of the criminal justice system, which should be designed to receive and respond to community needs, has evolved to the point where the political environment has little impact upon it. In other words, when an agency is so bureaucratically entrenched that it does not respond to the political pressures (needs) of the community, then the agency has ceased to serve the community properly. It is not unusual to hear of unofficial policies where police agencies "kick ass" to control disturbing elements of

a community. Whether or not these stories are true, no one knows. However, perceptions are just as deadly as practice if they are passed among a public that wants to believe the rumors as fact.

Criminal justice efficiency should not be judged by the performance of rote functions. For example, a law enforcement officer should not be evaluated primarily on how many felony arrests he or she makes; he or she should not be measured against how many moving violations are written. *The criteria for good performance is the ability to reconcile diverse community needs.* Those needs should be translated into a response that is tempered by concern for the individual and legitimized by community support. Administrators in the system are being shortsighted when they attempt to quantify the efforts of an individual into statistical categories that have been measures of efficiency in the past. This pressure to perform as a "team member" or be alienated from the team is a problem for agencies who want to maintain a good community image.

The criminal justice system, while fragmented and full of diversity, nevertheless has a common theme of unity. Agencies within the system, however, continue to fight and criticize other components of the system for not doing their jobs well. What these functionaries of the system do not realize is that the community equates each process of the system as a whole. The system is so intertwined that it will rise or fall by its total performance and not by whether one segment of the system is doing an adequate job.

## **THE PASSAGE OF POWER TO THE FEDERAL GOVERNMENT**

Our criminal justice system has become, to a large degree, a "national" system because of the broad interpretation of laws by the federal courts. The passage of hundreds of laws that reach into local jurisdictions, plus informal cooperation and technical

advances in communication (i.e., National Criminal Justice Information Center), have removed much of the local control of law enforcement. The passage of a federal Civil Rights Bill in 1964 and a uniform point of view in enforcing these broad laws by the federal government have brought justice into the sphere of a national system. This was illustrated in the jurisdictional flap between the federal government and Los Angeles City and County government over who should run security for the 1984 Olympic Games. It became apparent which level had the power when federal agencies moved in and seized whatever authority they wished to exercise.

This transition of power from local to federal forces in the past ten years has increased the need for local law enforcement to become a more integral part of the community in an effort to gain support in order to protect itself.

### **The Right of Government to Exercise Power**

Perhaps one of the greatest points of friction in a community is the struggle for individuals to maintain their civil rights against the power and oppression of government. Because these rights are clear to the individual, it does not necessarily hold that what he believes is, in fact, the way government exercises its power.

### **Need for Individual Responsibility**

In explaining the heritage known as the "rights of the individual," an English constable said that the history of the English police is the history of the English people, since the origins and development of the police are inseparably bound to the evolutionary process of the nation as a whole. Such would apply equally to the evolution of the American law enforcement system and the nation.

For hundreds of years before the Norman (French) invasion of England, the Anglo-Saxon kings of England expected their subjects to keep order, embodying the concept in the phrase "keeping the peace." Even then, the kings found that maintenance of peace required the constant vigilance of each and every member of the community.

As we progressed into the twentieth century, this kind of individual responsibility gradually passed into the hands of professionals in the criminal justice system. However, the right of the government to exercise the necessary power to attain the goal of "keeping the peace" has not been fully explained to the American people. For example, not fully understanding the phrases: "every man's home is his castle, no search without a search warrant, no one may be tried for a felony without an indictment," and "every accused person is entitled to a jury trial," have gotten many people in trouble with the law and with those who administer the law. An explanation as to why these phrases have not been adequately interpreted for the public rests, to some degree, with our educational system.

## **MISCONCEPTIONS IN SCHOOL INSTRUCTION**

High school and college civics and political science teachers use the above phrases to describe an individual's rights under our system of law. For example, a teacher, through ignorance of the intricacies of law, does not tell students that the police may search a home without a warrant when "exigent (urgent, emergency) circumstances" exist. Many people stand in their doorways protecting their "castle" under the mistaken belief that the police must have a warrant to enter the house. Teachers may not tell their students that under the law of several states a citizen may be subject to punishment (a fine), or may actually go to jail for contempt of court, if he or she refuses to pay for "infractions." An

infraction is an offense, such as a traffic violation, that is punishable by a fine but not by imprisonment. Yet, one is *not* entitled, under law, to a jury trial in these cases.

Many strange concepts of law cause confusion and resentment between the public and criminal justice agents. Social science books do not tell the whole story. This fosters hostile feelings, especially among racial minorities who may have been taught a strict interpretation of the law by teachers. Most teachers are not aware of the importance of legal case histories. The end result is that the students do not understand the application and the reality of law. They have no idea of how the "social contract" in law works to make constitutional law operational. They have not been adequately educated on the operation of law and, as a result, they are often confused when confronted by agents of the criminal justice system.

## LAW ENFORCEMENT AS SOCIAL AGENTS

The law enforcement units of the criminal justice system (i.e., police, sheriffs, highway patrol officers, probation and parole officers) take a major portion of the criticism for poor community relations. This criticism is often valid, especially for the city police, highway patrol officers and sheriffs, because they usually view themselves as "law enforcers." Units of the system typically view their loyalty as being with the system rather than toward the community they serve. The system perpetuates the view of "crime crushers" as opposed to full-service agents who render all types of service. Studies indicate that fully 80 percent of a law enforcement officer's time is spent on *non-punitive* activities. Thus, the image projected of the law enforcement function in the media is not accurate.

In developing community relations programs and in providing service to the public, it is important that the criminal justice

system give consideration to those community problems which most concern the public— especially young people (See Table 1.2).

<b>Question:</b> Of all the problems facing young people today, how often do you worry about the following?		
percent of students responding "often"		
	Class of 1985	Class of 1992
Crime & Violence	82	89
Nuclear War	64	45
Population Growth	25	33
Pollution	80	85
Race Relations	43	62
Energy Shortages	33	32
Hunger & Poverty	69	65
Economic Issues	59	60
Drug Abuse	69	83
Urban Decay	17	20

**Table 1.2.** Survey of social problems which worry high school seniors. From: *The Sourcebook*, U.S. Department of Justice

### A New Image—A New Role?

To a lesser degree the functions of the other law enforcement agencies are zeroed in on a specialized service rather than a service to the community. A probation officer has a concern for the community, but probation reports are eternally optimistic about how good a client is going to do if granted probation.

When the personnel of law enforcement agencies view themselves, they say they are "specialists" and that their roles are carefully defined by law. This may be true, but the courts have

been quite liberal in their interpretation of law enforcement's involvement in social control. The entire discretionary involvement of police in criminal matters is in a state of flux, depending upon which way the political winds are blowing. In a conservative court, such as the present U.S. Supreme Court, the rights of the officer, and in turn the system, to operate with greater discretion is encouraged. In a more liberal setting, the rights of the individual are considered most important. In the past two decades, there has been an increased awareness that a greater balance between both the enforcement and service roles should be encouraged. As a result of civil rights marches and anti-war demonstrations, the larger society realized that the police did not really have control of the community. As a result of demonstrations, the national government has spent millions of dollars to expand community based programs. Basically, these programs involved:

1. Statutory consultation between the police and the community.
2. Increased recruitment of racial minorities.
3. Re-examination of methods of policing metropolitan areas.
4. Changes in technical operations to adopt to modern technology.
5. Changes in the role of the uniformed police officer.
6. Different orientations in community relations classes.
7. Mandated training for all peace officers.

## **OBSTACLES TO COMMUNITY PROGRAM SUCCESS**

There are many more changes and hundreds of reasons why agencies have attempted to become a part of the community. There are two major reasons why the attempts have not been entirely successful. First, the diversity of the community's ethnic and cultural groups does not allow for a truly cohesive interaction between people or between neighborhoods and the larger community. The old orientation toward "love thy neighbor" may be all



right in church, but in the "streets" this interaction is not realistically going to occur. Until there is an economic, educational, cultural, and social parity among members of the community, the cohesiveness necessary to create a unified community is much less likely to happen.

The second major obstacle to keeping the police from becoming an integral part of the community is the divisiveness, super-specialization, and jealousy of each other's "turf," within agencies. Most patrol officers would much prefer to leave community relations to the community relations unit. It is going to be difficult to change this attitude. One change in procedures that could improve police relations in the community is greater use of the investigator as a community contact. Officers are frequently amazed when it is suggested that the best community relations person in the department is the investigator. It is important that officers see these types of interactions as vitally needed in furthering the agency's formal community relations programs.

## **THE INVESTIGATOR AS A COMMUNITY RELATIONS AGENT**

Recent research indicates that the effectiveness of an investigator is not overrated. The U.S. Department of Justice indicated that both patrol officers and detectives are equally important to an investigation. However, at least four separate studies proved that the detective is the key person in a department to improve interactions with people who have been victimized and traumatized by criminals. These victims are entitled to the best service that can be rendered.

## **SUMMARY**

Crime and community culture impact upon each other. The concept of "community relations" is not a simple matter of

dialogue and agreement on some issues. It consists, rather, of a carefully structured program involving both community and criminal justice system participation.

There is a need for good community relations, but the responsibility for its success cannot rest *solely* upon the police or any other single agency of the criminal justice system. The entire system, and more importantly the public, must respond positively if there is ever going to be any resolution of the normal tensions that are generated in the community.

Law and human interaction are often incompatible. Discretion, therefore, becomes the main tool for agents of the system. These agents are caught up in discretionary decision making roles which call for the integration of human emotion and complex legal concepts. The agents are often overwhelmed by this pressure and their decisions are often manifested in odd or illegal behavior. The presence of danger and the inappropriate use of authority are factors that tend to show up in illogical actions. These actions often fail to resolve a situation that could respond to human interaction rather than "hard-nosed" legal confrontation.

The right of the government to exercise power is constantly being challenged by individuals. In many instances, the rights of the individual are held by courts to be paramount to the rights of government. Thus, there is difficulty in protecting individual rights in the maze of bureaucracy, laws, and regulations.

The functions of law enforcement must be harnessed so that all members of that agency serve as community contacts. Interactions between the victim or witness and the investigator create an ideal opportunity for human interaction. All agents of the system must be aware of their proper role if good community relations are to exist.

## DISCUSSION QUESTIONS

1. Community relations is a generic term and includes many processes. What are the five major processes?
2. Do you think the interaction between people, or human relations, is one of the ways for improving criminal justice and community contact? Why?
3. What causes human relations programs to fail in a community? Why does the system then resort to public relations to sell the system to the community?
4. Why is community relations a problem for all agencies of the criminal justice system?
5. The American police system tends to concentrate upon specific crimes rather than upon the resolution of the syndromes of crime. Why?
6. The police like to "get their man" even at the expense of criticism for their questionable methods. Why is this so?
7. Do you believe hostile community groups can often be "defused" through proper criminal justice behavior and information programs? How?
8. Explain why the processes of criminal justice functions need to be given to the public in simple, understandable language.
9. Why is the use of discretion often difficult for the agents of the criminal justice system?

10. If an agent of the criminal justice system is to use discretion properly, the agent must understand human behavior, complexities of law, and groups' social interaction. How can he transmit this knowledge?
11. Are you convinced that the government and the individual jointly share responsibility for eliminating crime? Why?
12. Why do law enforcement agents often deny that they are social agents. How can this image be changed?

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. The experience of early societies revealed that efficiency was much improved when tasks were allocated to particular individuals who specialized in their work assignments. Such allocations came to be known as division of labor. This division has become the basis for our social structure. What happens when status and roles are assigned because of race, gender, and age? Analyze your reasons for or against social stratification based upon these criteria.
2. Why and how does a law enforcement officer come to reject the idea that he/she is first a social worker, then a law enforcer. Is the rejection of the "social worker" idea based upon what the public thinks, the public's preconception of what a police officer should be, or the orientation and peer pressure of the organization?

## *Chapter 2*

# **THE STRUCTURE OF THE COMMUNITY**

### **Learning Goals:**

- To explain the demographic structure of a community.
- To classify a minority or ethnic group by social and cultural traits.
- To demonstrate minorities share in the community power structure.
- To illustrate the evolution of minority, ethnic, and interest groups in the community.
- To identify critical points of conflict between areas and the larger society.

### **INTRODUCTION**

What makes a community safe from crime? In research published by the Figgie Corporation, eight broad elements relating to community composition were identified as key components in eliminating crime. These elements are:

1. Improved police methods and procedures where quality of service and innovative techniques are stressed.

2. Stability of the community population, especially relating lower socio-economic class.
3. Community cooperation with and support of local police.
4. Neighborhood Watch and other crime prevention programs.
5. Active community organizations, especially churches and volunteer groups that sponsor programs geared toward young people.
6. Good criminal justice administration, including strict, fair judges, district attorneys, and a good court system.
7. A history of low unemployment.
8. Low population density within a community.

When we analyze the community structure, the above elements should be kept in mind as being examples of model elements of a low crime rate community.

## **KEY ELEMENTS OF A COMMUNITY**

A "community" is comprised of a human population living within a geographical area and carrying on a common interdependent life. The community has many "populations." Thus, before we can identify important problems of the population, we need to identify the different groups that make up that population. These groups can be classified by (1) identifying key elements of the community, (2) identifying factors that make people different, and (3) identifying areas of conflict.

A "community" can be identified by one or more of the following specific characteristics, each of which will be briefly explained:

- Geographical limits
- Demographic characteristics
- Economic and educational factors
- Racial and ethnic factors
- Employment factors
- Ecological factors
- Life styles
- Language groups
- Miscellaneous factors

### **Geographical Limits**

A community may often follow natural or man-made boundaries. The boundaries can be rivers, freeways, county lines, school districts, or dozens of other divisions that will identify the community. A community rarely follows the political boundaries that are established for cities, counties, or states.

### **Demographic Characteristics**

The major components of a community may have unique traits. Yet, most of the characteristics that make up a community have overlapping features. This overlapping creates commonality of attitudes, consciousness of kinds, collections of institutions, and possession of common causes and goals. Some of the major identifiers in a community are as follows:

## **Economic and Educational Factors**

Neighborhoods most often are comprised of persons of similar economic background, while communities range from the poverty-stricken to the super-rich. Working couples at one time were rare in the community.

Education is the great equalizer, and many people who are recipients of higher education will find themselves in a community consisting largely of other persons with similar educational backgrounds. However, economics is probably the determiner rather than education per se.

Whether or not a community is growing or declining will also be dependent upon the area's economy, employment opportunities and available, appropriately priced housing.

## **Racial and Ethnic Factors**

It is said that there are few persons of pure race left on earth. The same may be said of the racial composition of neighborhoods. There are few areas left that are all Afro-American, Hispanic, or Asian, etc. In the United States, most of the communities housing ethnic groups also include a great variety of individuals from many different races. In a community, races will tend to split into different entities.

## **Employment Factors**

Workers of the same working class tend to gravitate to neighborhoods that support similar or like occupations, levels of work, etc. However, in a city there is great diversity of all categories, and it is often difficult to identify where one community begins and another stops.



## **Ecological Factors**

People are attracted to different parts of the country and various communities for many reasons—such as prevailing weather, beach access, recreation and cultural facilities, and scenery, to name a few. While our society is often accused of being highly nomadic, such is not actually true when one looks at the country in its entirety. According to the last census, 63.8 percent of our population is still residing in the state in which they were born.

## **Life Styles**

Criminal justice problems occur in the conflict that arises out of the variation of cultural backgrounds. Thus, we are experiencing a cultural revolution that is transforming the rules of American life to accommodate the multiculturalism of our society. We are, as a society, faced with changes, such as women's rights and the environmental and quality of life movements, that have caused the discarding of the traditional rules of personal conduct.

There are hundreds of other changes in the ways of life that have been important in the creation of conflict in the community. These conflicts create huge dislocations in our lives. Those near these dislocations, (i.e., variations in white, black, and Hispanic communities) feel the impact of change most. However, the entire society feels the shock of change. The reality is that most cultures do not readily adapt to the white, middle-class style of living.

## **Language Groups**

Indo-European is the predominant language family throughout the world. The twelve other major language groups create serious

problems in the criminal justice system. For example, Asians immigrating to the West Coast have created colonies of people isolated by language. The main problem that arises from language barriers in a community is unwillingness to report crime or to prosecute criminals in what to the victim is an alien court setting. In many instances, victims of crimes feel they cannot talk freely to criminal investigators. Many refuse or are unable to furnish information because of language barriers.

### **Miscellaneous Factors**

**Age:** Neighborhoods tend to support persons of like ages. However, it is not unusual to find the very young and the very old clustered in older neighborhoods. This may be the result of economics more than age, since with advanced age usually comes increased economic dependence upon others.

**Cultural:** Culture is defined as a collection of artifacts, tools, ways of living, and a language common to a fairly large group of people, all passed on to the next generation with few changes. These similarities in lifestyle among people tend to make it easier for them to geographically group together.

### **FACTORS THAT MAKE PEOPLE DIFFERENT**

The agents of the criminal justice system should understand why subgroups within an area or community are different. They must recognize that the particular interests of these subgroups differ from those of the larger society. By understanding the motivation of the members of subgroups, an officer can better understand the hostility and often the resentment of the subgroups to any display of authority by agents of established government.

These subgroups make up pressure groups that are struggling for some sort of power recognition. To these groups, organized

agents of government represent the main power structure and, therefore are highly suspect, even without ever having taken punitive or repressive actions against the subgroups seeking power.

Reality tells us that the majority of the governing groups in society are going to give only token power to the struggle of minorities. While democracy may promise equality, the reality is that the majority demands *conformity*. Society prefers to gain this conformity through voluntary compliance with the law, but when that fails, the power structure must resort to punitive means.

### Societal Factors

Society's ruling power structure recognizes that some persons will fail to comply with the rules imposed by the majority. Those rules are called laws, and when they are violated, those in charge feel justified in taking punitive action. For discussion purposes, we have identified below a few of the reasons why people become stratified into different groups and why individuals within these groups are often willing to face jail to defend that group's ideology. The major classifications revolve around (1) nationalism, (2) religion, (3) families, (4) racial groups and (5) ethnic groups. Each is a powerful factor in influencing the individual's behavior system.

### Nationalism

Within the geographical areas of each nation, "hearts beat for country and for flag." This patriotism keeps many people voluntarily in compliance with laws and customs, even though they may not like the law. They will support the police even though the police may be wrong. This group, and it is a large majority of the population in this country, does not look with hostility upon the processes of criminal justice. Perhaps the main reason it accepts

the system without question is that it is rarely in contact with agents of the criminal justice system. Members of this group have faith in the system to deliver what is needed to protect them and to keep them in power. They will defend the system even though the system may be full of flaws and weaknesses.

Those people who believe they are not served by the system in power, or believe they are not receiving a "fair shake" from it are the ones who are in frequent contact with the police and other system agents. These are the people who feel the system is wrong and must change. They are dedicated to changing the system both philosophically and operationally. When the system does not meet their expectations, they try to change it through intimidation, social chaos, and finally, street demonstrations. Agents of the criminal justice system are caught between these opposing forces.

## **Religion**

Religion is one of a collection of institutions that distinguishes groups of people in society. Religion is perhaps the strongest of all groupings that divide people ideologically. It is the prime motivator of people's feelings on critical issues in society. Issues such as abortion, the death penalty, and gambling laws are all church initiated. Thus, the church is a powerful instrument in forming attitudes of people living throughout the world. The church and the criminal justice system rarely clash because the goals of compliance with Judeo-Christian rules are what organized society in the Western world is all about.

Do not assume that the power of religion is viewed as all good in contemporary society. Organized religion is often at odds with the majority of society in several areas (e.g., abortion). The so-called Moral Majority and some organized religions disagree with women's organizations on the right to an abortion. Many religious groups are at odds with the majority of the American

public who are in favor of capital punishment. Religious attitudes toward gambling and liquor control have many times created a crisis in local jurisdictions. The influence of churches has created a "hodge-podge" of laws governing the control of gambling and alcohol throughout the country. For example, in Texas, liquor laws are decided by local precincts. This results in conflicting laws between neighboring communities. It is almost impossible to equitably enforce that type of random law making.

### **Family Groups**

Family influence, while still a primary force on an individual, is diminishing as the upbringing of children becomes divided between "alternative parents." Value programming of an individual child is shared by several different forces that diminish the direct influence of the family. For example, a live-in baby sitter is not uncommon in American households. Shared parenting between divorced parents, television babysitting, peer group influence, and school cultures all share in values formation.

In the past, the family was important because there was a consistency in life planning. During this period, group and social ostracism of split families was common, and a singular value system was believed essential to the development of a good personality. In light of today's research findings about multi-family life, the original values may have been overemphasized in the importance of value programming. Today's offspring tend to thrive in multiple households, where families often consist of his, hers and their children. When these family structures are socially acceptable, the offspring do not suffer intellectually, socially, or emotionally.

The family, while weakened by social forces, is still the most important social grouping for the transfer of values. It is the family, the tribe, or the clan that sets the standards for individual

behavior. It is the family that sets dress codes, behavior standards, and other social amenities. However, the rights of the family, vs. the rights of the individual, vs. the rights of the state are in constant legal and ethical flux. Rights of the individual family member now seem firmly placed in the hands of the courts, rather than in religious or family decision making. Because the public does not universally agree that the courts have the wisdom to act in the place of the parent or the church, there is constant friction between the courts and selected elements of the community.

### **Ethnic Groups**

The term "ethnic" has connotations of social and cultural traits. Ethnic groups share a common cultural heritage. While the groups may or may not have racial ties, it is the cultural ties that keep them bound to a community. For example, each ethnic group retains practices and ideologies that bind them to that group.

Ethnic groupings, however, may promote prejudicial and biased feelings when the basis for these cultural practices is not understood by the public at large. A few years ago, the leading proponents of social engineering in this country advocated "ethnic curricula" in the nation's schools. These courses became popular for groups wishing to better understand their heritage. As a result of that social engineering experiment, thousands of graduates of "Black Studies" or "Mexican-American Ethics," graduated into a white society that soon made these disciplines obsolete. Because of this obsolescence, minority teachers were absorbed into faculties without the proper foundation of a broader education. The result has caused resentment and hostility in those persons who are the molders of student opinions. This experiment in the development of multiculturalism may have promoted ego strengthening, but it fractured much of the community cohesion which had been developed over the years.

The larger community, as a rule, resents being used in such obvious social experiments. This resentment eventually creates animosity and prejudices. So long as ethnic cultures are practiced within a community, the larger society accepts those differences.

The police are most sensitive to this type of "cultural orientation." They often view some of the tactics of the ethnic group as being un-American, quasi-legal, and unethical as seen through the eyes of the white, middle-class person. Whether these perceptions have any validity is not important. A prejudiced person sees only acts that support his or her beliefs, thus strengthening those perceptions which do not rely upon fact.

Multiculturalism, if properly practiced, can strengthen a group, but oftentimes at the risk of alienating the group from the rest of society. In view of the "social engineering" of the past three decades, one may question whether a unitary culture, so far as the rule of law is concerned, would not have better served those who strive for recognition and power in the larger society.

## **Racial Factors**

When examining almost any criminal statistic, one easily recognizes that being of a minority race makes one susceptible to increased activity in the criminal justice process. Blacks have the greatest alienation because of the difficulty they face in integrating into white-dominated society. Hispanics and Asians are also experiencing great difficulty in gaining equality of justice under our system of law. Historically, other groups have experienced discrimination and isolation in this system--after over a century, groups such as Southern Europeans, Irish, and Poles have gained status within the system. Most of these racial groups have abandoned their original ethnic identities and have been assimilated into the broader culture. It is much more difficult for races of color to achieve this feat.

Race is one of the sharpest and most pervasive of the social classifications. Because of heritage, one is identified with race from birth to death. Race is distributed worldwide. Some of the more common racial characteristics are: (1) skin color, (2) hair color and texture, (3) eye color and shape, (4) cephalic index, i.e., ratios of head and nose width to length, (5) body hair distribution, (6) stature, and (7) prognathism, i.e. lower facial projection.

Race falls into three major categories:

### **Caucasoid**

Fifty-three percent of world population is in this category—light-colored hair, light-colored eyes, light-colored skin, medium to tall stature, round to medium head shape, relatively hairy, long-nosed, and wavy or curly-haired.

### **Mongoloid**

Thirty-four percent of the world's population is Mongoloid; i.e., of yellow-skin, slant-eyed (the Mongolian fold is a drooping of the eyelid), mildly prognathous, relatively free of body hair, with straight hair on the head.

### **Negroid**

Eleven percent of the world's population is Negroid. Anthropologists describe Negroid as being long-headed, wide-nosed, dark-skinned, dark-haired, dark-eyed, more or less free of body hair, tall stature, tightly coiled hair, and moderately prognathous.

### **Other**

Two percent of world population is described as "other." Note: Only physical characteristics are considered by anthropologists in identifying race.



## **THE AREAS OF CONFLICT IN A COMMUNITY**

Logically, conflict between the criminal justice system and elements of the community comes from those segments of the community that are in conflict with the cultures, mores, and laws of the larger society. Because the ghettos of the cities are not in concert with the larger society, they become popularized as the breeding grounds of crime. Since ghettos house more than 70 percent of racial or ethnic minorities, the ghetto, minorities, and crime become interrelated and are the focus for most of the anti-crime efforts of the criminal justice system.

A ghetto is an area of a city inhabited, often as a matter of involuntary segregation, by people of an ethnic or racial group who live in poverty and social disorganization. By definition, when we discuss ghetto crime problems, we will be addressing poverty, racial groupings, and social disorganization, each of which may be a cause of criminal behavior.

### **The Black Ghetto**

Approximately 69 percent of the black population lives in metropolitan areas, with about 56 percent of that number living in the inner city. Within the central city, there is a high ratio of poor blacks. About 66 percent of all blacks who live outside the South are residents of the twelve largest cities in the United States. If society were to integrate totally, about 95 percent of all blacks would have to relocate.

Because of social, economic, and psychological abuses, blacks are caught in a vicious circle of failure which leads to welfare dependency, inability to prepare for jobs, and a lack of motivation. Education is the way in which people have traditionally escaped from poverty and from the ghetto. Thus, good education is more important to the future of the ghetto student than to other students.

While all areas of a city have a potential for crime problems, in none is it so apparent as in the ghetto areas. Because the "ghetto syndrome" is allied with poverty, there is little chance that police efforts in a ghetto are going to impact upon the economic status of a slum dweller. Since the police cannot control the root cause of poverty, society at large must be held responsible for the resolution of poverty in a community. The problems of welfare, joblessness, and low motivation to work, to the extent that they are poverty related syndromes, must be resolved hand in hand with any crime prevention program.

Criminal justice anti-crime programs may assist in easing the problem of social disorganization in a community. Often persons in the ghetto can, through a coordinated effort, make living in a ghetto safer. When ghetto residents, who are the victims of crime, organize into neighborhood-type programs, they are much less apt to be victimized. Through this type of common effort, these residents often find they can control their destiny by reducing crime.

## **SUMMARY**

Crime incidents vary from one substructure to another. Factors such as mobility and stability of the community population are important in how close to the community power structure a person may feel. Community cooperation resulting from citizen cohesiveness is an important factor in gaining support for police community relations efforts. Cohesiveness comes from a community with similar demographic characteristics.

Cultural factors, such as different ways of living and different common languages, offer barriers to the cohesiveness of a group.

Social factors such as nationalism, religion, and family groups are the isolating factors most difficult to overcome in creating a cohesive community. There is often militant behavior in defense

of these subgroups. These subgroups furnish a basis for the spread of multiculturalism.

Multiculturalism, while strengthening subgroup cohesiveness, can be deadly to the integration of the community at large.

The black ghetto has been cited as an example of racial and economic isolation, but this example could apply to many races and ethnic groups throughout the history of the United States.

### **DISCUSSION QUESTIONS**

1. According to the Figgie study, are the structures of community components important in eliminating the causes of crime?
2. Why are geographical boundaries important in determining the cohesiveness of a community?
3. In over fifty percent of all marriages, both husband and wife work. What impact does this statistic have on crime?
4. What is the significance to crime when the percentage of native-born can be as low as 22 percent in Nevada or as high as 81 percent in Pennsylvania?
5. Why are cultural traits such as ways of living and different mother languages isolating factors in a community?
6. Religion, nationalism, and family groups are major valuing groups in U.S. society. Why are they not easily changed?
7. Do you believe that family groups are probably still the most important social grouping for the transfer of values?

8. Explain why ethnic groups may or may not share a common racial heritage.
9. What are the three racial categories discussed in the text?
10. Why is intelligence not a measurable factor in racial classification?
11. Why does conflict in a community often center in the ghettos of the black and Hispanic communities?

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. The institution of family, while universal, varies in form from society to society. Family structure provides a network of privileges and prohibitions. How are legal, economic, and religious differences handled in these two family structures: the extended or consanguine family (belonging to the same blood) and the nuclear or conjugal family (joined or united). Analyze how these families vary in structure in urban, industrial societies as opposed to rural, agrarian societies? How do these changes translate into police services?

### *Chapter 3*

# **LAW ENFORCEMENT, JUDICIARY, AND CORRECTIONS**

## **Learning Goals:**

- To identify operating problems of the judiciary.
- To examine the problems encountered in the correctional process.
- To compare areas of conflict in the criminal justice system.

## **INTRODUCTION**

The task of maintaining good community relations is the responsibility of all agencies of the criminal justice system. When the community relations of any of the subdivisions of the system are seen by the public as undesirable, it reflects adversely on the entire system. The public, for example, does not blame just the courts or the police for a "bad" traffic citation or arrest; it tends to indict the entire criminal justice system.

Some specific problems of each of the three areas of the justice system will be identified and discussed. These areas are: (1) law enforcement, (2) court and judicial and (3) corrections.

## THE PROBLEMS OF LAW ENFORCEMENT

Law enforcement agents are the public's primary contact with the criminal justice system. Each contact with law enforcement has the potential for misunderstandings and often abrasive altercations. Whether caused by illogical laws and procedure, public misinformation, or lack of police or public empathy, the law enforcement officer is directly in the line of fire.

Officers' tasks, from pursuit of suspects and force used in arrests to the type of search conducted, are always under scrutiny. Pressure is applied through the courts, through administrators, and finally from the public. It is of little surprise that law enforcement officers can become defensive in their role of serving the public.

Law enforcement has unique organizational problems in that each officer must be equipped to handle both criminal and non-criminal matters. Thus, law enforcement agencies become prime recipients of public criticism in handling family disputes, barking dog complaints, and other actions where there may be no completely "right" answer. The resolution of criminal actions tends to be caught up in the cross-fire of the adversary system and the procedural changes that occur from case to case. These constant changes create problems of retraining and restructuring in the thinking processes of field officers.

Because the problems encountered by law enforcement officers are so numerous and so visible, the agents are constantly identified throughout the text as the main area of concern. In reality, other agencies of the system may not experience the high number of contacts, but the issues are much deeper and more ingrained.

### Cost of the System

The amount of money spent in the system is an indicator of how active the agency is in the community. For example, law enforcement utilized 46 percent of all criminal justice funds. This high activity rate

indicates that the police would be expected to be the recipient of the majority of complaints about the system. However, the number of complaints being investigated regarding agencies of the system show that the police account for at least 80 percent of complaints filed by individuals against agents of the system.

### **Primary Role of the Community**

The community must take a *primary* role in crime control. The individual in the community has begun to realize that law enforcement without community aid has severe limitations in curbing crime. Thus, community involvement is required for effective crime control.

### **Deficient Patrol Techniques**

There must be an upgrading of patrol techniques to enhance the officer's relationship to the community. While foot patrol may be viewed as ineffective and would probably not affect the crime rate, the presence of a law enforcement agent in person makes the citizens feel more secure. A good example of this was the revival of extensive horse patrols during the 1984 Olympics in Los Angeles. Also, bicycle and mobile unit patrols are being used in such areas as the beach and crowded, high-rise apartment complexes.

### **Force Needs to be Curbed**

Techniques must be developed that will lessen the need to use force wherever and whenever possible. New technology, such as the "capture net" for extremely violent or psychotic persons, for example, may someday make traditional firearms less necessary in the eyes of the police.

## **Minority Recruitment**

The increased recruiting of minority members into law enforcement must be done carefully and with greater planning. Recruitment is being done across the country, often under court order and not to the benefit of the agencies. Everyone recognizes that integration is a key to the structuring of effective governmental units. When minority officers are selected on merit, both the agency and the community benefit.

## **Better Use of Investigators**

The deployment of plainclothes officers and the role of the investigator has been underplayed in the community relations function. An agency must adopt modern management techniques in the management of investigations. The public relations potential of the detective function needs to be maximized.

## **Improving Administrative Structures**

Law enforcement agencies must eliminate unnecessary supervisory and administrative positions in order to put more staff on the street. This is a problem as perceived by the public, but it varies from agency to agency. For example, complaints may not be resolved properly because of the failure of supervisors to assess and handle the problem properly. This failure of supervisors may be caused by the selection and promotion processes of an agency. The criteria for personnel selection and assessment is in need of evaluation and change.



## **Shoot, No-Shoot Policy**

The banning of the shooting of fleeing felons unless a life is in danger has become standard procedure in most of the major cities in the United States. Everyone agrees that the taking of a life is a most serious matter. However, if a law is on the books concerning the right to shoot, that law should be supported by the agency and the community.

## **Management vs. Dollars**

Some of today's problems in law enforcement is not one of dollars, but of management. This is, of course, a debatable issue; however, upon close analysis of the quality of law enforcement services, it becomes obvious that dollars cannot resolve severe management problems in an agency.

## **Preventive Patrol**

Based on a controversial Kansas City study, and contrary to traditional police thinking, the increasing or decreasing of preventive patrol units may not have a significant measurable impact on the crime rate. This study also indicated that the amount of patrol has almost no impact upon the public's perception of safety. While this study's research design may have been flawed, it does point out the need for more study. Until better data is available, this issue will remain a topic for debate.

Each of the above issues involves complex resolutions. Each is a problem that is being worked on by law enforcement and, with the cooperation and aid of the community, will one day be resolved.

## **COURTS AND JUDICIAL PROBLEMS**

The judiciary is somewhat protected from direct public contact and criticism because it deals only with clientele who have been screened through law enforcement processes. These judicial clientele problems are not necessarily obvious violations, and they are not the result of spur of the moment actions. In spite of this, the judiciary system still receives criticism. The most highly visible and highly criticized areas are: (1) plea bargaining, (2) the adversary system, (3) the failure to file on "weak" cases, and (4) court delay.

### **Plea Bargaining**

For any number of reasons, an attorney may plead a case to suit his/her ideology of punishment for a given crime. The public is critical of some of the decisions that have been allowed to be given under a plea bargain agreement. The public realizes that this is an area of potential corruption and compromise of the system. In defense of plea bargaining, it should be pointed out that plea bargaining is a much less expensive and more rapid way of disposing of cases. This is a problem area yet to be resolved. Table 3.1 indicates the likelihood of being prosecuted following a felony arrest.

### **The Adversary System**

The system itself is open to debate. The public asks, "Does the system provide for truth and justice?" Many people feel that as long as a lawyer's obligation is to his client, truth is incidental and very often not desirable to the lawyer. This is a myth about legal ethics that the public should be allowed to examine.

<b>Likelihood of being prosecuted after arrest for a felony.</b>	
<b>By type of arrest offense</b>	
<b>Arrest offense</b>	<b>Percent of arrested persons who were prosecuted</b>
Homicide	91
Larceny/theft	89
Burglary	88
Arson	87
Sexual assault/other	86
Fraud	86
Public-order, other	85
Robbery	83
Weapons	81
Sexual assault, type unspecified	80
Drug	79
Assault	77
Property, other	76
Stolen property	74
Rape	74
Violent, other	73
Kidnaping	72
Motor vehicle theft	63

**Table 3.1.** Source: U.S. Department of Justice, Bureau of Justice Statistics.

### **Failure to File on "Weak" Cases**

This is a common criticism by both victims and police officers who see cases being dismissed "in the interest of justice" or for lack of evidence. Many of these cases would be tried except for "political considerations," for example, concern by the prosecutor's office of not maintaining a high percentage of convictions for the electorate. In the eyes of the public, these reasons can be easily abused in favor of the criminal.

### **Court Delays**

The concern about court delay is not new. In 1818, the legislature in Massachusetts adopted an auditor system to ease court congestion and delay. In *Baker vs. Wingo* (1972), the United States Supreme Court set down four factors to be weighed in determining if a defendant had been denied his right to a speedy trial under the Sixth Amendment. These factors were: (1) length of the delay, (2) reasons for the delay, (3) whether the defendant sufficiently assisted his right to a speedy trial, and (4) whether the delay prejudiced the case of the defendant. Obviously, this was not sufficient, and the federal government passed the Federal Speedy Trial Act of 1974. Table 3.2 indicates the likelihood of being convicted and sentenced to jail or prison, after a felony arrest.

## **CORRECTIONS PROBLEMS**

The correctional system has in the past been highly criticized from time to time by the public for its operations. The main criticisms have been directed toward: (1) early releases on parole, (2) too few prisoners being assigned to work units, (3) under utilization of prison labor, and (4) too many benefits for prisoners.

Likelihood of being convicted, sentenced to jail, or to prison after arrest for a felony. By type of arrest offense			
Arrest offense	Percent of persons prosecuted who were convicted	Percent of convicted persons sentenced to jail	Percent of convicted persons sentenced to prison
Homicide	75	16	72
Rape	64	32	48
Robbery	65	36	44
Kidnaping	62	37	39
Sexual assault	75	41	30
Assault	60	44	12
Arson	71	42	26
Motor vehicle theft	74	62	16
Burglary	81	53	25
Larceny/theft	74	43	16
Stolen property	73	52	12
Property, other	65	34	11
Weapons	70	38	13
Drug	72	56	22
Fraud	71	36	17
Public order, other	84	34	8

Table 3.2. Source: U.S. Bureau of Justice Statistics.

## **Early Parole Release**

Each state has its own laws regarding determinate or indeterminate sentencing, so only general conclusions can be drawn about prisoners' release from prison on parole before their full term.

What the average citizen fails to realize is that the reality of prison overcrowding, the problems of control with overburdened prisons, the high cost of "warehousing" prisoners, and other considerations, may make the parolee a satisfactory risk. What is apparent is that the correctional system has not done a very good job of educating the public about early releases. Table 3.3 shows minimum and maximum prison sentence by type of crime.

## **Assignment of Prisoners to Work Units**

When taxpayers are told that it costs \$45,000 a year for each prison cell in maximum security institutions, they want to know why the prisoners are not housed in cheaper facilities and why they cannot work to help pay their way. Many people are adamant about prisoners working to earn their keep and become disenchanted with the system when they get what may be perceived as "excuses" about why it can't be done.

As a practical matter, it is impossible to make prisoners work if they choose not to. They obviously cannot be beaten, starved, put in solitary, or otherwise abused for refusing to work. However, in order to encourage prisoners to work voluntarily, they are given "good time" off their sentences, more privileges, and other "perks," including small amounts of money, etc., in most prisons. Also, most prisoners would prefer to work because of the privileges and as a defense against sheer boredom.

Many states have abandoned or reduced the type of work unit which produces items for sale outside the prison. Many still manufacture some items, such as chairs and tables, which are used solely by

the prison system or state offices. Others have abandoned their work units because of labor union pressure. Unions, understandably, see prison labor as taking jobs away from honest citizens who are not in prison. Others have abandoned their units because of special interest

Sentences often have a wide variation between minimum and maximum terms and are longer for violent crimes.			
<i>Offense</i>	Average (median) sentence length in years		Percent sentenced to death or to life in prison
	<i>Minimum</i>	<i>Maximum</i>	
<b>All crimes</b>	4.3	8.6	10.6
<b>Violent</b>	5.6	13.3	15.3
Murder/attempted murder	10.5	21.9	33.3
Rape	5.8	14.9	13.4
Robbery	5.4	12.8	6.7
<b>Property</b>	2.7	5.6	2.2
Burglary	2.9	5.7	2.9
Larceny/auto theft	2.4	5.2	0.5
Forgery/fraud	2.6	5.4	1.4
<b>Drug</b>	3.0	5.7	13.1
<b>Public order</b>	2.3	4.5	3.7

**Table 3.3.** Chart showing minimum and maximum sentence by type of crime. Source: Survey of State Prison Inmates, 1979.

groups. For example, the dairy farm at a state prison in the midwest, was abandoned because the state Dairymen's Association allegedly complained that it was competing with law abiding farmers in the state.

Regardless of the problems, the correctional system should be held accountable for work units. People expect prisoners to work. Costs for processing and housing prisoners make work programs attractive to taxpayers.

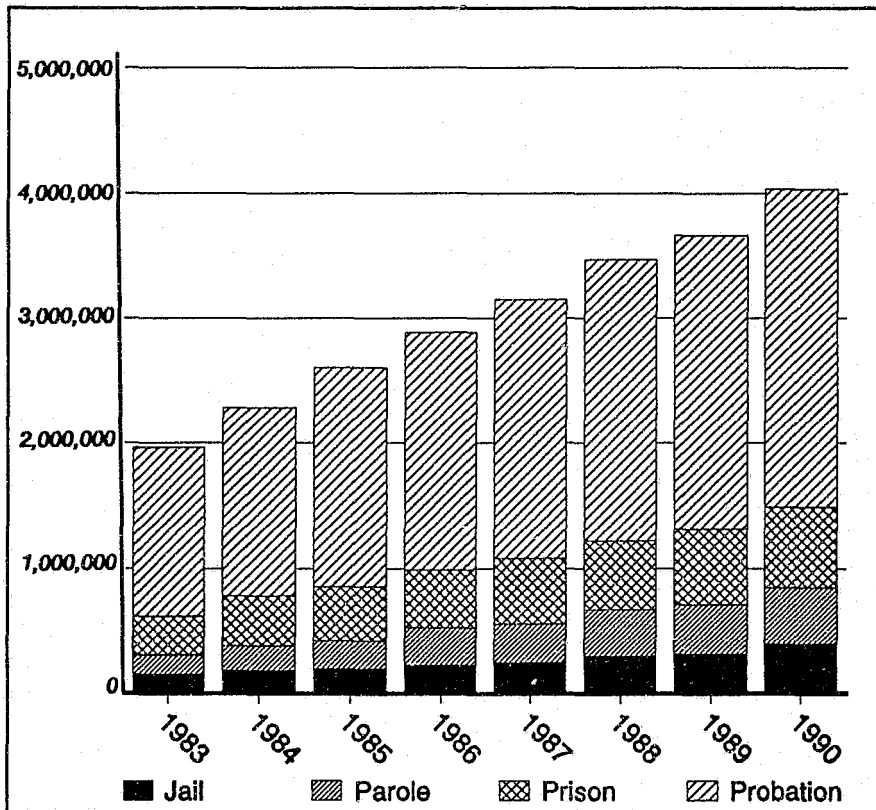
### **Under-utilization of Prison Labor**

There has been about a 16,000 per year increase in prison population from 1971 to the present time. There are charges that the correctional system is "warehousing" thousands upon thousands of prisoners without adequate task-oriented rehabilitation programs. The total prison complex in most states has become a direct charge upon the taxpayer. Because politicians have catered to vested interest groups, prison industries trickle out work only to state institutions. With the change in the justice model, rehabilitation programs are no longer required for inmates. Compounding the problem is the increased public outcry for longer prison sentences, especially for those who commit violent crimes. Prisons and jails in most states are already so badly overcrowded that they no longer are able to handle longer sentences and reduced early release on parole.

There has been a move to privatize prisons, since the private sector can more quickly and cheaply build prisons and ease overcrowding. The private sector, also is able to more rapidly implement new ideas and programs that could make prisons partially self-supporting. Many responsible people believe the present philosophy of "warehousing" prisoners without required labor or rehabilitation is not the best utilization of facilities and funds.



It is interesting to note that Texas, while high in adult prisoner rate, also has the lowest rate in commitment statistics. Apparently, the problems in most states are not being solved at the juvenile level. Figure 3.1 illustrates how all correctional populations are increasing.



**Figure 3.1.** All Correctional Populations are Increasing. Source: *BJS Bulletin, NCJ-125833*.

## **Providing Inmate Benefits**

The correctional bureaucracy, much like any other, will grow in size and structure when money is pumped into the pipeline. Since 1965, massive amounts have been funnelled into the correctional system.

Probably at no other time in history have so many comfortable accommodations been made available to those who were being punished. In this age of civil rights, the creature comforts of the prisoners have not been forgotten.

It is estimated to cost about \$13,000 per year to maintain someone in prison. While these costs range from \$5,100 to \$22,748, it is the view of the public that too much money and too many benefits are going to this clientele. Open visitations, conjugal visits, psychoanalysis and cosmetic surgery have all become costs of the modern correctional system. The list goes on to the point that many taxpayers feel is excessive.

The main concern of the citizen, however, is that there are simply too many people who have become institutionalized and are going back to prison to escape the pressures of the outside world.

There has been no attempt to be all-inclusive in outlining the problems of each of the criminal justice sub-systems. These problems have been offered for discussion purposes and to show that the police, the judiciary, and corrections all have problems that reflect not just upon themselves, but upon the entire system.

## **SUMMARY**

The problems of the criminal justice system must be shared by both the community and different agencies of the system. The police, because of their uniqueness of operation and their millions of contacts with community residents, are the prime areas of concern throughout this text. Each action a law enforcement

officer takes is subject to judgmental evaluation by the citizens and other agencies of the system.

The judiciary problems are isolated and discussed because these issues are constantly being criticized by the public and by other agencies of the system.

By identifying four specific problem areas, the most critical issues between the judiciary and the public are examined. Each area has had volumes written about how to resolve the problems, but many of the problems still remain.

Correctional problems are fairly numerous and only a few have been cited for discussion. Again, to identify only four problems does an injustice to a subsystem that is plagued with many complex problem areas. The problems cited are those most often mentioned as being of concern to the public.

## **DISCUSSION QUESTIONS**

1. Do you believe that the task of maintaining good relations with the community must be shared by all agencies of the criminal justice system?
2. Why are law enforcement agencies most vulnerable to public criticism?
3. Law enforcement agents probably account for a majority of all complaints against the system. Why?
4. Why do people not necessarily believe in the same methods of crime eradication?
5. The courts, unlike the police, have time to consider and contemplate their actions. Why is this a community relations problem for police?

6. Why is the adversary system often incongruous with the finding of truth?
7. Discuss why politics are involved in court decision making. Should it be removed?
8. Why are undue court delays like no justice at all in the eyes of the public?
9. Discuss why there is less community pressure upon corrections than on other segments of the criminal justice system.

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. Conflict exists between agencies of the criminal justice system for resources and goal recognition. Are these conflicts destructive, creative or both?

## *Chapter 4*

# **THE CRIMINAL JUSTICE SYSTEM AND THE COMMUNITY**

### **Learning Goals:**

- To identify limits in applying the law in human relations settings.
- To develop ideas for implementing human relations in a legal setting.
- To examine current conflicting issues between the community and the criminal justice system.
- To list examples for reconciling issues for a society in transition.

### **IMPLEMENTING HUMAN RELATIONS UNDER LAW**

Most citizens, who reside in relatively homogeneous neighborhoods where a large percentage of the residents share similar values, are satisfied with present laws. However, in those more heterogeneous communities where the residents are of diverse ethnic or cultural groups and varying socio-economic backgrounds, we find much less satisfaction with the criminal justice system. Unfortunately, almost all urban areas are comprised of heteroge-

nous communities. These dissatisfied factions are upset, in part, because the laws are based upon white, middle-class values. Thus, conflicts arise in applying laws that are unpopular and often antagonistic to good relations between the police and the community. For example, in a neighborhood where gambling is an accepted part of the culture, strict enforcement of anti-gambling laws is resented.

This chapter will discuss the (1) means of implementing human relations under law, (2) identification of conflicts between the community and the criminal justice system, and (3) reconciliation of a society in transition.

### **Ethnic Diversity**

In this country we seem to be caught up in a "multiculturalism trap." That is, groups have become so involved with their own cultural concerns, that they are ignoring the rest of the society of which they are a part. Each group has been trying to keep old customs and retain mother languages to their own detriment. Their multiculturalism causes them to become isolated and rejected by the rest of society. As a result of this rejection, these groups have been relegated to cultural and ethnic ghettos.

Ghetto residents often find little comfort in the general rules of law. Laws cannot be molded to adapt to every cultural and ethnic diversity, so there is often alienation with the law from the very beginning.

By promoting the concept of pluralism and cultural diversity, the alienated groups in society have rejected the idea of a single culture based upon the rule of law. By denying an *integrated* culture where different groups communicate and exchange ideas, they have created a society that does not foster integration and acceptance.

Groups that retain cultural ideals that are out of step with laws, mores, and customs of the rest of society, must change by striking a balance between service to their own culture and contributing to the services of the rest of the community. Unless this trend toward self-centeredness of minority groups is rejected by the groups themselves, they will never gain solid public support from the rest of society nor will they develop rapport with the criminal justice system because this system represents the majority society.

There is no panacea for establishing good community relations. Community relations programs do not always result in positive responses from the community or the police. Many variables, both external (coming from the community) and internal (coming from within the law enforcement agency), influence police-community interaction.

External variables include political, media, legal, and minority influences. Internal variables include training, officers' attitude, the law enforcement role, and policies and procedures as defined by the agency. If the response from both the community and the police is positive, the results will be successful. If the reaction is negative from either the police or the community, the results will be unsuccessful.

### **General Concepts For Implementing Human Relations**

- Public cooperation and voluntary compliance with law comes not through law but through positive human contacts.
- The police, more than any other unit of the criminal justice system, have the responsibility of improving public contact. However, their efforts have limits because law, policy and procedures are not flexible enough to allow deviance from the rules of the larger society.

- Law enforcement efforts in the community need not be obvious, only the results, and those should be measured in positive contacts. Perhaps police administrators are using the wrong criteria in measuring police effectiveness. The number of arrests, citations issued, and field interviews conducted; may not be the proper criteria for personnel evaluation. While it is important that the public is made to feel more secure by these visible actions, the police service may be losing more than it is gaining by stressing contacts that are rarely positive.
- Sociologists maintain that positive contacts do not usually occur when the officer is issuing traffic citations or making some kinds of arrests. Most people who see a traffic stop tend to resent the show of police authority in the writing of a traffic citation even if they do not know the reason the driver is being cited. These negative reactions are especially critical in minority neighborhoods.
- The law does not provide the police with strict authority to aid people in distress. Through the interpretation of "keep the peace," are we asking the police to be proactive or reactive? Many say that this kind of vagueness in law should be rectified so that specific actions are authorized or not authorized. Whether or not the police should have broader authority in non-criminal activity is a key question.
- The legal link to probable cause needs to be clarified. There are so many legal interpreters in a given case, that not only are the police sometimes confused, but also the public is in a state of mistrust, confusion, and befuddlement about what the authority of the police really is.



## **CONFLICTS BETWEEN THE COMMUNITY AND THE CRIMINAL JUSTICE SYSTEM**

There are perennial problems that tend to haunt criminal justice administrators and the public. These problems are aired daily in the media and they reflect the citizens' concern about crime problems, police procedures, court errors, and correctional mistakes. No matter what the system does, there are certain groups that are alert, caustic, and critical of the laws that govern certain types of problems. Ironically, if democracy is to work, these groups of critics are necessary to keep the system on track. The most critical of these problems are those associated with police brutality.

### **Police Brutality**

There is little doubt that brutality is the criminal justice system's number one community relations problem. This problem, like rape and assault, is a manifestation of social violence fueled by the media and most noticed on prime time television shows. If violence becomes the norm in society, then it should be no great surprise when criminal justice agents may fall into the same trap.

According to the National Coalition on Television Violence, violent movies and sports events—including boxing, football, hockey, and professional wrestling—are harmful to viewers. By failing to provide outlets for anger or aggression, there is increased anger after viewing. There are dozens of studies that have looked at general television programming, and they state that the violence on television has a likelihood of becoming the norm for society.

There is a need to analyze the factors that constitute brutality. Through this analysis, perhaps the complex factors that contribute to brutality can be more clearly identified.

## **Is Police Brutality Spreading?**

The reported incidents of brutality do not show great increases. However, "reported incidents" often do not provide the most reliable data. "Brutality" is often "in the eye of the beholder." Many cases that are reported are not, in fact, brutality. The action taken and the force used by agents of the system is often justified and only appears to be brutal. It is not so much the reality of actions that appears brutal, but rather the community response when people believe the police and prison guards, for example, are brutal. The image of being brutal must be offset in the eyes of the public. The public supports the right of police to strike a suspect when necessary, but it does not condone excessive force to the point of brutality.

## **The Media**

In society we are inundated with violent actions. Newspapers and radio headline violence. Prime time television is steeped in rash and violent action between the "good guys" and the "bad guys." The norm on television is that force must be met with greater force. Violence, euphemistically called "action," begets violence. Anyone raised on that fare is bound to be influenced and desensitized by it. There is no agency training, without extensive individual counseling, that is going to radically change the mental set that an individual brings to an agency when he or she is hired.

## **One-Officer Patrol Cars**

Since the early 1950s, broader deployment, greater visibility, and greater work performance can be shown by having one person units. It can be argued that having one-officer cars is an economic necessity.

The type of job done by a one-officer patrol unit, however, has a different result than the job done by a two-person unit. Few officers will admit that fear is a factor in one-person unit operations. Fear, the resulting stress, and defensive actions taken by individual officers have not been empirically tested.

### **Administrative Pressure**

To have a dynamic organization, the leader must create an environment which encourages personnel to produce expected results. Efficient police work is often measured by crime statistics such as the number of citations written and the number of field interrogations and car stops made. Unfortunately, this type of system may discount the efforts of an officer who spends time on community service type activities. What is good for the community is not necessarily what looks good on paper.

It is fair to say that traditional police administration creates pressure on the officer who does not produce statistically. One might ask: Are people being hassled on the street to produce field interview cards? Are vehicles being stopped for insignificant violations so that probable cause can be established for further action? While these may be legal actions, are they creating resentment on the part of citizens who are not guilty, but just happen to be in the wrong place at the wrong time? Oftentimes, "over policing" tends to be destructive to the community rather than beneficial.

Until there are enlightened administrators who can find better evaluation criteria, abandon the idea that the criminal justice system should be a revenue generator, and instill the spirit of the law in personnel, complaints against officers' aggressiveness will not cease.

## **Increased Problems of Communication**

Immigration has compounded the problems of agents of the criminal justice system as communicators, arbitrators, and mediators. In many communities, the police, for example, do not communicate at all with the citizens. In communities throughout the United States—especially in Florida, California, and other states bordering Mexico—the problem is critical.

While there are more Mexican nationals than any other ethnic minority in the United States, they have generally been able to assimilate into mainstream society. Perhaps the most alien of all groups has been the Asians.

## **Increase in Litigation**

Many people will deny that this concept has anything to do with alleged cases of brutality; however, when cases are analyzed—and this is especially true of alleged police and prison brutality—we find that many more cases are being filed than in the past. Many so-called “nuisance suits” are clogging the courts. These are filed in hopes that insurance companies will settle rather than fight the case. Often, when these cases are set for court, without prior settlement, they are dropped.

A large number of public interest legal action groups have formed which are usually supported by taxes and community charitable funds. No doubt some pander to special interest groups of the community. These special interest groups, perhaps not without reason, are generally antagonistic to government and specifically to the police. It is not unheard of for some of these groups (not always concerned with the true facts of the case), to initiate a suit merely to placate the interest groups in the community.

The worst example of this abuse was the suit settled against the Los Angeles Police Department in 1984 for about two million dollars. This settlement was made by the City Council even though there had been no wrong doing proved by any of the claimants. There was no indication that anyone's civil rights had been violated. The reason given by the Council was that it would have cost the taxpayers a minimum of three million dollars to defend the suit. This is a sad commentary on the ethics of our political system. Of course, the dollar settlements went to the community action groups that had supported the city councilmen in city elections.

## **PEACE OFFICER TRAINING**

Present-day criminal justice agents, including the police, are better trained and educated than they have ever been. Why, then, do brutality charges continue? It would appear that ethics, empathy, and values, which are admittedly difficult to teach in a classroom setting, are not being emphasized sufficiently by the training system. Police agencies, presumably because of economics, have largely refused to require college degrees for police officers. Police and city and county administrators often seem blind to the fact that educated officers generate vastly fewer complaints of all types from the public.

The end result of inadequately trained and educated officers is that new officers go into the field without proper orientation in ethics or understanding of the community structure in which they must work. They become isolated into the police community where preconceptions about people can become polarized into a negative outlook.

## Attitude and Discretion

With increased legal education and training for police and other agents of the system has come an increase in the *discretionary* application of law. With greater discretion there is a greater chance that a wrong decision will be made. When these wrong decisions are made, community relations can suffer. Since the law is not going to change radically, the best way to improve community relations in this area is to train officers so that their discretionary decision-making will be better.

## Racial Prejudice

"Love thy brother" has been the hue and cry of community relations programs for the past forty years. That's fine in the abstract; however, the public, the police, and minorities aren't going to love anyone they don't want to love. Additionally, many of the contacts between the community and the police do not enhance the concept of love or understanding of one another.

Because adult attitudes and resulting behavior seldom change one's feelings about prejudice, it is ludicrous to believe that adult police officers of any race are going to go into the field and operate without some prejudices. The question then becomes, how do we minimize the impact of prejudices so that they do not influence the officer's performance?

People, simply put, must relate to a person of a different race in a positive manner in order to have good feelings about that person and that race. One way to accomplish this is to bring the police and minority groups together for the purpose of solving community problems of real common interest. When police officers and community residents interact in a neutral setting to study common problems and through a joint effort solve those

problems, a mutual understanding develops about each other's role in society.

### **Minority Manipulation**

We are all minorities in one way or another. Historically, white, Anglo-Saxon Protestants have ruled this country, and virtually every other group became a minority. The police became the buffer between the majority in power and those who believed they were disenfranchised. The police power of the state has stood as the symbol of a strong central government.

"Police power of the state" is the right to enforce laws to provide for the public safety, health and general welfare of the people. This includes, for example, the authority to license many occupations. This power also serves as a warning to those who might attempt to gain power through conspiracy, revolution, or insurrection. Thus, those who feel they are without power are likely to feel thwarted and consider much of law enforcement as "repressive." When people understand that the term "minority" is more than racial or ethnic, they begin to understand the importance of feeling that one has some influence in the decision making processes of society.

### **CRITICAL COMMUNITY PROBLEMS**

Today, many people are apprehensive about personal safety—even in their own homes. Studies show that violent crime has increased in most urban areas. However, media publicity and other factors, exacerbates this concern to the point that many citizen's perception of their chances of being a victim exceeds their true chances. Table 4.1 shows the results of a recent survey regarding citizens' feelings of personal safety by gender and age. Women and

older people, particularly, are more apprehensive of becoming crime victims (see table 4.1).

Some crimes are so repugnant and so sensitive to society that the police are especially subject to criticism about the way these crimes are handled. These crimes are highly visible in the media, and for special interest groups, can become a *cause celebre* to promote their own cause. Some of these crimes are discussed below.

Attitudes toward walking alone at night and safety at home By demographic characteristics, 1992				
	Percent Afraid to walk alone at night		Percent that feel safe at home	
	Yes	No	Yes	No
<b>National</b>	43	57	90	10
<b>Sex</b>				
Male	25	75	94	6
Female	59	41	86	14
<b>Age</b>				
18 to 29 years	45	55	89	11
30 to 49 years	32	68	91	9
50 years and older	52	48	89	11

**Table 4.1.** Results of survey regarding feelings of personal safety.  
Source: U.S. Department of Justice.



## **Sex Crimes & Child Molestation**

From a community relations standpoint, no crime is more traumatic to the community than the sexual molestation of a child. It is especially difficult to understand when the molestation is perpetrated by a family member. An officer, when responding to these crimes, should know that about 80 percent of family-involved cases are resolved without prosecution. The attitude of the responding officer must be neutral, and the complaint must be investigated objectively. The officer must remember that more psychological damage can often be done to the victim by the follow-up activity than by the act constituting the crime.

### **Incest**

Incestuous encounters tend to accompany stressful family problems. A family under stress suffers the emotional detachment of normal family love. As a result, children seek out love from any available source. The attraction usually focuses upon a family member of the opposite sex. The resultant incest is often an extension of the victim's need to feel loved.

About 50,000 of the 250,000 annual cases of child molestation are of an incestuous nature. Approximately 85 percent of molested victims are female. Roughly 40 percent of the females and 20 percent of the males are participants in incidents between siblings involving sexual experimentation between children of similar ages. Consequently, it may not always be psychologically detrimental to the victim.

The question of who commits child abuse is fairly clear. Women are involved in 20 percent of abuse toward boys and 5 percent toward girls. The most numerous and most damaging is father-daughter relationships which account for 75 percent of the incest cases reported.

In responding to these crimes, the officer needs to maintain professional neutrality because most will be resolved without the follow up by the police. Settlements of these cases are now being done largely by community centers and counselors who are able to resolve a large percentage of the cases without active participation of the criminal justice system.

## **Rape**

According to the FBI's *Uniform Crime Reports*, one in every four women during her life will be the victim of a sexual assault. Much like child molestation, rape is a fashionable topic on media talk shows and in current movies. This crime becomes the center of interest in public awareness, prevention, and in the training of police, emergency personnel, and victim advocate counseling.

The objective of rape counseling groups is to help relieve the victim's trauma and to encourage the prosecution of these crimes. Unfortunately the media, often playing to the prurient interest of the public, has turned many rape trials into tawdry soap operas. Ratings are all-important for the media, and sex crimes grab headlines.

While bringing about some reforms, the main value of rape awareness programs has been to increase the reporting of rapes (from about 30 percent to 50 percent of all crimes reported).

## **Gang Violence and Vigilante Movements**

Since police, court, and correction action in gang violence is reactive, it becomes a community relations effort to curb gang activity before it is entrenched in a community or a prison.

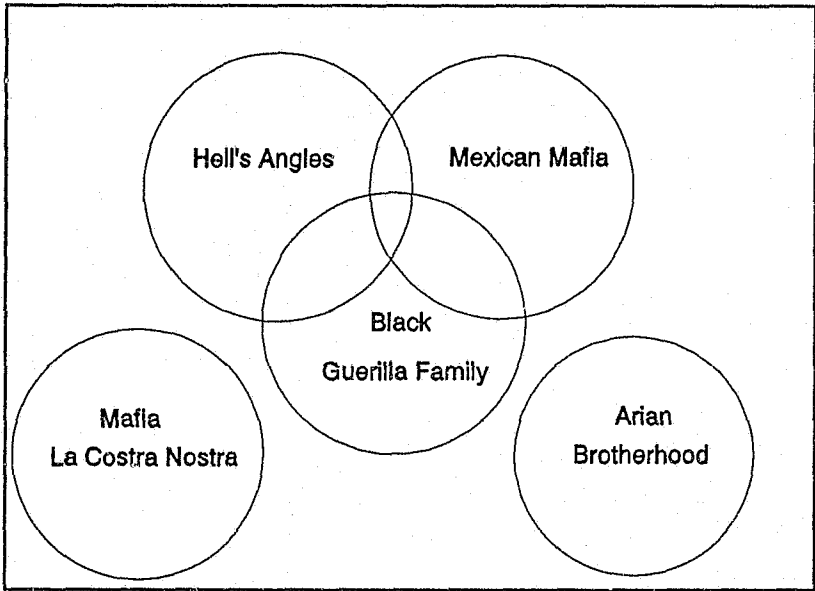
*Webster's Dictionary* defines a gang as "a group of persons working together; a group of persons working toward an unlawful or antisocial end; a band of antisocial adolescents or a group of

persons having informal and unusually close social relations." Usually, the bigger the gang and the more violent its activities, the greater chance it has of becoming a successful gang. Street gangs are territorial, which could mean a cell block, a neighborhood, or an entire city.

Gangs may be organized for purely legitimate reasons, but precious few are. Many gangs are deeply involved in illicit drug sales. Most go to great lengths in dispensing their fury and hatred on rival gangs. Most, also, make great efforts to antagonize agents of the criminal justice system.

International terrorist gangs, some the size of small armies, are fighting wars of attrition throughout the world. The problems in the United States do not appear so critical since bombings in the U.S. by these gangs have dropped from 1,249 in 1982 to 687 in 1992. However, there is still enough activity to cause concern about terrorism.

The type of gang our criminal justice system is most concerned with is the street gang which is typically ethnic in nature. Robert Jackson and Wes McBride, authors of *Understanding Street Gangs* explain that street gangs take a fierce pride in their neighborhoods and see gang membership as a show of pride and solidarity. Street gangs will intimidate other gangs and ordinary citizens, and most result to violence to achieve their goals. This violence knows no boundaries and often erupts where innocent people can become victims. Once imprisoned a gang member will continue his affiliation in jail, as gangs are also active in prisons, so much so that different gang members are assigned to some institutions based upon their association with certain gangs. Figure 4.1 lists some common prison gangs and shows their relationship to one another.



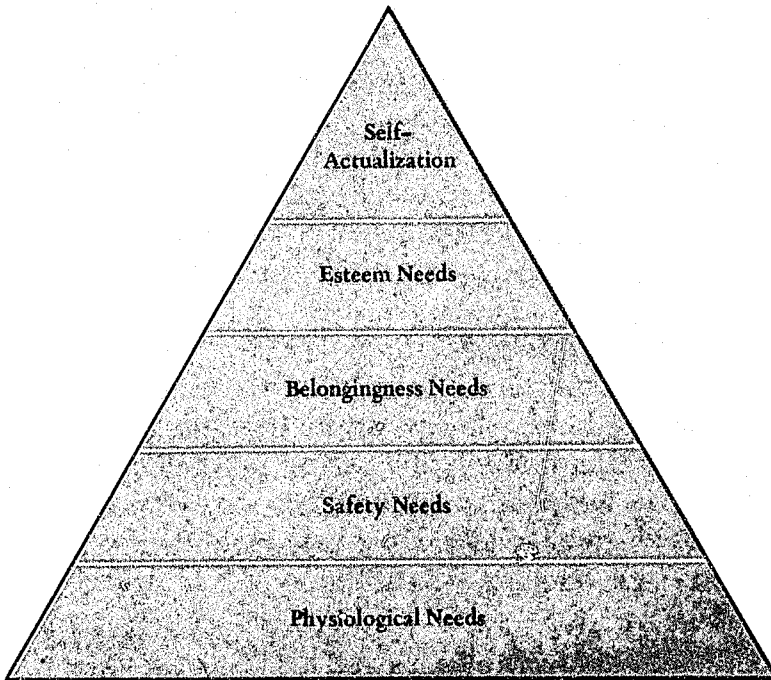
*Figure 4.1* Diagram depicting commonly known national prison gangs. Overlapping circles indicate cooperative relationship.

## SOCIETY IN TRANSITION

A culture revolution is taking place in our society, and no one seems to know where it will lead. The changes being brought about by this "revolution" are viewed by many as returning us to more substantial values. Others believe that what is happening is a "new ethic." In either case, the ebb and flow of a changing society has created conflict and confusion. The criminal justice system, because of its role in society, will become the agency of government seeing that new and old cultures mesh at some amicable point.

The culture and the economy have for the past decade been on opposite courses, and as a result, there has been a change in goals from "self-fulfillment" to "self-improvement." While this change

from “self-fulfillment” challenges the “self-actualizing” concepts of Maslow, there is no firm proof that Maslow’s ideas have been rejected. Any change, however, is going to require some new thinking about how law enforcement tasks are accomplished.



*Figure 4.2.* Chart showing Maslow’s hierarchy of human needs.

### **General Observations**

If criminal justice services were viewed as helping services, then the threat of abusive authority could be tempered. A philosophy with greater emphasis on “public service” as opposed to “strict enforcement,” is an idea that must be entertained to a greater degree by the police. If the police refuse to recognize this

change in their role and do not train to deliver this type of service, then their role will continue to be of an adversarial nature. In order for the police to change to more of a service role, administrators must make the first moves by changing from a competitive concept to a helping concept.

Many police administrators have adopted a management ethic stressing production and measurement. Production and measurement principles center around the idea that a worker will stagnate and decay if he or she is not aggressive, goal-directed, and does not produce countable data.

In the police service, the production ethic, means that officers are taught to be aggressive and suspicious. The result is that police officers can develop a "police mentality," that may separate them from the standards of the larger society that employs them. The result will be police officers who are alienated and often hostile to the people they serve. An "adversary concept" can become an attitude that pervades the police service and behavior traits of the officers. Eventually, estrangement of the officers from the larger society occurs. This estrangement results in intolerance, aggressiveness, and often police-citizen violence because of the frustration and the misuse of authority created under the production and measurement ethic.

Any "tolerance and good will pronouncements" by a chief of police cannot undo and correct the damage done by poor orientation, work habits, and an alienating attitudes of a police agency. Once an officer accepts values that are in conflict with the larger society, it is no longer effective to urge the use of "common sense" in the discretionary enforcement of the law. Common sense can be effective only if training and orientation is compatible with a different ethic than is now used to regulate human behavior. If we expect the behavior of officers to be rational, mature, and compassionate, then we must employ educated officers and train them to behave that way. Police systems that have developed a strong

“public service” posture, appear to be much less antagonistic to the public, and the public, in turn, reflects less hostility toward the police.

## **SUMMARY**

The composition of the community has indicators that tell us how needful community relations programs are to a community. An upper economic strata city, with few young people, and with an absence of crime, needs a different type of program than would be found in a ghetto-type community. Ethnic diversity is a key problem area. Other problem topics such as police brutality, the media, one-officer patrol cars, and administrative pressures, have been identified and discussed. For example, by analyzing the Asian community's crime problems, we discover that cultural diversity often hampers good police-public relations.

The identification of criminal justice procedures are discussed in critical community contact areas such as child molestation, rape, and gang violence. These are critical and sensitive crimes, and unless police have special training and special procedures for the handling of these crimes, there are apt to be mistakes and adverse publicity for the departments.

## **DISCUSSION QUESTIONS**

1. Explain how law furnishes the guidelines that control the relationships between criminal justice personnel and the community.
2. Explain why communities that are more alike (homogenous) can prepare programs to satisfy a large group easier than can a community that is unlike (heterogenous).

3. Discuss how "multiculturalism" in a community tends to create ethnic subgroups and hinders community integration.
4. Discuss the various concepts concerning gaining voluntary compliance through human interactions rather than the application of law.
5. Discuss the limits that police have in improving community contact based on law, policy, and procedure.
6. Explore how police administrators may be measuring the wrong criteria in personnel rating systems.
7. Explain why positive contacts usually do not result from citation or arrest activities.
8. Discuss how administrative pressure, when used to produce results, often backfires relative to good community relations.
9. Give examples of how language barriers continue to plague urban centers of the United States.
10. Explain how racial prejudice is often just a lack of understanding about the other person.



## *Chapter 5*

# **MINORITY GROUPS IN THE COMMUNITY**

### **Learning Goals:**

- To show how change generates tension as minority groups struggle for power.
- To identify key problem areas within each of the major racial groups.
- To explore some of the critical issues of minority groups.
- To explain why “justice” and services are different for the rich and the poor.
- To illustrate how problems arise from different demographic groups in the community.

### **INTRODUCTION**

Every metropolitan community in this country is experiencing the struggle for social reconstruction. This struggle is evidenced by shifts in the balance of power, massive voter registration drives, and improvement in the status quo for minority group members. With change, however, has come increased tension and conflict between the rising minority power structure and the establishment.

The criminal justice system represents the established power structure, thus will take the brunt of the conflict between the minority and the majority power struggles. Because the police are the ever present representatives of the "opposing forces," they have become the "enemies" of many minority groups. Every police officer, court official, and correctional agent who does not follow the political line of minority pressure groups becomes suspect, because to many minority groups, the police represent a "repressive system."

The system is, in fact, repressive in that it represents the majority power structure of the community and of the country. Because the police do represent the majority, there are many minority groups who do not perceive that there is equal justice under the law. Most minorities feel that they do not receive justice because individuals within the system discriminate against them as a matter of policy. Regardless of the source of discrimination, the alienation of races is subject to severe social pressures. These pressures are seen in the definitions of discrimination, prejudice, and bias.

### **DISCRIMINATION, PREJUDICE, AND BIAS**

All of us discriminate in one form or another. *Discrimination*, as used here, however, means a showing of partiality or prejudice in treatment of, specific action toward, or policies directed against the welfare of minority groups. When this discrimination becomes a prejudice, or a bias, it affects the function of the criminal justice agent in an adverse fashion.

*Prejudice* is an intolerance or hatred of other races and, in milder form, is an opinion held in disregard of facts that contradict it as a preconceived, unfavorable idea about a race. Prejudice is a severe form of discrimination and is manifested through biased actions of one person toward another or one race toward another.

*Bias* is the extension of discrimination to the point that the resulting attitudes affect work performance. While discrimination may not be controlled completely, biased actions are a management problem and, not repressed and allowed to continue, will result in an agency that reflects hostile work habits. Bias evolves into hate, and when this attitude prevails, the minorities in the community are the recipients of poor attitudes, indifferent services, and often insensitive or callous treatment from those who are hired to render public services. Police services especially suffer since hostile attitudes of citizens toward the police are as harmful to social order as is police malpractice.

The problem is of serious concern to the future of American cities since many of them have a minority population of over 50 percent. For example, in Long Beach, California, 40 percent of the population is over 50 years of age and racial minorities approach 35 percent. In the city of Los Angeles, about half of the population is comprised of racial minorities. This ratio is not unusual in major cities of the United States.

The viewpoint of most police departments is that professional officers cannot resolve the differences or diversity of the cultures. Professionals, however, must set the stage for improved relations between police and different cultures of the community.

The priorities for discussion are: (1) change and tension: minorities' struggle for power; (2) economics: the different justices for the rich and for the poor; and (3) other key minority groups.

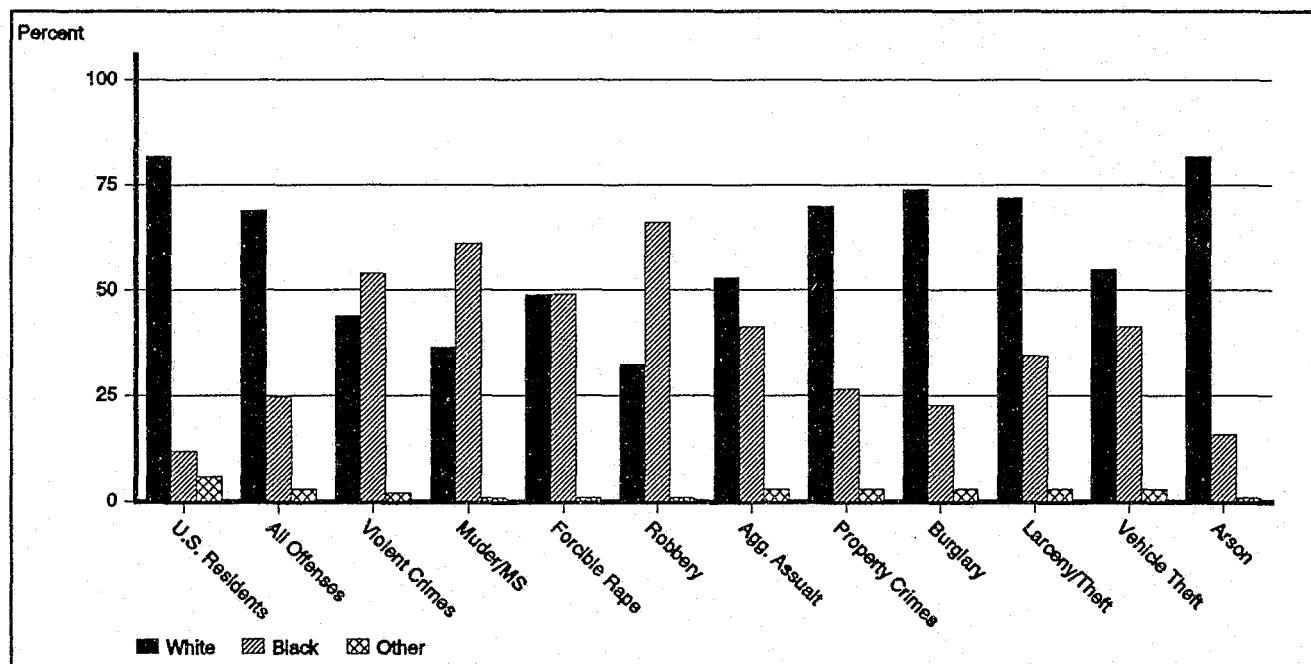
## **CHANGE AND TENSION: MINORITIES' STRUGGLE FOR POWER**

American society, during its brief history, has been in constant change as one minority group after another has struggled to gain a foothold in the larger society. A minority is defined as a stable subgroup within a nation or society that has particular interests

different from those of the larger group. A minority may be political, racial, economic, ethnic, etc. Racial minorities have found the struggle most difficult. These minorities, not in the main power structure, have struggled to gain power through increased voter registration and participation, changes in the law by challenging police action and court decisions, and, when these fail, through mass demonstrations. These efforts have been successful in some areas and disappointing in others. Churches and social institutions have helped solve some of the problems of equity for minorities in the community. However, institutions such as schools and governmental agencies have been the most receptive to court orders in the sharing of power through economic independence. By sharing some power with minority groups, these agencies have been the leaders in integration efforts in this country.

Massive changes in minority rights have occurred since the end of World War I. The rate of change increased with the Vietnam War and ensuing civil disturbances. Positive results of the disturbances might be debated since the main result was to strengthen the police system to control these outbreaks. Every major police agency in this country bolstered its heavy-hitting responses to civil unrest.

SWAT squads, large formation maneuvers, and better intelligence were the end results of these disturbances. Because the police are taught to respond aggressively to this type of action, they have a tendency to view their position with greater authority. This authority is manifested in a response with weaponry that is tantamount to war. Thus, it is not too surprising that many relatively minor contacts end in conflict.



**Figure 5.1.** Percentage of population under 18 years old arrested by race and type of crime. From *Sourcebook*, U.S. Department of Justice, 1992.

## Search For A Scapegoat

Each side of the urban conflict is looking for a "scapegoat" to blame for its actions. The more radical minority groups view police and other agencies of the system as antagonists. Minorities are angered because they feel they are receiving inadequate protection and services. The police are the natural scapegoats.

Once scapegoating becomes popular, an entire segment of the community may *expect* unfair treatment from the police. Many minority groups *anticipate* harassment and verbal brutality. They feel that they are going to be the subjects of "rousts."

## Police Find A Scapegoat

The police, in their frustration and inability to control crime, may find a scapegoat in minority populations. Racial minorities, because of their intense antagonisms, play right into the hands of those police agents seeking a scapegoat. One incident leads to another until there is almost no mutual respect or understanding between agents of the criminal justice system and minority groups.

## KEY MINORITY GROUPS

If one closely looks at the causes of minority frustrations, they would find that underlying conflicts in a community are motivated by far deeper causes than incidental police contact. Some of the many causes, such as economics, will be discussed later in this chapter. Most authorities, however, begin with racial problems. In this text, we have chosen to begin with the identification and discussion of problems of only the largest racial minority groups.

## The Black Minority

The beginning of the modern black movement for equality in the United States came in 1909 when the National Association for the Advancement of Colored People (NAACP) was formed. These groups focused on their publication *Crisis*, edited by W.E.B. DuBois. The organization's demands were for equal civil, political, and educational rights and enforcement of the 14th and 15th Amendments.

Throughout ensuing decades, cases were pressed through the courts, often with the aid of the American Civil Liberties Union (ACLU). These movements were interrupted by World War I, the Great Depression, then World War II. After World War II, the movement grew as the result of massive movements of black populations from the rural South to northern cities to work in defense industries. With the population shifts, the problems became urban and much more acute.

In 1957, the Southern Christian Leadership Conference was organized. This gave Dr. Martin Luther King a platform from which to begin a quest for equality. During the rallies of the early 1960s, Dr. King proposed a liaison with draft protestors, and the marches for minority civil rights became a cause for college students because they were of draft age. This coalition forced demonstrations that threatened the ability of the government to control.

The demonstrations escalated until thousands were being jailed for civil disobedience. By 1966, in the march from Selma to Montgomery, 3000 federal marshals were sent in to protect the marchers. In 1968, Dr. King was assassinated, the Vietnam War was winding down, and the demonstrations moved from massive shows of disobedience to the gaining of new voter registrations and pursuing specific cases of discrimination through the courts.

The power ceded to black minorities up to then was focused in about twenty major cities of the United States. Traditionally, black populations have moved in to occupy economically depressed central city areas with substandard housing, few services, and little hope for a better life. In turn, the "white flight" to the suburbs has left blacks in control of massive inner city liabilities, not the assets they had fought for.

There are many social and psychological reasons why black ideology and culture are different from their white counterparts. Reconciliation of these differences will not be easy. It is best expressed by Alexis de Tocqueville in *Democracy in America*, written over a century and a half ago. He indicated that the fate of blacks is, in a sense, linked to that of the Europeans. The two races are bound one to the other without mingling; it is equally difficult for them to separate completely or to unite. The past hundred years have borne this out.

Joel Williamson, in his analysis of American racism, said: "Racism is essentially an abstraction. Race is a problem of the mind and not of the body. Ultimately, there is no race problem in the South, or in America, that we, both black and white, do not make in our own minds."

### **The Hispanic Community**

Mexican-Americans' integration into modern society has not been an easy path. The Spaniards, who occupied Mexico, settled in the Southwestern area of North America in the eighteenth century. Large land grants were made to families loyal to the crown in Mexico, and these families become the power structure of the territory. By 1836, immigration patterns of Anglos had caused the dissolution of the Spanish land grants, and a war was waged in South Texas. The Republic of Texas forces, after the



campaign, were in a position to negotiate a settlement with the Mexican government.

Later, after an invasion of Mexico in 1846, the 1848 Treaty of Guadalupe settled the boundary and gave half of all Mexican holdings to the United States government. Mexican citizens were given the choice of citizenship in the United States or a return to Mexico.

Mexican-Americans began as agricultural workers but evolved to blue-collar jobs by the 1950s. On the way, they suffered the same discrimination pattern as other minorities in this economic category.

Mexican-Americans, until the large influx of immigrants starting in the 1970s and still continuing, were able to integrate into white neighborhoods. In California, there were Mexican-American families integrated into every neighborhood, there was little discrimination in schooling, and Mexican-Americans fit into the pattern of the white-dominated society. But with the large influx of immigrants during the past thirty years, newcomers have tasted the pangs of discrimination. Consequently, pressure during the past two decades has caused the "Chicano" to struggle for his rights as other minority groups have had to do.

In later years, the La Raza Unita political action party has exercised its power in local city and country elections, and Mexican-Americans have become a political force in elections in states along the border. Nationally, the Mexican population is about 10 percent. In states of the Southwest, the population ranges from 15 to 25 percent.

Many families of Mexican descent have quietly integrated into the mainstream of North American cities. While they have suffered economic deprivation, their social integration has been better than most minority groups. Police suppression of the Mexican-American is still present—as it is with every minority group that is poor and highly visible on the street.

## **The Asian Community**

Because the Asian community has not coalesced into a geographical community, it is a middleman minority much like the Jews of Europe and the Chinese in South America. They are small business oriented and directly compete for jobs previously held by blacks. Thus, tension between the races over the loss of jobs becomes a criminal justice problem.

Traditionally Asians living in the United States are, as a whole, a serene and peaceful group. The Asian community typically has little contact with the larger society. Robert Jackson and Wes McBride, authors of *Understanding Street Gangs*, assert that crime statistics for Asians have always been lower than for any other cultural segment of the population. However, Asians can fall victim to crime, as well as, contribute to the gang violence problem. The most serious crimes are purse snatching and in-the-home robbery, mainly because some Asians traditionally do not trust banks. Also, Asians have trouble identifying non-Asian suspects, so prosecutions are rare.

There are both youth and adult Asian gangs. According to Jackson and McBride, Asian gangs are more organized than traditional gangs and have a defined leadership. They tend to have a high respect for authority and are generally polite to police officers. However, these gang members are prone to violence and pose a threat to the community.

## **ECONOMICS: A DIFFERENT JUSTICE FOR RICH AND POOR**

Minority groups are spurred on by hopes of upward economic mobility. Yet, they are hampered the most by discrimination, inadequate skills, poor education, and few employment opportunities. Because of these deficiencies, they are the most likely to

fall prey to the ups and downs of a capitalistic economy. Thus, poor minority groups are most apt to reject "delayed gratification." On the contrary, they want gratification now, and they are unable to relate to the puritanical system which guides spending patterns in upper and middle-class communities. Immediate economic gratification is a need of the minority community; and when the need is not met, there is dissatisfaction and conflict in the community. Part of this problem has been the immense amount of money funnelled into welfare.

### **Shift in Community Values**

There are groups in the community that are shifting from rural to urban values and are feeling restlessness and pressures from the change. The "white flight" to the suburbs has left much of the inner city ghetto without social control and stability. A family caught in this situation places little emphasis on ethics and values. With less emphasis on value systems, it is difficult for individuals to feel moral obligations to a larger society.

The police, in doing their duty, become involved in confrontations and conflicting points of view with the poor segments of the population. As pointed out, the poor have different expectations, aspirations, and value systems and often have a conflict with existing laws. Thus, the stage is set for conflict along economic lines.

### **The Poverty Syndrome**

The poverty syndrome has a powerful psychological influence on how a person views society and how he views those who control society. The poor majority resents those who control the systems of society. Those who are or who have been poor come from all races to contribute to this large segment of the community.

## **Poor are Susceptible to Police Contact**

People who are poor are in contact with the criminal justice system more frequently. They are at times "street people" and are highly vulnerable to the suppressive impact of the system. As opposed to the middle class and the affluent, the poor minority have grievances against agents of the system which are real. The agents of the criminal justice system, in spite of the reality of the complaints of the poor, cannot, because of the nature of the law, exempt those who are poor from police, court, or correctional actions. The fact that the affluent get better justice cannot be denied; yet, those in the criminal justice system cannot assume the burden or the blame for all inequities of society. Any change to remove these inequities must come from our legislators and from society as a whole.

## **How the Poor Fail to Get Equality From the Criminal Justice System**

Inequities for the poor, such as fines or jail terms, are not likely to change. A very poor person driving an old car will be issued a citation to correct the defects of the vehicle. A person who drives a new car cannot empathize with this kind of violator. For example, most states have mandatory safety checks. In the "smog basins" of California, the poor, again driving older cars, are supporting an entirely new level of bureaucracy in the enforcement of the safety check laws. The same is true of the arbitrarily established speed limit of 55 mph set by the federal government that is being imposed upon a system designed for a much higher speed. When the police enforce this speed law, they exact from a violator a fee often exceeding several days' pay for a poor person.

It is little wonder that the poor are critical of a system that imposes and satisfies its vengeance with penalties of money. A fine levied against a poor person has a different result from a fine levied against an affluent person. The police, the courts, or corrections are not going to correct the problem. However, society could ease the situation if it felt the need.

The two racial groups that were commented on in the first part of the chapter are but two of many racial groups with problems of discrimination. Each minority reacts to society in different ways because of discriminatory action by the criminal justice system.

It is impossible to segregate one race from another and to be explicit about the discrimination that occurs to each. Each race feels the pressures of society in a different way and thus responds differently to those pressures. There is a tendency for a race that is the victim of discrimination to find a scapegoat for its frustrations.

For example, Asians, who are recent arrivals on the West Coast, are looked down upon by both the Mexican-American and the black communities. These minorities refer to the Asians as "them" and to themselves as "us." Thus, discrimination is not just the alienation of minorities from whites, but a process of seeking scapegoats for each racial grouping.

### **Minorities of the Police Subculture**

The police themselves are a minority, and like other minorities, their culture is influenced by the thinking of the dominant majority. Members of minorities who enter police work often identify with the police culture and begin to look at the larger society as "them." Because of the isolation of the police subculture, they tend to express prejudice toward other minorities (the rest of society). If unchecked, these prejudicial attitudes can develop into discrimi-

natory treatment of those groups that are not part of the police subculture.

Other agencies of the criminal justice system become cast in much the same social strata with their own grouping. Each group then accepts its own form of discrimination. The alienation experienced by these subcultures is not as deep as the alienation felt by racial minorities, but it is nevertheless real.

## **HOSTILE ATTITUDES VS. POLICE MALPRACTICE**

In an overview of this relationship, experts say that hostile attitudes toward the police are probably as disruptive to order as is police malpractice. Thus, prejudicial attitudes are shown not just by the police, but also are rampant in the community structure. There are many logical reasons why this is a normal reaction to the power struggle in the minority community. Some of the main reasons for this antagonism follow.

### **Prejudicial Acts**

There are, in fact, many acts of prejudice committed by both police and citizens. People tend to cast each other in a negative light without reference to facts when there is little or no positive interaction between the two forces.

### **Self-Concept**

The way a person views the community is affected by his or her self-concept. Individuals who see themselves as powerless often lash out at authority. Feelings of powerlessness and subjugation

can cause extreme anger and hatred toward authority figures who are often seen as the cause for this suppression. This is often the case for those in poverty or minority groups who may feel that they have been "victimized" by society. Traditionally high status in American society has been associated with fair skin, wealth and the masculine gender. In this context, the minority male may possess great masculine vigor; yet, to some degree he is rendered socially, politically, and economically impotent.

### **Social Learning Theory**

Under the social learning theory, it is said that a person can unlearn (although not easily) that which is learned. When one grows up in a culture of poverty, he learns the welfare syndromes, and he has a general distrust of authority figures. A "hate the cop" attitude is a natural result of this exposure. It becomes virtually impossible to change the value structure of an individual who has lived under these debilitating syndromes. Fortunately, more and more minorities are escaping the experience of these cripples.

### **Stereotyping Self-Fulfilling**

As the community assesses the behavior of police, the police in turn study the behavior patterns of the individuals in the community. Both groups, from their vantage points, make generalizations, one about the other. It is these generalizations that live far beyond the circumstances that caused them to be made in the first place. These generalizations are like a bad reputation that no one can live down. Stereotyping is self-fulfilling, and if one concentrates on generalizations long enough, they become self-fulfilling prophecies.

## **Black Officer Recruitment**

It makes little difference to the community whether police officers are black or white. black officers are often the hope and desire of a black community, but when the black officer moves in and enforces the law, he becomes a part of the oppressive power structure of the larger community. Shortly, the black police officer becomes "just another cop." Even worse, he is often labeled as an "Uncle Tom" and a traitor to the black cause.

A community in transition does not view the police as a necessary ingredient in its struggle for power and equality. Few blacks acknowledge that the police are the reason they are able to demonstrate at all. Without the intervention of the police to control both demonstrators and crowds, the right to demonstrate would have been destroyed long ago by mob or military actions.

Contrary to popular thought, the black community does not dislike the presence of police. The main concern of responsible residents of the black community is the *lack* of adequate police protection and services. What is considered "adequate" police protection in the black community may vary from person to person, and there may never be agreement on what is fair, impartial, and concerned law enforcement.

## **OTHER KEY MINORITY GROUPS**

Crime rates are highest where minorities cluster. These minority areas are often, but not always, found in the inner city areas. Most of the minority groups in high crime areas are also poor, and all are under-represented in the power structure of a community. Each of the groups selected for discussion here does not necessarily have deviant behavior that requires criminal justice attention, but all do have problems that require planning on the



	Number of victimizations (in 1,000's)	Victimization rates
<b>Personal crimes</b>	18,984	93.4
Crimes of violence	6,009	29.6
Rape	130	.6
Robbery	1,150	5.7
Assault	4,729	23.3
Aggravated	1,601	7.9
Simple	3,128	15.4
Crimes of theft	12,975	63.8
Personal larceny		
With contact	637	3.1
Without contact	12,388	60.7
<b>Household crimes</b>	15,419	161.0
Household burglary	5,148	53.8
Household larceny	8,304	86.7
Motor vehicle theft	1,968	20.5

**Table 5.1.** Victimization Rates and Levels, 1992.

Source: *Criminal Victimization*, U.S. Department of Justice.

part of some segments of the criminal justice system. (See Table 5.1 for victimization numbers and rates).

Race is one of the demographic rankings that distinguish groups in the community. Other groupings are also generators of tension between people, and, in a multicultural society, these different groupings must be acknowledged. The groupings often lead to behavior that is illegal and police practices that are not uniformly applied. For example, the black ghettos produce thousands of gambling arrests each year for persons who engage in penny-ante gambling. At the same time, just down the block, a white church may conduct its Wednesday night bingo games.

Church-run games are operated without fear of enforcement or interference even though generally they are illegal. Thus, each minority group plays the other off against the system. It is not surprising that there are masses of people who have lost confidence in the system. It is also not too surprising that there are masses of people, who, through collective dissatisfaction with the system, turn to civil disobedience and terrorism to bring about social reform.

### **Correcting Social Inequities**

The criminal justice system (within which the police are a minority in their own right) has little influence upon the correction of social inequities. Neither the police, the courts, nor corrections can alleviate ignorance, discrimination, slums, poverty, disease, and unemployment. Society has demanded of the criminal justice system, which is only one of many systems, that it placate and suppress the "revolutionaries" and maintain community harmony. It is good for politicians to have community harmony. It is, in many ways, quite surprising that our control apparatus functions as well as it does!

### **Shaping Youths' Values**

Of all minority groups, the most important one is young people. Their importance is emphasized because they represent all segments of society. The future of this nation depends upon the values they are

forming. They obviously will be the future decision-makers of our society.

Traditionally, home, school, and allied social activities have created the value setting for the young. As communities urbanize or become metropolitan centers, the influence of the community expands to parks, playgrounds, Little League baseball, scouting, and even the police; all are involved in the stimulation of proper values in the young.

It is questionable whether youth in contemporary society is actually family-oriented since outside forces play such an intervening role in the shaping of values. Possibly the most important valuing conditioners in today's society are family, school, peer experience, and television exposure. Religion may not be discounted, but its role will be sporadic and its influence may be limited.

### **Youth and the Law**

The law, to a young person, is often considered a "necessary evil." They do not understand the law, nor do they usually wish to learn about it. Rebellion against most laws, and especially those concerning the control of traffic, generates much hostility and animosity among the young.

This hostility to law is naturally projected to police officers because they represent the negative forces that impose sanctions. It is often said that the young do not like the police, and the feeling is often mutual. The police must be sensitive to the value orientation of the young so they may facilitate a gradual understanding and respect for the law.

### **Hostility Modification**

In the short term, the feeling of hostility toward the police is real, however, this hostility will usually modify as the person gains

maturity. Before maturation takes place, the mutual feeling of hostility between youth and the police tends to create additional antagonism in their contacts.

This feeling, in the long term, serves notice to the police that their behavior should be exemplary because they are being watched with an eye of some mistrust. The suspicions of youth are important in keeping the exercise of police power and behavior within legal bounds. The young serve as an equalizing or balancing force that keeps older and more conservative values from dominating the power structures of society.

### **The Jewish Minority**

Jews do not constitute a race, *per se*, however, they are an ethnic unit which should be considered in discussing community relations. Dating from the Jews' Mount Sinai exodus and their exile in 605 B.C., no other identifiable ethnic group has been more discriminated against. This oppression has led the Jewish people into conflict throughout much of the modern world. Even today, considerable worldwide terrorism revolves around the approximately three million persons who are working to maintain the nation of Israel.

While Jews hold a common heritage, a common history, and a common culture with the majority, their integration into contemporary society in some neighborhoods is still plagued with problems of anti-Semitism. Often, this discrimination, where it does exist, is quite subtle and difficult for the law enforcement officer to identify. Officers who are knowledgeable about and sensitive to both latent and overt anti-Semitism can do much to improve community relations in Jewish communities.

### **The Elderly**

This is probably the second largest minority with which the police will be concerned. The old and the poor offer a combination

of concerns that are of importance to the police operation. Many need special assistance from the police.

Victimization surveys show that the elderly have greater *fear* of being victims of crime than the general population. This is true even though the rate of victimization is lower for them than for persons between the ages of 20 to 30. Police services must be designed to counter this fear of victimization. Thus, the elderly present a special responsibility for the police. The need may be a medical emergency, rather than crime related, but the need is real. These special programs are discussed in Chapter 13.

### **The New Asian Minority**

There are about 70,000 immigrants of Vietnamese descent who live within commuting distance of "Little Saigon" within the city limits of Westminster, in Southern California. This community is unique in that the people's residences are integrated into the Anglo community, and the business section serves as the community recreation and social center. However, the problems discussed below are rather typical of new Asian communities throughout the entire country.

Living in the United States causes the Vietnamese family to be different; the wife often has to become the breadwinner and support the family. The husband, who was the traditional head of the family in the homeland, is often relegated to a secondary role in earning power and influence in the family and community. Many Vietnamese males, much like the black and Hispanic husband, are relegated to blue-collar jobs. The Asian social order does not favor men taking orders from women. Many Asian women are reaching the supervisory level before the men are. These situations can cause personnel problems in many industries. Also, Asians are new competition for jobs previously held by

Race, sex, and age	Total population	Rate per 1,000 persons in each age group	
		Crimes of violence	Crimes of theft
<b>White</b>			
Male			
12-15	5,460,220	81.8	95.3
16-19	5,784,600	95.1	129.9
20-24	7,472,220	72.1	124.2
25-34	18,361,580	39.7	84.2
35-49	21,456,920	22.7	62.0
50-64	13,779,670	9.7	43.1
65 and over	11,033,720	5.3	21.6
Female			
12-15	5,201,740	46.7	107.9
16-19	5,685,620	52.5	117.5
20-24	7,604,240	46.3	115.0
25-34	18,119,260	27.2	83.4
35-49	21,692,220	17.9	66.8
50-64	14,950,500	6.0	38.3
65 and over	15,459,420	2.9	18.7
<b>Black</b>			
Male			
12-15	1,060,280	81.5	114.0
16-19	1,124,120	82.0	92.5
20-24	1,093,390	78.9	138.6
25-34	2,484,780	56.3	103.1
35-49	2,436,060	39.8	75.1
50-64	1,487,780	14.3	55.1
65 and over	996,000	8.7	12.7
Female			
12-15	1,040,170	31.2	54.5
16-19	1,117,150	68.0	57.9
20-24	1,324,420	36.0	78.8
25-34	2,930,640	34.1	68.8
35-49	2,963,080	15.3	62.7
50-64	1,840,260	5.1	33.6
65 and over	1,480,000	0.0	18.8

**Table 5.2.** Victimization rates for persons 12 and over, by race, sex, and age of victim and type of crime.

Hispanic and black laborers. This competition for jobs causes alienation between these minority groups.

Many Asians do not trust banks nor are they interested in the government knowing too much about their business. Their behavior is understandable considering their Asian experiences. There have been some cases of murder and extortion much like the old Italian Mafia in some cities. Fortunately, these events have been fairly rare in this country. Many Asians do not trust the police to protect them.

The influx of Asians into minority neighborhoods has created considerable social turmoil because of cultural differences, a varied work ethic, and religious intolerance. Many of the arson and assault victims of the 1992 South Central Los Angeles and Long beach riots were Asians. Actions were directed against them by other minority and white hoodlums.

## **SUMMARY**

Racial minorities, because of their historical alienation from the larger society, are candidates for further assistance from the criminal justice system. However, in the past decade there has been a noticeable change of attitude among minority members who have become educated and moved into the socioeconomic middle class. In many cosmopolitan areas the issue of race seems to be of less and less importance as minorities begin to share in the "good life" enjoyed by the larger society.

By understanding the problems of each of the minorities, the criminal justice professional can respond with greater empathy and develop programs that will result in a better society in which all can live.

## DISCUSSION QUESTIONS

1. Why are communities in a state of flux, causing minorities to constantly adjust to the changes?
2. How and why do minority groups tend to form into pressure groups in order to exert power more effectively?
3. Discuss whether or not a person can discriminate without becoming biased?
4. Why must professionals of the criminal justice agencies take the lead in developing improved relations between the criminal justice system and society?
5. How have changes and the resulting tension been a constant feature of United States society?
6. Give examples of how scapegoating tends to be a popular choice of actions between minority groups in our society.
7. Discuss how black power structures in the inner city have inherited problems as a result of "white flight" to the suburbs.
8. Explain why the "poverty syndrome" is not only an economic but also a psychological barrier for the poor to overcome.
9. How do new minorities tend to take pressure away from problems of older minorities in a community?
10. There tends to be some animosity between the youth and the units of the criminal justice system. Discuss how it may develop.



## *Chapter 6*

# **COMMUNITY POWER STRUCTURE**

### **Learning Goals:**

- To identify the different group structures of the community.
- To show how power tends to follow wealth and politically influential groups.
- To illustrate how group pressures are manifested in an agency through vested formal and informal groups.
- To depict how organizational and individual discretion influences the operation of an agency.

### **INTRODUCTION**

Locating and utilizing the power structures in the community are often the keys to success of community relations programming. The power center is often found outside the formal structure of government (see Figure 6.1). Those controlling political funding influence the political power structure, which in turn regulates political processes, relationships between components of the system, and other activities that are involved in the administration of justice. These elements, utilized by the political leadership, are inherent to the operation of government. They are often more important to the processes of justice than are the legal components

of the criminal justice system itself. In this chapter we will discuss how power evolves in the community, how these forces dictate how laws will be enforced, and how programs within a community will be carried out.

These power centers include input from: (1) the formal power structure, (2) the informal power structure, and (3) the application of organizational discretion (see Figure 6.1).

## **THE FORMAL POWER STRUCTURE**

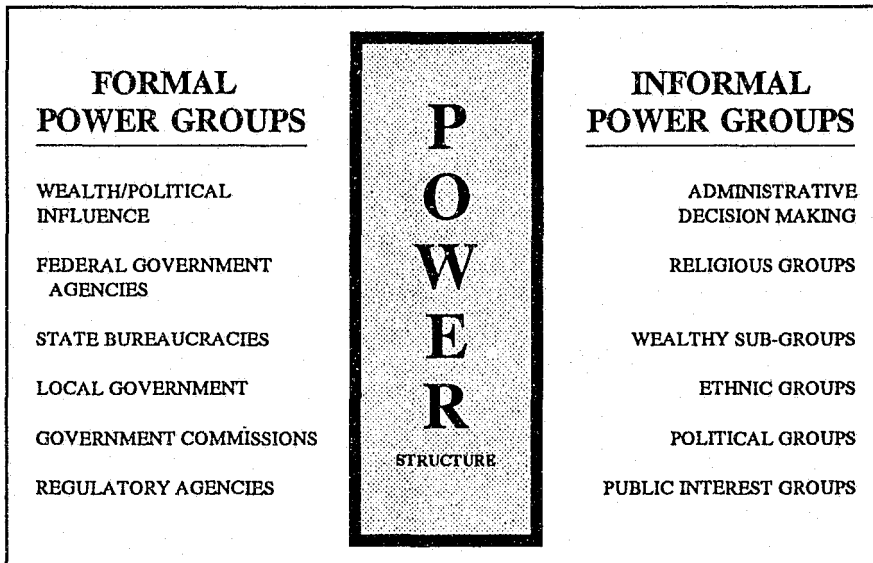
In the past two decades, the federal government has spent more than two billion dollars on research and new technology to implement crime control. In spite of these expenditures, problems of credibility still prevail in the community. For example, high school seniors are concerned about dishonesty and immorality which they perceive exists in government. This lack of confidence shows that crime control must involve residents of the community working in cooperation with the police in order to eliminate these feelings of distrust.

### **Who Impacts on Crime?**

The major areas outside of governmental authority that were thought to impact heavily on the causes of crime were the areas of child raising, family stability, and transmission of values. The "Great Society" planners thought crime could be reduced with huge grants for anti-poverty and employment programs. In reality it couldn't, and after many documented failures, these social programs have been reduced in scope as anti-crime efforts.

Based upon fifteen years of intensive research, the conclusion is that crime is not going to be eliminated by some sociological or technological breakthrough. This failure can be traced in part to the formal and informal power structures that control the political and economic environment.

The formal power structure consists of the established units of government. The influence of outside wealth and political influence must be taken into consideration in the functioning of those units.



**Figure 6.1.** Diagram depicting formal and informal community power structures.

Because of these influences, the federal government has moved into an increasingly active role in local law enforcement. The state, through funding patterns, has also gained increased influence upon the criminal justice system through training and personnel certification. In reality, the authority of local law enforcement has been gradually removed from the local community.

From a more practical application at the local level of government, formal power is diversified. It is diversified *only* to the extent that those in the higher scheme of things want power distributed to the lower levels of society. It is, therefore, easy to conclude that minority group members are going to gain *only* the power that those in control want them to have.

## Comparing the Formal and Informal Power Structures

The formal and the informal power structures chart (Figure 6.1) shows how power evolves and concentrates to the center of the procedure. It is important to understand that law enforcement processes are not just a set of laws. They are a combination of administrative policy making, political considerations, and the application of community wealth to curb criminal actions.

An example of the influence of the formal power control is reflected in the rate of executions for murder nationally. The number of executions varies greatly over the years depending upon the philosophy of the formal power structure at a given time.

Because we are a "nation of laws and not of men," we prefer to believe that the function of government has constraints on the power exercised by informal groups. We know that the quality of the system is based not upon the wise and just decision-making of those individuals who represent vested interests, but upon those who are in control through the selection process.

We can assume that if decisions are not right in the initial decision-making process, then the entire system will be used to make corrections in those decisions and the resulting chaos. For example, if a police officer makes a poor or weak arrest, the energies of the system are expended on correcting those errors. Thus, the decisions of the formal power structure are filtered through individual decision-making apparatus to correct the error.

## THE INFORMAL POWER STRUCTURE

The criminal justice functions, while structured through the formal power groups, actually operate through and at the pleasure of many informal groups in the community. The wealth of a community is controlled by informal vested interest groups. Thus, banking, real estate, and big businesses are the control mechanisms

for the community. This was shown in California by the adoption of Proposition 13, which actually decided what funds would be made available to governments for their operations. How the funds which are available will be spent is then up to the budgetary processes of a state, county, or city.

Budgeting is not simply the allocation of funds, but is the result of a political philosophy through the allocation of resources. These resources will dictate how much law enforcement a community receives. The Omnibus Crime Bills of the 1960's and 1970's are examples of how funding from the public sector supports the ideologies and the philosophies of the political party in power.

### **Identifying the Informal Power Structure**

The informal power structure is not merely a few people controlling the masses; rather, the control groups are entire subcultures that influence other subcultures. It has been alleged that four hundred families control the wealth of the United States. Every other subculture is directly affected by this small subgroup. Logically, if this configuration of wealth is correct, then political power must, in the final analysis, emerge from that group. If economic domination prevails, then political domination from the minority holding the wealth dictates the resources that will be allocated to criminal justice programming.

### **Changes in the Informal Structure**

When federal and state governments assume responsibility for local law enforcement, the influence of informal groups changes from local grassroots groups to those with state and national interests. When state and national oriented subgroups gain this power, local spokesmen for the people are left without influence in the community.

This country has been caught up in the political by-plays of informal political power groups that are heaping more and more responsibility upon power brokers at the federal level. As a result of this kind of political diffusion, the public has lost confidence in local law enforcement to respond to their needs. For example, the erosion of tax bases at the local level and increased spending at the federal level, has given dictatorial authority for major cases to agencies that can provide the resources. In organized crime cases, the well financed strike forces have moved in and implemented federal interests even though local interests should have had higher priority. The rationale given by these agencies is that law enforcement must move with modern transportation and communication technologies, and these agencies have the resources to implement those technologies. While this reasoning may be applicable, the one-to-one contact in the community is the ultimate yardstick of police effectiveness in that community. If resources are not available for local law enforcement, then decision-making processes will be gradually eroded in the community. Local law enforcement has been made the scapegoat in the ideological battles between national interest groups and nationally-oriented politicians. The relationship between the community and the local police is in turmoil trying to reconcile these power struggles.

## **APPLICATION OF ORGANIZATIONAL DISCRETION**

The power structure in a community is expanded through the discretionary decision-making power given to various agencies of the criminal justice system. This power is transmitted from the informal control groups of the community to the formal power structure of the bureaucracy. The managers of the agencies, i.e., a police chief, sheriff, or district attorney, respond to pressures from these power groups. A chief operating under a police commission or directly under a city council, interprets what the power groups

indicate the policy should be and instructs his employees in accordance with the desires of the community as interpreted by the power structure.

While all public agencies have legally imposed parameters and restrictions under the law, flexibility of agency policy and the abstract nature of the law permit a high degree of discretion in the enforcement and application of the law. (This is the basis for plea bargaining with the prosecutor and the judge.) Organizational discretion, both formal and informal, dictates how an agency filters power through the informal structures of the community.

It will be shown later that the police officer, as well as the police agency, exercises a great deal of leeway in enforcing the law. Both of these discretionary areas are subject to potential influence, abuse, and corruption. As a result, law enforcement is often criticized by community groups, especially by those that are not in a power structure.

The setting of agency discretion, as well as the discretion allowed an employee, may draw criticism from minority and ethnic groups. Thus an officer may exercise authority which may not be in tune with contemporary community standards.

In planning for community relations, these discretionary areas often need to be explained to the community in a forthright manner. For example, during the 1992 Democratic National Convention, the New York Police Department's policy to clear the streets near the convention of "street people," was roundly criticized in some quarters. Although the goals of the agency were reached, many people were alienated by the removal of the derelicts and their property.

### **Controlling Individual Discretion**

Unless the agency has a very firm (preferably written) policy and demands that all officers abide by that policy, chaos tends to

run rampant in the discretionary areas in an agency. The police operate under the legal assumption of full enforcement of the law and, at the same time, know that organizational and individual discretion is going to be exercised. Individual discretion is discussed in detail elsewhere in the text.

## SUMMARY

We have discussed both the formal and informal power structure and its impact on impartial application of the law. We have also discussed how pressure group influence is filtered through organizational discretion. This discretion, in turn, impacts upon the discretionary decisions that may be made by an officer or other agent of the system.

Awareness of the way informal groups, especially wealthy and political groups, exercise their ideologies is important for the community relations functionary. The way in which informal group pressure is forced into the formal structure of an organization is a key to understanding why the community at large is often in conflict with the criminal justice system.

Organizational discretion is equally as important as individual discretionary power. For example, when a prosecutor plea bargains, he/she is acting within both the organizational and individual discretionary decision making areas.

When community relations programs are developed, these subtle but profound forces exerted by vested interest groups must be accounted for if the programming is to be successful.

## DISCUSSION QUESTIONS

1. Why is it important to find and analyze those groups in the community that hold power, prior to implementing community relations programs?



2. Generally speaking, every community has about the same kinds of pressure groups that exert power on government decisions. Name some of the most common kinds of pressure groups.
3. Formal power groups have built-in influences in the decision making processes. Discuss some of these influences.
4. Massive social programs begun under the Johnson Administration, have not demonstrated effectiveness as anti-crime measures. Why were they not successful?
5. Why are efforts by the police to develop community relations programs dependent upon the cooperation of the informal groups in the community?
6. What has been the effect on local law enforcement, from a community relations standpoint, of such federal programs as the "war on drugs?"
7. The deterioration of power at the local level, such as the ability to levy taxes, has caused people to lose confidence in local government's ability to respond properly to their problems. Give some examples.
8. How does legal authority, transferred to state and national levels, tend to take the face-to-face responsibility away from local agencies?
9. Why is organizational discretion the critical link between the law and contact with people?

10. Why must individual discretion, as used by a police officer, be explained to the community as a part of the community relations experience?

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. An officer is involved in a shooting. The DA and The FBI conduct complete investigations. The investigations find the shooting is justified under the law and determine there is not deviance from the established department policies. Should the citizen Review Board or the Police Commission then have the right to conduct an administrative investigation. Why or why not?
2. In the above investigation the Police Protective League (the police union or professional organization) declined to represent the officers in this action. Should they be held accountable for the representation of the officers? Why or why not?

## *Chapter 7*

# **SHARING POWER WITH THE INSTITUTIONS OF GOVERNMENT**

### **Learning Goals:**

- To show how individual liberty may limit freedom.
- To identify conflicts in cultures about what constitutes "crime."
- To illustrate why there is resistance to governmental control.
- To explain why high degrees of social tolerance for deviant behavior cause crime to proliferate.
- To demonstrate why personal honesty is the only reference for a better justice system.

### **INTRODUCTION**

Many of the problems arising from criminal justice and community contacts have evolved from the heritage of individual freedom in this country. Even though our society is relatively diverse, individuality—as opposed to group interests—is instilled in Americans from the time we are old enough to learn about freedom. Because of the pluralistic structure of the United States,

there are many conflicts when a central government attempts to impose rules that restrict individual freedom. The high value placed on individual rights is the keystone of our system of government. It is also a factor which contributes to our difficulty in gaining greater voluntary compliance with the law. Much of the crime in our country can be attributed to the way in which our system of law gives people relatively unrestricted rights. These rights exist because there is: (1) a strong belief in personal freedom, (2) basic resistance to government control, and (3) a high tolerance in our society for deviant behavior.

### **BELIEF IN PERSONAL FREEDOM**

Many people have the misconception that freedom is a right that cannot be infringed upon by government. They feel that their cultures and their beliefs are of a higher order than the control necessary to regulate society. Misunderstanding about what acts should be made criminal often lead to conflict.

### **Who Is the Criminal?**

Nearly all criminals are able to rationalize their behavior. Thus, a street thief will say that the "real criminals" are the bankers who charge the working person 20 percent interest on short term loans, or the businessmen who sell defective merchandise at excessively high profits. Bankers and businessmen often rationalize their questionable conduct as "just good business practice." The thief maintains that he is the honest one; he operates under no false pretenses and takes his chances of being prosecuted. Drug peddlers operate without a social conscience, and people admire them for their affluence. The question is still open as to who is the criminal.

With this type of mixed value system, there is little universal agreement on which laws we should be obeying. There is really very little social pressure put on some neighborhoods to stop street gambling or to curb prostitution. Many economically deprived minorities make a living from these activities. Since it may be the main source of livelihood for many in the community, the rest tolerate the behavior, although it may be illegal. The larger society, however, has very little sympathy for the plight of these neighborhoods and encourages the police to maintain tight enforcement of violations in these areas.

### **The Social Contract**

There is a theory in law called a "social contract." This contract says that in order for everyone to receive justice, each person must give up some of his or her freedom. This theory holds that unless the individual is willing to share his or her freedom, there will not be an equitable distribution of individual rights. Most people in the larger society are willing to talk about sharing freedom, but often not at the expense of their own.

If a citizen or a member of the criminal justice establishment believes in, and understands, the social contract theory, then the application of law has a different meaning. Only if the idea of give and take about rights is understood by both the criminal justice functionary and the citizen is there going to be an effective contract between the two. There is a need for a trade-off between these two if a democratic function is to prevail. If a person is not willing to concede some of his or her freedoms and rights, there cannot be a smooth application of law. People often misinterpret this sharing of power as the trading of power to the government.

## RESISTANCE TO GOVERNMENT CONTROL

While weaknesses plague the American criminal justice system, these problems, when carefully analyzed, pale in significance to problems in other legal systems of the world. While an innocent person may expect equity in any system of justice, it is in the English system that the guilty hold the greatest expectation of justice. Because of fewer cumbersome procedures, the English system is much more expedient than ours.

### The Criminal Justice System: Representatives of Government

The functionaries of the criminal justice system are advocates of the concept of individual freedom, and they feel "put down" when the public accuses them of denying anyone of their constitutional rights. They are, however, also pragmatists. When a question arises as to whether or not a criminal should be apprehended at the risk of violating individual rights, the criminal, in most instances, will be apprehended and the courts left to decide the issue of rights.

This decision making process is often so complicated that second opinions are needed. The system is so structured that governmental power is vested in the agents of the system, and while each decision must be exercised with caution, the weight of the right to act rests with the government.

The rights of individual freedom were not easily gained, nor do these rights remain constant. The meaning of the original Bill of Rights has been debated and tempered through case decisions for the past 200 years. In the 1984 cases of *United States vs. Leon* and *Massachusetts vs. Sheppard*, the Supreme Court adopted the sensible principle that evidence gathered with a search warrant by a law enforcement officer acting in good faith may not be excluded in a criminal trial on the basis of an honest mistake that is

discovered in hindsight. While this may appear to the public to be giving the police too many rights, it is a self correcting device in our criminal law system that keeps it on track.

These kinds of legal changes should be preceded by massive publicity so that the public understands exactly what the changes mean to everyday living. The changes are designed so that criminals will not escape punishment for crimes they have committed. It is a closing of loopholes that have been present in criminal law for the past two decades. To much of the public, however, the closing of those loopholes is a veiled threat that hangs over their heads. These important legal concepts are not being clearly explained to them, and they believe these cases are being fought in the cloistered courts of the land to their detriment.

Individual resistance to increased control by all levels of government should be viewed from two perspectives. First, there are those who seek less control through the normal processes of government; second, there are those who would affect change through violence and organized attacks upon the system. Logically, those who use the former method rarely clash with police and are fairly positive about police in the community. The second group, while being highly resentful of any government, looks at the criminal justice system as an enemy. Their attitude toward the system borders on hate, resentment, and alienation. What this rebellious group does not realize is that the police are its best protectors. If it were not for the police, those who would violently overthrow the government would not dare exercise their right of free expression.

## **TOLERANCE FOR DEVIANT BEHAVIOR**

Tolerance for behavior different than the norm is often manifested in some form of corruption. This corruption comes from the political "spoils system," i.e., to the victor go the spoils,

and personal corruption. By tolerating corruption as a way of doing business, the American public sanctions just "a little dishonesty." Because of these tolerances, few of the systems can work as effectively as they otherwise would.

### **Political Spoils System**

Political manipulation, extortion, and graft seem to permeate some segments of the justice system. The election process and the spoils system is so integrated into the system that there is little effort to correct the weaknesses. This includes privileges for the party in power in jobs, prime assignments, and special favors in a police agency, court, or correctional institution.

To run for a judgeship in a metropolitan judicial district in California costs about \$500 thousand. The salary for the office varies from \$60 thousand to \$80 thousand per year for a four-year term. Election costs for other offices run much higher, and it is not unusual to see a million dollars or more spent on a campaign. It takes many special interest groups to raise the funds and an astute candidate to see that election favors are returned.

In many areas of the country, the people in decision making positions are appointed on a year-to-year basis. In sheriffs' offices and in many police departments, promotions are controlled and manipulated in such a way that they make the merit system meaningless. The people in these power structures know who to arrest and who to leave alone, who gets favors and who does not. While we like to think the party in power represents the majority of the community, in reality it represents small but solidly entrenched vested special interest groups.



## The Dispensing Of Justice

The functionaries of the criminal justice system are a reflection of the larger society. The system is no better or no worse than the human beings who make up the larger society. If the community is corrupt, then one can expect the agencies representing government in that community also to be playing the game of "give and take."

No one really knows how much personal corruption is present in a community. Only one who has been close to the system for a long period of time might venture a guess. Even then that guess would probably be wrong because there is no "yardstick" to gauge how many favors are rendered, how many election promises must be kept, or how much money passes into the hands of those who are corruptible.

The best assurance against personal corruption is to have an honest administration. With political pressures, pressures from unions and working employees, and pressures from citizens, a chief administrator often takes the line of least resistance.

The system itself in some instances breeds unethical practices. A classical case of this kind of injustice was shown in a shooting case in Los Angeles recently. In that case, two officers killed a knife-wielding woman. The officers were cleared of any criminal conduct, by both a district attorney's investigation, and of civil rights violations by the federal government. The police department internal affairs investigation determined that the officers had acted "within departmental policies" in their conduct.

The politically ambitious mayor and the Police Commission, however, disagreed and conducted their own investigation which found that the officers had violated departmental policy and made "serious errors" in judgement in the shooting. This prompted court action, and the officers were abandoned by the Police Protective League (the officers' professional organization) until an appellate

court overturned a lower court decision which had held that a written complaint should go into the officers' files. This case shows how administrative injustice and favoritism ultimately has a negative impact upon the attitude of officers. This is only one of many cases showing that law enforcement is often caught in a "political trap" and is not backed by the larger, law-abiding community.

## SUMMARY

In this chapter, three of the more important problems of individual relations with the system of criminal justice have been discussed. The belief in personal freedoms as they relate to the regulatory structure of government is perhaps not quite understood by citizens.

While everyone talks about individual rights, these rights are tempered with the individual responsibility to conform to certain standards. If these standards are not met, the agents of criminal justice are given powerful laws to see that the rights of society are protected.

The second problem is resistance to government control. While we preach freedom of the individual, that freedom is, by necessity, tempered with the right and the need of the bureaucracy to govern. If there were no violations of the law, individual freedom would be a reality. So long as one or two percent of the population chooses to be criminals, the rights of the rest of the population are placed in jeopardy.

Finally, the issue of personal and administrative honesty was discussed. Because of the broad scope of these problems, few answers except the most obvious, are suggested. It is up to the individual reader to decide what rights and obligations will ultimately be in our system of government. The criteria necessary for an individual to make honest, independent decisions have been

cited. These decisions come from an individual who has reached a state of maturity where he/she is able to resist temptations.

## **DISCUSSION QUESTIONS**

1. Why does the heritage of freedom in this country often make individuals less susceptible to social control?
2. Discuss why, in some instances, society has not yet been able to decide who the real criminals are.
3. Why will tolerance of crime in a neighborhood make compliance with the law more difficult for the citizen?
4. Discuss the "social contract" theory. What does it have to do with individual rights? Give some examples.
5. People generally resent control by government, and some may actually use violence to resist this control. Why?
6. Some feel that the political spoils system, rather than disappearing, is actually increasing through the high cost of elections. Discuss how this trend might be reversed.
7. If segments of society are dishonest, should one expect that the criminal justice system will be the same? How can this affect law enforcement efforts?
8. How do pressures in the social system cause agents of the criminal justice system to be "put in the middle" with the public?

9. Discuss how personal honesty and integrity is a management as well as an individual responsibility.
10. Agencies change as society changes, so there are concerns in today's agencies that were not there previously. Discuss these changes.

## *Chapter 8*

# **HUMAN RELATIONS PROBLEMS OF COURTS AND CORRECTIONS**

### **Learning Goals:**

- To identify conflicts between the correctional system, juvenile justice system, and the community.
- To understand the underlying pressures placed on the courts and the prosecution by the community.
- To identify some of the pressures on the prosecutor from the community and other agencies of the criminal justice system.
- To understand some of the major problems of the system so there may be an explanation to the community as to why the system is not perfect.

### **INTRODUCTION**

Problems of the correctional and court systems are perhaps even more difficult to resolve than are those of the police. Often the problems of the clients handed to these agencies are so complex they cannot be resolved through the facilities of the criminal justice system. There is also a wide difference in

philosophy of how criminality is to be resolved. Those who are conservative believe in tough court policies and extended prison sentences, while those who are more liberal believe that crime rates are unrelated to either court policies or prison terms. Many criminologists consider these opposing attitudes nonsense and can provide documented and logical reasons why victimization rates fluctuate from one period to another.

The problems of these agencies will be viewed in the following sequence: (1) problems of the correctional system, (2) problems of juvenile justice, and (3) problems of the court system.

## **PROBLEMS OF THE CORRECTIONAL SYSTEM**

Problems of the correctional system often surface only behind closed doors. Rarely are these problems open for public discussion as are those of the police and courts. We also must recognize that the correctional system is where the "buck" stops. Since every other agency can pass its problems on to corrections, the problems of this component of the system are frequently so complex and broad that there are often no clearly "right" solutions. Community relations concerns, then, may be more philosophical in nature than are present in law enforcement.

The following areas are those of which the public is most critical, therefore, need the greatest community relations efforts: (1) the failure to reform offenders, (2) early release of prisoners who are recidivists (repeat offenders), and (3) a growing prison population. The scope of these problems (prison and parole) is shown in Figure 8.1.

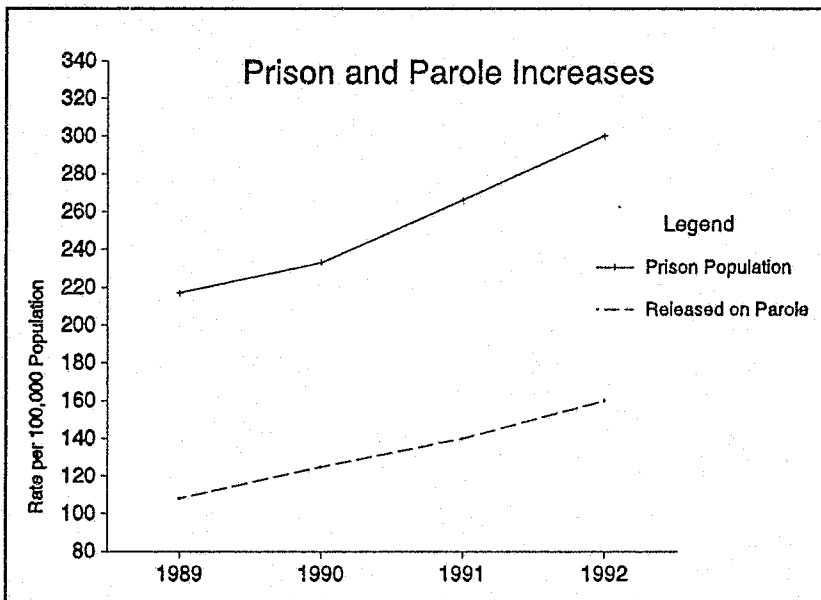


Figure 8.1. Prison population compared to parole releases.

### Failure to Reform Offenders

For generations, the system of corrections evolved without much direction. Then, in 1965, with massive infusions of money from the

Omnibus Crime Bill and Safe Streets Act, large research efforts were undertaken. These efforts supplemented those of different states and private foundations that had been supporting research done by institutions such as the VERA Institute of New York and The National Council on Crime and Delinquency. Such research had been largely instrumental in the evolution of progressive practices within the corrections system until this time.

By 1974, research results were of sufficient quality to determine that the system was *not* rehabilitating its clients. Programs that had been so carefully developed for the past one-half century

were not accomplishing the goals of correction. In 1974, the so-called "Medical Model" was abandoned for the "Justice Model." Thus, a new, more conservative approach to corrections was initiated (See Table 8.1).

A major purpose of this move was to lessen the hostility of a public that could clearly see that the old system was not working. It was also a major concession to the other components of the criminal justice system that were disgusted with the high rate of recidivism in the jail systems. In the intervening decade, this change in thought has had a positive impact upon public acceptance of corrections' philosophy.

Many advocates of the new system have said that it is more humane than the old system because inmates are not forced into involuntary programs, and they are able to serve out their time and gain freedom without the stigma and constraints of parole.

Because reform was no longer the major thrust of corrections, the warehousing of vast numbers of prisoners became a major problem. Thus, a new era of prison building began which will continue for several decades. This causes a new concern among the public about the high cost of maintaining prisoners, which by 1992 is averaging over \$35 thousand a year per inmate throughout the United States. This is obviously a major economic problem for the future.

### **Early release of recidivists**

As part of the post-1974 reform, community-based corrections became an important part of the overall system. Through work release programs and community-oriented halfway houses, prisoners gradually would be eased back into the community. They were encouraged to become a part of the community, without normal pressures of earning a living, prior to full release. The gradual reintroduction of prisoners into the community, after



<b>Issue</b>	<b>Medical Model 1930-1974</b>	<b>Justice Model 1974-Present</b>
<b>Cause of Crime</b>	Disease of society or of the individual.	Form of rational adaptation to societal conditions
<b>Image of Offender</b>	Sick, product of socio-economic or psychological forces beyond control.	Capable of exercising free will; of surviving without resorting to crime.
<b>Object of Correction</b>	To cure the offender and society; to return both to health; rehabilitation.	Humanely control offender under terms of sentence; offer voluntary treatment.
<b>Agency/Institution Responsibility</b>	Change offender, reintegrate back into society.	Legally & humanely control offender; adequate care & custody; voluntary treatment; protect society.
<b>Role of Treatment &amp; Punishment</b>	Voluntary or involuntary treatment as means to change offender; treatment is mandatory, punishment used to coerce treatment, punishment & treatment is viewed as same thing.	Voluntary treatment, only; punishment & treatment not the same thing. Punishment is for society's good, treatment is for offender's good.
<b>Object of legal Sanctions (Sentence)</b>	Determine conditions which are most conducive to rehabilitation of offender.	Determine conditions which are just re: wrong done, best protect society and deter offender from future crime.
<b>Type of Sentence</b>	Indeterminant, flexible; adjust to offender changes.	Fixed sentence (less good time).
<b>Who determines release time?</b>	"Experts," (parole board for adults, institutional staff for juveniles).	Conditions of sentence as interpreted by Presumptive Release Date (PRD) formula.

**Table 8.1** Comparison of correctional policy assumptions: Medical vs. Justice Model

having served a determinate sentence (determined at time of sentence), changed the image of recidivism.

The results of these programs, however, has done little to cure the problems of the correctional system. In 1990, the system processed more than ten million prisoners—many of them more than once. With victimization rates reduced by over one million victims currently, perhaps “warehousing” of the vast number of prisoners is the best the system can do. Over the past ten years, this country’s state and federal prison population has increased over 133 percent. Nation-wide, there are over 2.4 million persons under correctional or custodial control (see Table 8.2).

## **OTHER KEY PROBLEMS IN CORRECTIONS**

These two major changes in the philosophy of the correctional processes have not resolved all of the problems. Other important programs that continue to serve the system are listed below

### **Welfare**

In many cases, dependents are supported by welfare while spouses and oftentimes boy friends are in prison. This, generally speaking, concerns many people and is a problem that needs more study.

### **Family Visits**

This program is often criticized by some segments of the public as being too lenient, but it is generally supported by prison staff. The intent of the program is to keep prisoners in touch with their families. About 60 percent of the visits are of a nonsexual nature (indicating that the program works). There have been abuses when professional prostitutes, gays, and other non-related persons are

allowed visits; however, the public should be made aware of the successes rather than the occasional abuses. It has been established that prisoners who continue a strong relationship with family members while in prison are better able to adapt in society when released from prison.

**More than 2.4 million persons are estimated to be under some form of correctional care, custody or supervision**

- ✓ 1.2% of all adults over age 18
- ✓ 1 in 45 adult males
- ✓ 1 in 441 adult females
- ✓ 1.5% of all juveniles (age 10-17)

● Adults (total)	1,973,000
Prison	369,000
Jail	158,000
Parole/other	224,000
Probation	1,222,000
● Juveniles (total)	455,000
Detention	74,000
Parole/aftercare	53,000
Probation	328,000

**Table 8.2.** Chart showing number of persons under some form of correction care, 1991-92.

### Education and Vocational Programs

Perhaps the most highly acclaimed programs in the institutions are the educational efforts being made to bring prisoners into the

mainstream of society. This system works in conjunction with colleges and universities and is thought to be a highlight of prison programs. There are criticisms because of costs, such as inmates receiving federal educational benefits; however the results of these programs have proven positive.

### **Important Prison Programs**

Commissary, prison industries, and treatment services are but a few of the important programs that are designed to return a prisoner to the mainstream of society.

Human relations problems emerging from prisons include harsh enforcement of the rules by prison guards, loss of religious freedom, loss of some civil rights, and boredom while in prisons. There should be some realism in the rights granted prisoners, and since 1964, when the U.S. Supreme Court ruled in *Cooper vs. Pate* that prisoners are entitled to the protection of the Civil Rights Act of 1871, federal courts have ruled on hundreds of cases.

### **Juvenile Correctional Problems**

Like adult systems, juvenile correctional processes are also experiencing radical changes. Several research institutes acknowledge that punishment may become an official policy of the juvenile system for those juveniles committing serious crimes. Conversely, many states are moving away from punishment or even detention as an alternative way to handle juvenile delinquency. The states not favoring incarceration are using "shelter care" facilities run by private agencies rather than publicly maintained juvenile halls. Privately run group homes, under the supervision of probation departments are being widely used.

Other states are using "proctor systems" where role models are employed as counselors in privately operated homes. In Massachu-

setts, for example, the State Department of Youth Services uses a "tracker" system. The tracker knows where his charges are at all times. This method is only about one sixth as expensive as institutionalization. These alternatives are innovative and appeal to a community burdened with high taxes and with the recent memory of delinquents who have "graduated" from juvenile halls to become the toughs in the prison system.

The community has grown tired of hearing about juvenile crimes and the "coddling" of juvenile criminals and is impatient for results. So, the juvenile justice system, even in conservative states, needs to look to new alternatives like the ones mentioned above. The protection of the public is rapidly replacing the philosophy of welfare and spiritual guidance for the juvenile offender.

In the future, community relations programs for juvenile justice will be philosophically oriented to the roles taken by the federal government. The new directions outlined by the government will bring radical changes in most contemporary community relations programming.

### **The Juvenile Justice Act**

The National Advisory Committee for Juvenile Justice and Delinquency Prevention, recently made decisions that will guide future criminal justice programming for juvenile criminals. It said that the task of highest priority in the field of juvenile delinquency is to deal directly and decisively with that small core of youth who are responsible for much of the nation's crime.

The central finding of the National Advisory Committee was as follows:

- Reformulate federal policy in the field of delinquency to focus primarily on the serious offender.

- Provide critical research, dissemination, and training functions that the federal government can perform better than states.
- Encourage innovation and diversity. (It would meet the criteria of the federal funding agencies.)
- Bring all juveniles who commit crimes within the scope of the federal initiative, including those who are processed in the adult criminal justice system.
- Administer the federal initiative through the Department of Justice.

The Committee went further and made recommendations for what the federal role in juvenile justice should provide:

- Meaningful research designed to teach what works best, with what youth, and when.
- Limited, specific demonstration projects with credible evaluation components.
- Dissemination of information.
- Training and technical assistance.

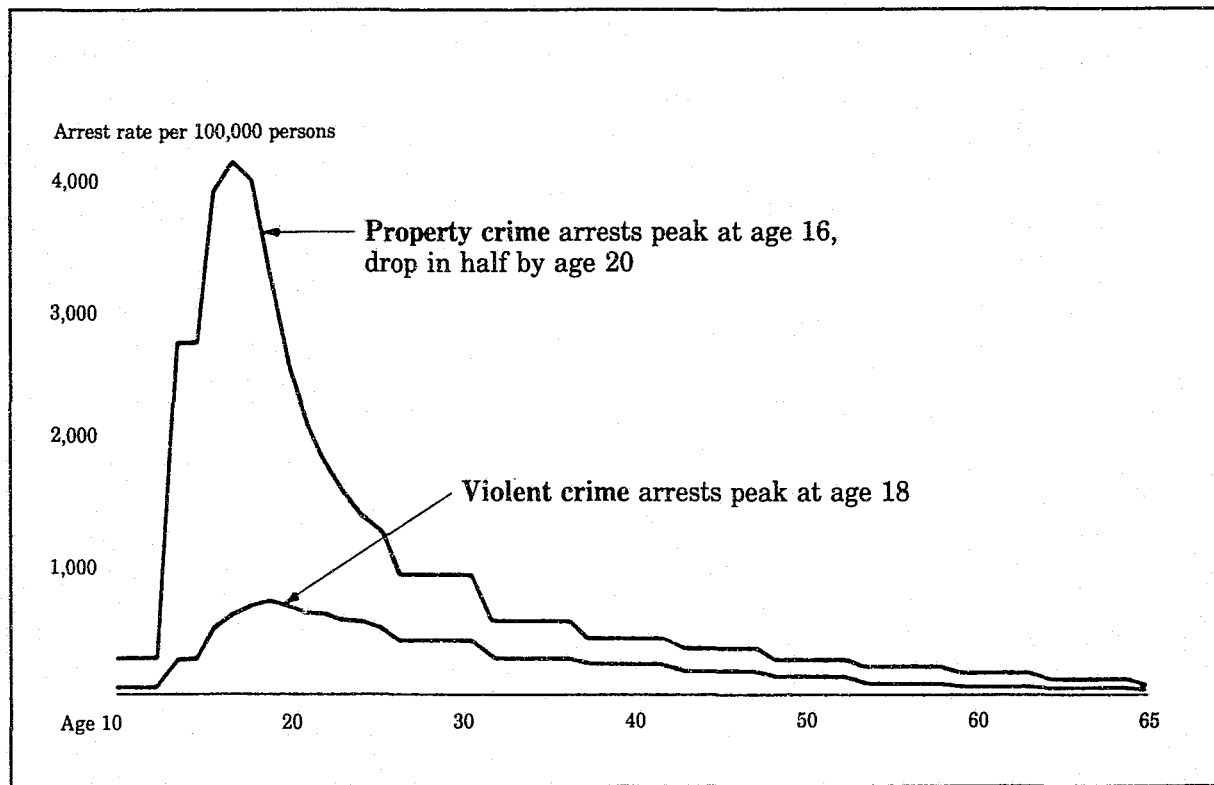
The states are floundering in efforts to deal legally and systematically with the disturbing problems of the serious, violent, or chronic offender. Thus, states should conduct research and training to focus on the following areas:

- Methods of dealing with the serious, violent, or chronic offender.
- Serious crime in schools.
- Victims of serious crime, including children.
- Neighborhood control of delinquency.
- Impact of substance abuse on the prevention and control of juvenile gangs.
- Youth gangs.
- Linkage between the juvenile and adult justice systems, including record sharing and transfer of cases.
- Family role in dealing with serious juvenile crime.

A third recommendation by the committee was that the federal government should assist states, local governments, and private and public agencies in dealing with problems of delinquency.

### **Who are the Juvenile Criminals?**

Figure 8.2 shows that arrests, if they are indicative of who is committing crimes, point to juveniles as being the greatest contributors to crime problems. In addition, the Committee found that juvenile offenders are predominantly male, disproportionately black and Hispanic, are typically disadvantaged economically. They are also likely to exhibit interpersonal difficulties and behavioral problems both in school and on the job, and often come



**Figure 8.2** Rates of arrest for juvenile offenders. Source: FBI Uniform Crime Reports, 3 year average.



from one parent families or families with a high degree of conflict, instability, and inadequate supervision. While many of these recommendations were already known, a new direction in this area of criminal endeavor is long overdue.

## **PROBLEMS OF THE COURTS**

Cases filed in our courts since 1985 have increased from 6 percent to 132 percent. This increase in volume has given the term "assembly line justice" some real validity. While the rise in case numbers has been a culprit in the courts' relationship with the public, the public response is that we are dealing with an obsolete system.

The courts have followed the theory of law known as "Sociological Jurisprudence." This theory infers that the law must recognize contemporary social conditions, and rules must, therefore, adapt to a changing world. While the courts have satisfactorily met this theory, they have failed to convince the public that their course of action was adequate to develop an efficient system. Some specific problems that create community tensions are: (1) failure to promptly process cases, (2) inconsistencies of plea bargaining, and (3) inefficient jury and witness handling and other wasteful court processes.

### **Failure to Process Cases Promptly**

The number one complaint about the court system is the failure to process cases "without unnecessary delay." The term itself has not been clearly defined by the court; so, "unnecessary delay" may be days or weeks. The problem is not new. As long ago as 1906, people complained that "...justice delayed is no justice at all." Each state has administrators for its courts. However, through

budget controls and appointments of judges, state governors are able to control the ideologies of the court system to some extent.

Only the judge can control the quality of justice and the efficiency of a court. Currently, the courts do not present a pretty picture to the public. Citizens complain, particularly, about the time (often three to five years) it takes to get civil law suits heard. However, until more tax funds are available to employ more judges, the court overload problem will likely get worse.

In defense of the courts, it must be said that almost without exception, judges are hard working and put in many long hours. The real culprit is too many criminals and too much litigation for too few judges.

### **Plea Bargaining Dangers**

A second concern of the public about the courts is the plea bargaining going on between defense and prosecution, with the approval of the judge. Within and outside of the criminal justice system, the right to plea bargain a case is not well understood, and therefore, it is often resisted by the public.

This process is not just another method of making a decision in a case. It is far bigger and of greater importance than simply deciding between clearly defined law and the right of the court to negotiate the law. It is also the focus of corruption, abuse, and manipulation in a system that may otherwise be honest. Unless plea bargaining is carefully watched, law becomes a manipulative tool without the public being the wiser.

There are scientific profiles available that some courts use to control and give some protection to the public in the plea bargaining process. The research by Rand has shown that some variables formerly used to predict recidivism rates are also associated with high-rate offenders.

For example, certain characteristics can be used to identify high rate robbers or burglars among offenders convicted of these crimes (see Table 8.3).

A criminal with a profile that rates high on these criteria should not be plea bargained to a lesser penalty, other factors being equal. This criteria, and there are criteria for every offense, would then offer the courts and the people protection from arbitrary decision making.

Among inmates who were convicted of robbery or burglary, those who scored four or more applicable items on this scale, committed their crimes at an average rate of thirty-one per year when on the street. Those who score one or less, averaged two crimes per year.

- ✓ Prior conviction for robbery or burglary.
- ✓ Incarcerated for more than half of the past two years.
- ✓ Juvenile court conviction prior to age sixteen.
- ✓ Commitment to a state or federal juvenile institution.
- ✓ Current drug user.
- ✓ Employed less than half of the past two years.

The presence in a pre-sentence report of one or more of the above "predictors" could lead to a longer sentence.

**Table 8.3** Recidivism predictor variables for robbers and burglars.  
Source: *NIJ Reports*, 1992.

## Other Court Process Problems

The courts are plagued with community relations problems that create friction within the system itself and between it and the other systems of criminal justice.

Weak administrative systems and the inefficient use of police officers as witnesses wastes millions of hours each year on cases that never go to court. The same is true of citizen witnesses and jurors, who must miss days and often weeks of work for a case in

which they are never called to testify or serve as jurors. These situations may be partially solved by better administration, night courts, weekend courts, etc. Crime is a 24-hour business, and there are few reasons why centralized courts, night courts and greater consideration for the victims and witnesses should not take priority.

Justice Cardoza once said that in the long run, there is no guarantee of justice except the personality of the judge. While that is probably true, there is no need to settle for and take a chance on a "weirdo judge." The appointive process is highly political and often an attorney in political favor is appointed who may or may not be particularly well-qualified. The elective process presents problems because the average voter has little criteria on which to base his or her evaluation of a judicial candidate.

The long term of office accorded a judge is criticized by some who maintain that such merely assures that a bad judge will have long tenure. Some even feel that no judge should be appointed for life (federal appeals judges). Some advocate that all judges should be limited to two terms in office (8 years). On the other hand, advocates of lifetime terms feel that such protects a judge from political pressure and that the public benefits from greater experience.

Court bureaucracy tends to become an inbred team and, much like the police, develop a culture of their own. The public senses this and feels that justice cannot best be rendered in this kind of environment.

Our current jury selection process is admittedly time consuming, and expensive, however, no one has been able to develop a better system which is appropriate in a democracy. Some states permit the use of less than twelve jurors in non-capital crimes. This is, indeed, an efficiency in that smaller juries are easier to select and fewer citizens are required.

The courts have a critical community relations problem in terms of operations, costs and procedures. It is, in some respects, an antiquated system that needs changes in its underlying foundations and operations. Since the courts interpret laws passed by the legislature, the latter is often frustrated in its attempts to reform the courts. Also, the relationship between attorneys who are legislators, court personnel, and the executive branch tends to take work to maintain the courts' status quo.

## **SUMMARY**

There has been an attempt to break the system into small components so that each may be analyzed in its proper perspective. There have been generalizations made about courts and corrections, but the problems may or may not apply to the federal, state, and local systems. It has been pointed out that inconsistencies in the application of law are confusing to the public. The public is also confused about the complexity of law and about why there are so many retrials, appeals on frivolous issues, and why courts and corrections fail to show an effectiveness in curbing crime problems. It is clear, then, that not all community relations problems are centered in the police segment of the system.

## **DISCUSSION QUESTIONS**

1. What are the prevailing changes that are occurring in the philosophy of courts and corrections?
2. When we view changes in the philosophy of the correctional system about how to resolve criminality, what re-education of the public will be needed?

3. Explain how the current "Justice Model" has replaced the "Medical Model" of earlier years relative to corrections.
4. Problems of the correctional system most visible to the public are those of recidivism and social welfare programs granted the inmates. What are some aspects of these problems?
5. How are correctional rehabilitation programs constantly being stymied by unemployment, labor union restrictions, and failure to fully educate the public about the programs?
6. Juvenile justice is undergoing change to address the more serious violators. Explain why this is a proper approach.
7. The courts have serious community relations problems, even though courts often say their problems are not with the community, but with other agencies of the criminal justice system. Why do the courts feel this way?
8. While the courts, corrections, and police are often pointing fingers at other agencies, they should realize that one system's failure is a direct indictment against the entire system. Discuss.
9. Before people are released on bail or on parole by the courts or the correctional system, the recidivist chart developed by Rand Corporation should be checked. Discuss how this could be done.
10. The system of court procedures is archaic, and the public wants it to be upgraded. What needs to be done to upgrade these procedures?

## **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. The Medical Model established in the early 19th century was replaced by the Justice Model for correctional policies in 1974. Analyze the differences in the two systems and indicate how this philosophical change has impacted upon community relations. Have the changes improved the correctional system? Why or why not?
2. Analyze the policies of the Juvenile Justice Act of 1984. Have these policies, as they have been administered, improved the juvenile justice programs? How have they impacted upon community relations?

## *Chapter 9*

# **HUMAN RELATIONS PROBLEMS AND POLICE PROCESSES**

### **Learning Goals:**

- To list the problems of federal and state police.
- To explain why local police problems are critical to the viewing of the entire system.
- To gain insight into the work of the police officer.

### **INTRODUCTION**

The problems relating to the police and the community are so pervasive that they influence attitudes held by citizens toward the entire criminal justice system. In millions of day to day contacts between the police and the public, each decision becomes important to someone's freedom, life, or well being. The following is an examination of selective police processes and behavioral procedures of police agents that impact directly on the problems of the community. What is it that often causes people to perceive the police in a bad light?

There is a wide void between some police practices and the desires of the public. Because the law often operates in a threatening or at best a neutral manner, people often accuse the agents of the system of being harsh and lacking in empathy in their dealings with citizens. When these accusations are made by the people who



come in contact with the various enforcement agencies of the system, the larger society tends to listen and believe.

The social system that surrounds the processes of the police and other systems is weak. It is so weak that it is often referred to as a non-system, which accurately describes the relationship of the police to the rest of the system. Because of these weaknesses, internal relations between units of the system, as well as relations between the system and the public, need improvement.

The police system is composed of many different role players. In carrying out these roles, the players are involved in a multitude of public tasks. The different tasks do not always promote harmonious relations between the two factions (police and public). Thus, differences in attitudes and operating styles affect the philosophy one ultimately has about the goals of police agencies. These differences must be reviewed and reconciled if the police systems are to best serve the public and render justice.

Many of the problems between the police and the public are caused by misunderstanding and a lack of facts on the part of the public. For example, most people have no trouble reading and understanding simple legal concepts. When the concepts evolve into intricate legal processes (that are not a fault of the police) but that take years to resolve through the appeals process, people are unable to believe that pure and swift justice has been rendered. For example, people in the community cannot understand lengthy court delays, plea bargaining, and other processes that seem to lead to the subversion of justice. It is difficult for the public, and often for the police themselves, to understand a process that releases people from prison time after time, only to have them go out and commit more crimes. Because of these misunderstandings, the justice system and the public do not relate. The police are not to blame, but they are the agencies that are in contact with the public. Thus, the police officer is the agent who bears the brunt of these frustrations against the entire system.

The problems of law enforcement are discussed in the following order: (1) conflicts involving law enforcement at the federal level, (2) conflicts arising from law enforcement at the state level, and (3) conflicts arising from local law enforcement activities.

## **CONFLICTS AT THE FEDERAL LEVEL**

Since their beginning in this country, federal, and to some degree, state agencies have been screened from public criticism because they have had limited authority in enforcing rather selective laws that did not concern most of the people.

From the middle 1960s to the 1970s, massive funding and passage of the Omnibus Crime Bill brought many violations under some form of federal control. Under new authorizations in the Omnibus Crime Bill, federal agents began to conduct intensive investigations at the local level with task forces organized around state and local units of government. These task forces conducted raids on bookies and narcotic peddlers at the street level. With the money appropriated from the Omnibus Crime Bill, came the power to dictate who would run the task forces. Authority moved from local to state to federal leadership within a few short years.

In the beginning, good public relations followed these task force raids. People did not get too concerned about bookmaking raids because people do not perceive bookmaking to be a very serious crime. Public perceptions, published in a Bureau of Justice Statistics Bulletin, January 1984, showed that people ranked (on a 72-point scale) the taking of bets at 1.1, and only 3.5 for a person running a place where gambling was permitted to occur. This scale ranked how serious people considered a crime to be. Obviously, federal forces did not find much need for concern about tactics used in enforcing these gambling laws. The federal task forces also became active in the area of narcotics enforcement, which rated 33.8 on the same 72-point scale. Along with greater concern for

these law violations and a public desire for more strict enforcement, the public became more cooperative with the idea of the strike-force type actions. Even the idea of blockades by the police to curb drunk drivers has met with considerable public acceptance.

When the federally directed task forces moved to working on terrorists (72 points on the scale) public support was extremely high. However, before long, relations within the system began to disintegrate. Poor cooperation, erratic funding, and jurisdictional disputes over where crimes were to be enforced caused much conflict. At this stage, funds for local participation began to dry up and many agencies, after about a decade, went back to the jurisdictional struggle and local tax support.

When the combined strike-forces began to dry up, federally developed strike-forces emerged, comprised only of federal agencies. This group of specialists, who had operated out of the Justice Department, now began to find themselves with new bosses. In the 1980s, the U.S. Attorney's Office found these strike-forces politically attractive and put them under its direction. If politically appointed U.S. attorneys are successful in bringing the investigative function under their authority, they will be able to direct the future course of strike-force investigations. This procedure automatically cancels out the balance of power necessary for a check and balance system between federal and local authorities. If this check and balance is not maintained, there will be a political investigative arm of government that will initiate its own cases, investigations, and prosecutions. If that change occurs in the future, one can forget about any type of community relations, because the community will have little, if any voice in enforcement policy.

Another federal agency that has fallen on hard times because of poor procedures, bad laws, and some dishonesty, has been the Immigration and Naturalization Service (INS). In trying to stem the flow of illegal immigrants into the U.S., it has adopted

procedures that have come under fire from local politicians, vested interest groups, and local law enforcement agencies. This pressure has resulted from ill-conceived procedures and high-handed policies. In the past, the agency could get away with these policies because contacts were minimal.

Recently, however, several Southern California Police Departments, because of the bad image being given the local officers when assisting the INS in conducting questionable arrests, announced that in the future they would not cooperate with the INS in making arrests or conducting raids. The INS has been accused of conducting questionable arrests and leaving the problems for local officers to live with. This kind of activity, and the resulting split between agencies, is damaging in the eyes of the public, to all agencies.

The list of increased public resentment against federal agencies grows as agencies move into local jurisdictions. In time, community relations with federal agents will be as negative as the feelings are toward local agents.

### **Federal Undercover Operations and Community Relations**

In a House Judiciary Subcommittee report released in the first week of May 1984, there was criticism of the Federal Bureau of Investigation's undercover activities over the previous four years. In an election year, the report was not surprising, but it shows how an agency's image can change when it goes from *reactive* enforcement to *proactive* enforcement such as in the ABSCAM and CORKSCREW investigations, the latter being an undercover operation to ensnare corrupt judges in the Cleveland area. In a 12-month period in late 1983, these FBI undercover operations had resulted in 1,328 indictments and 816 felony convictions. However, this accomplishment has been forgotten in the negative publicity stemming from these investigations.

A federal agency that deviates from avowed standards and does not have a strict code of behavior for undercover investigations is going to be under constant political and eventually citizen attack. In any event, it is going to be seriously impaired relative to its credibility investigations. Without better control of procedural matters than has been shown in the past several years, federal agencies are going to experience more rapid disintegration of public support than do local agencies.

## **CONFLICTS AT THE STATE LEVEL**

Because of corruption at the state level in the early 1900's, most states operated for many years with restricted police authority. This authority allowed state officers jurisdiction only over specialized crimes. It was only after passage of the 1964 Omnibus Crime Bill, that state officers were granted general police powers. Even today, believing that the state cannot adequately control the activities of its officers, some states grant only special authority to state officers.

### **The Traffic Enforcement Problem**

The development of the interstate system of highways has put much of the traffic enforcement powers at the state level. Throughout the history of state law enforcement, there have been accusations of inequitable enforcement through speed traps, payoffs at the scene of the violation, and collusion between police and the courts.

These types of activities were always alleged to have occurred in the past and were presumed to have disappeared during the 1970s and the 1980s. Anyone traveling the interstate system knows these abuses are alive and well during the 1990's.

For example, in a mid-west state, out-of-state motorists were often stopped, cited, and extorted of money at the scene. Records

showed that 7,266 motorists were cited in one year on a thirty-six-mile stretch of I-80. One investigator was cited in a radar trap at 74 mph, while traveling at 65 mph. The investigator was given the opportunity to pay a \$39 fine and receive an unnumbered receipt with no court appearance. During the interview, the investigator determined the 74-mph clocking had come from the previous vehicle cited. When there was a request to see the county judge, the judge was "busy," but the bail was increased to \$56 and a date for appearance was set. The charge was eventually reduced to a \$39 fine and bail was forfeited. This court collected over \$300 thousand in forfeited bails during the year, and since there were no numbered receipts issued at the site of the citation, no one knows how much money was collected by dishonest patrol officers.

When the case was brought to the attention of the Patrol Superintendent at the state capitol, he responded, "All persons traveling in this state, resident and non-resident, are to be given the same consideration and courtesy when contacted by our state patrol officers. If otherwise, or if there is a hint of dishonesty by any officer, it will not be tolerated." This was the only response to direct allegations of false radar readings and attempted bribery. Nothing was done to rectify the situation.

A person who has been extorted out of hard-earned money does not feel much confidence in the system when officers are observed conducting the same operation year after year. When a complaint like this is swept under the rug, it is no wonder citizens lose faith in the law enforcement system. There are no community relations programs that can change the image of this type of corruption.

## **State Liquor Control**

State liquor control laws have long had a low public support rating. The agent is also faced with a dual system of administration

(i.e., criminal courts for statute violations and administrative hearings to challenge the license). This puts the officer directly in line for challenges from both enforcement units.

In a few states, the liquor control officer has been the "bag man" for the party in power. Thus, community esteem for this kind of enforcement officer is negative and offers a very difficult barrier to developing a community relations program to improve this image.

This low public support also carries over to the local vice control officers who also enforce liquor laws. In addition, local vice officers enforce gambling laws which the public generally views with a very low "severity rating," and little public support. Because of the low priority placed on these enforcement tasks, officers experience low self-esteem and are susceptible to conflicts in values by enforcing laws that the public does not feel are important to strong enforcement policies.

## **CONFLICTS AT THE LOCAL LEVEL**

Local law enforcement agencies encounter many crucial situations in their contacts with the public. In fact, there is hardly any situation where conflict does not arise. By examining some areas of law enforcement procedures that are particularly sensitive, one can see these critical situations and examine the police prerogatives for action. One may draw his or her own conclusions as to the solutions of these problems, but must keep in mind that law enforcement is only one-half of the equation in solving the problem; public behavior is the other half. Some of the more critical incidents follow.

## Officer-involved Conflicts

The police are symbolically threatening. They are perceived as disciplinarians and the wielders of power; and to some, they are people to be feared. A police-involved conflict tends to bring to the fore all of the worst things that have been imagined about the police. The police have unintentionally increased this fear by withholding information about conflicts that should have been released. It is of little surprise that on the heels of a police-citizen conflict, especially involving a racial minority person, there is a clamor for a citizen review board. The public sees review boards as a way in which *all* facts of a case will be revealed. In reality, a review board will accomplish no more than can the district attorney, a police commission, or an ombudsman.

The public must realize that the rights of witnesses (and the officers) in these kinds of cases often requires both legal and moral discretion. The signal to the district attorney and to police administrators is that, currently, they are not doing a very good job of keeping the public informed about these matters. There needs to be a concerted public relations effort between agencies and the media in reporting officer-involved conflicts as objectively as possible. Each police and sheriff's department, regardless of its size, needs a firm public relations policy that gives all the details *legally allowable* in such incidents to media representatives.

The ethical and legal issues involved in the use of deadly force in law enforcement are extremely critical and complex. For the purpose of learning the circumstances surrounding "justifiable homicides" by the police, Kenneth J. Matulia, conducted an eighteen month study of the subject. This study involved fiftyseven urban cities in the United States with populations of 250 thousand or more and covered a nine year period. The results of Matulia's study were published by the U.S. Department of Justice. Portions of the summary are reprinted below.



## A BALANCE OF FORCES: EXECUTIVE SUMMARY

This Executive Summary provides an overview of *A Balance of Forces*, a report on an 18-month study of the police use of deadly force. The report has a simple thesis—that the frequency of “justifiable homicide” by police officers is related to the level of crime and violence in a community. No implication is made here that abuse or unjustified violence by police officers should be accepted as part of a community’s cycle of violence. Further, no suggestion is made that “justifiable” homicides cannot be controlled. Indeed, the full report and this Summary contain model policy guidelines which were developed with one objective in mind, to assist police executives to exert maximum control over the use of deadly force by officers in an effort to reduce the rate of justifiable homicide.

This study examines a most controversial and complex issue—the use of deadly force by the police. At the center of this complex issue stands the individual police officer who in his actions is expected to balance concepts that can conflict in practice, including: the rights of the police to protect their own lives; their duty to protect the lives of third parties; the legislated responsibility to suppress community violence, to reduce crime, and to provide for the security of all people by means which are both reasonable and necessary.

These rights, duties, and powers must be balanced with the constitutional right of individual liberty; the right of every citizen to be protected by the police; and the constitutional right of every citizen to be presumed innocent of crime until proven otherwise by a jury of peers in a court of competent jurisdiction. Additional factors that serve to obscure a simple answer to the questions surrounding the deadly force issue include differing judicial rulings and legal opinions; community group pressures; executive policies and preferences; and individual officer perceptions, fears, education, training, and value systems.

While the authority to use deadly force is among the most burdensome responsibilities placed on individual officers, the obligation of the police administrator, the jurisdiction, and the state to control the police officer’s authority to use deadly force is equally important. The police administrator *must* promulgate use of deadly force policy and procedure that will provide officers sufficient latitude for self-protection and adequate guidance for the exercise of a realistic level of discretion.

Further, the chief administrator must provide all citizens with an assurance of safety within the framework of the guarantees granted to them by the Constitution of the United States. Policy and procedural statements which meet these criteria must be developed by the administrator but only after extensive research and thoughtful deliberations.

A central purpose of this study was to provide police administrators, lawmakers, and community groups with sufficient research data to:

- Identify factors of law enforcement that underlie and determine the frequency of use of deadly force by police officers.
- Gain an understanding of the interrelationships of these factors and their causal role in homicides by police officers.
- Develop "model" policies and procedures designed to reduce police homicides while preserving the officer's ability to fulfill his law enforcement duties and to protect himself from death or personal harm.

Widespread attention given to the issue of the police use of deadly force is not a recent phenomenon. The issue has existed since the beginnings of policing in this country, when New York City Police officers began arming themselves in 1858. In the early years, the issue was of local concern, heightened from time to time by specific incidents. The issue attracted national attention in 1940 when the International Association of Chiefs of Police (IACP) addressed the subject at their annual conference. In recent years, the issue has not suffered from under-exposure in the literature, legal reviews, government studies, and other writings. Research on issues related to the use of deadly force by the police has continued to the present.

One previous research effort concluded that: "Police homicide is substantially under-reported, possibly by around 50 percent." This conclusion could only be considered as correct because of the selection of a specific data source, the National Health statistics. On another point, the term "police," as simple as it may sound, is very complex in its definition from city to city. For example, in Chicago, a ratio of police to population is more inclusive than the same statement of ratio

in New York because in New York there are three major "police agencies": New York City Police Department, New York City Transit Authority Police, and New York City Housing Authority Police. Therefore, when one reads statistics of police ratio to population, crime, and a number of other categories, one must be cognizant of these differences. Beyond this simple difference in two of our largest cities, one must also be aware of the presence of other "police" agencies such as federal law enforcement agencies, private security "police," prison guards, university "police," Indian Nation "police," transit "police," port authority "police," airport "police," railroad "police," states attorney's "police," and park "police."

Matulia's report concludes that each police administrator *must* promulgate or update use of deadly force directives. The administrator should use the collective research findings of this and other pertinent publications as a framework for development of such a directive. Critical deadly force policy decisions are not easily made, nor is the *ultimate* on-street decision to shoot an easy one for the police officer. The consequences of either decision are far-reaching. It is, however, far better that *most* of the decision considerations be critically analyzed from within the calm, rational atmosphere of the administrator's office, rather than from the more explosive, often irrational, and unpredictable "office" (the street) of the police officer.

This report and especially the "model" guidelines should not be viewed as a final product to resolving the complex issues associated with police use of deadly force. The report, more appropriately, should be seen as a beginning or a point of departure. Police administrators and researchers should grasp these fragments of knowledge regarding deadly force by the police, discuss the findings, refine and expand the research, and continue to look for that magic answer that may have been overlooked previously.

## **Stops, Searches, and Seizures of Evidence**

While this is an extremely complex legal area, it is also an area where an extraordinary amount of officer discretion is involved. In this text we will deal primarily with this discretionary area of concern. An assumption must be made that officers are trained to recognize when probable cause is present in a situation. It also must be assumed that officers are sensible enough to take action *only* when this probable cause to act is present. The law is liberal in this area, and an officer's training and education should be sufficient to legalize all actions in this situation.

Complaints about issues of stop, search, and seizure are usually not legal; they are ethical. Police officers should be held responsible for both ethical as well as legal acts. A main complaint is, "The officer never did tell me what I was stopped for" or "The cop took my driver's license, wrote me a ticket I can't read or understand, and shoved it back in my face to sign. There is no way I will sign that ticket." Thus, conflict is built out of these minor incidents.

A question often asked by the public is, if officers get away with this kind of discourteous approach so often, does it eventually become a habit? They ask, is it just a small minority of the officers who behave this way, or is it a practice to do all police work in this manner? Discourtesy does happen often enough so that this type of behavior causes much resentment with the public. It also causes concern among members within a department. When a department has a reputation for this kind of behavior, it is a problem of management.

As a Corpus Christi, Texas, study showed, only about 60 percent of all problems would be resolved if the police acted in the most logical and positive manner. Thus, courteous conduct by the police officer is not going to resolve all of the problems many associated with these contacts. Some positive approaches, such as

the ones that follow, must be instilled into the individual officer if the problems are to be minimized.

When approached, the citizen does a mental behavioral inventory of the officer. The officer should be oriented and trained to:

1. Reduce the threat-potential, by being an approachable person. Cultivate a friendly or neutral approach; word selection is important; smile, with carefully selected humor. (In Los Angeles County there are eighty-seven different languages spoken, so an officer may assume he will not be understood by the verbal word during certain stops.)
2. General demeanor, facial expressions, or tone of voice will indicate respect for another person, and a language gap can often be bridged. Use caution here because kindness is often misinterpreted by a suspect to indicate weakness and may spark aggressive reactions.
3. Be a good listener; let other people know you are receiving their message. That can be done only by being an alert listener. If each approach was, "I am trying to make a friend," rather than, "I don't give a damn," many more contacts would end positively.
4. Do not become trapped into unprofessional conduct; a threat or a challenge should not be used as a stimulator of police work. When faced with a threat, try to "stall for time"; if nothing else, try to keep conversation going. This is a critical time and, unless sharp judgments are made, wrong decisions can result. When it is a matter of decision making, the public will generally support the police if it

gets straight facts on the case. For example, recently a police officer shot and killed a 6-year-old boy. Community pressure was hostile until a member of the department explained on TV how the incident happened; that it appeared to be one thing, when in reality another situation existed. That person explained about the intent of the person, the intent as it applies to law. He clearly told about the resulting sorrow of the officer over the situation, and eventually the public supported the officer and the department and accepted the incident as a mistake of fact.

5. Actions should be calculated and preplanned in an individual officer's mind and between partners. Many incidents occur because an officer did not know how his partner would respond. This is a management problem, but it is also a problem for the officer. When new partners are assigned, they should decide between themselves how they will respond in emergency and dangerous situations.
6. Try not show hostility under any circumstances. Some officers have a "low flash point" and are constantly going from one hostile situation to another. This kind of behavior should be immediately examined, retraining and psychological counseling given, and if these steps are ineffective, the person should be reassigned or dismissed for the good of the department. This kind of behavior is usually evident during an officer's probationary period, and training officers are doing no one a favor by keeping hostile personalities on the job. There will never be a professional status for law enforcement until such persons are removed from the department.

7. Leave people with the feeling that they have been treated fairly. Do the job to be done and explain in detail to a person why you thought the action was the best course to take. Even if the person does not listen, at least he or she will be left better informed on the fine points of the law. Police services often need to be "sold." If police persons are not "part salespersons," they are in the wrong profession. This particular aspect of the contact requires a person who is empathetic, smart, and articulate—nothing less will do.

If point-of-contact frictions were removed, about one half of all conflicts between officers and citizens would disappear. The role played by the officer at the stop-and-release situation is more critical than at the stop-and-arrest situation. If frictions exist, this means that an innocent person did not understand the law and/or the procedures that allowed him or her to be stopped and then released.

### **A Review of Common Police Problems**

As we review the incidents and problem situations that the police encounter, there are two views of the principles in each of the situations. The view from the citizen-community is so varied that it is impossible to quantify the problems of the citizens. However, there have been a great number of projects that have been self-assessment type studies. From these self-analysis studies, a number of publications are available.

The Los Angeles Police Department, has published a booklet that contains key points of conduct which have withstood the changes of the past decade. The booklet titled *A Human Relations Handbook For Police Officers*, has many good observations about the police, by the police. Excerpts from this booklet are repro-

duced below. These excerpts describe what police officers are "really like," and discuss problems of attitude and the pitfalls of anger and provocation.

### **WHAT ARE POLICE OFFICERS REALLY LIKE?**

"The complexities inherent in the policing function dictate that officers possess a high degree of intelligence, education, tact, sound judgment, physical courage, emotional stability, impartiality, and honesty. . . ."

There is a variety of personalities among individuals who choose a career in the police profession. Studies on people coming into police work indicate that the majority are above average in intelligence, are more emotionally stable than the average member of the population, and are usually motivated by the need for action, recognition and responsibility. In addition, most individuals in police work tend to be conscientious, energetic, and ambitious and are interested in upgrading themselves by achieving higher educational occupational status. They also desire to make the community a better place in which to live.

Men and women in police work are also human beings and subject to the same kinds of feelings and tensions as other people. Along with several other professions including psychiatry, air traffic control work, and space engineering, police work is considered a stress occupation. The multiple pressures of the job create an added burden on the person which may affect his physical, emotional and personal well being. In order to adapt to the increased stresses in police work, it is important for officers to have a stable home life. In addition, outside interests in sports, hobbies, or avocations are desirable to counter-balance the tensions and demands of the profession. Counseling assistance is available in the Department for those who have stress-related problems.

To feel self-confident and to function effectively, the person in police work needs a good measure of inner security. To feel secure, he must have a positive self-image. That is, he has to like himself as a person, think he is worthwhile, and feel that he is on a par with other people in the world. Without this positive sense-of-self the person in police work is likely to be overly anxious, insecure and, consequently, less able to efficiently handle a wide range of problems and people.



Officers are aware that there is a big difference between what a person thinks and what he does. Everyone is entitled to his thoughts. This includes officers as well as other citizens. Problems may arise when certain thoughts are acted upon. It is when this happens that others' rights are likely to be affected.

Thinking something is not a crime but putting the thought into action may well be. Our concern is not with what a man thinks but with what he does or intends to do.

A good sense of humor is an asset to the person in police work. Being able to see the humor in some situations can help ease tension, lessen the burden and keep many incidents interesting which might otherwise have become difficult and frustrating. The ability to laugh at oneself is one characteristic of a well-developed sense of humor.

### PROBLEMS OF ATTITUDE

"The professional, competent, emotionally secure police officer does not approach situations with a 'bristle.' He actively solicits the cooperation of the individual or group where the public peace is endangered. An officer with the ability to firmly but pleasantly solicit the cooperation of individuals or groups can frequently accomplish, through their cooperations, what it might take scores of officers to accomplish through the use of a 'hard' approach to the situation."

*Chief Edward M. Davis (Ret.)*

In police work, as in other professions, a certain amount of skepticism is healthy and can even save your life. It means alertness and not taking things for granted, even apparently routine situations.

### PROBLEM: A CYNICAL ATTITUDE

A cynical attitude means a negative view of life-everybody is wrong and nothing is any good. The extreme cynical attitude is usually accompanied by depression, anger, or both. A depressed or angry person cannot function as efficiently as a calm, optimistic one. In addition, this attitude will surely be communicated to other people and will likely influence routine matters on the street in a negative way. Officers have the occupational hazards of repeated exposure to criminals, suspects, militants, dissidents, people with problems of

living, and citizens who do not like officers or police work. Although these people actually constitute a relatively small percentage of the total population, they may seem to represent a much larger proportion of society because of daily contacts. This can lead to a kind of tunnel vision where there are only "good guys" and "bad guys" rather than a wide variety of individuals. Although its origin is understandable, the cynical attitude is non-productive and undesirable in the professional police officer.

### **PROBLEM: INTOLERANCE AND PREJUDICE**

The officer, like other citizens, is entitled to his private biases and personal feelings. However, when these attitudes adversely affect the manner in which he approaches and deals with people on the job, then his effectiveness as a police officer is diminished.

What is familiar tends to be comforting and what is unfamiliar tends to produce anxiety. This psychological principle should be considered in decision-making and in forming opinions.

An exaggerated attitude of superiority about your own race or ethnic group can impair your ability to be objective in professionally evaluating the behavior of individuals ethnically different from yourself. In extreme cases, it can render you incapable of judging the significance of conduct which differs from the standards and practices of your own subculture.

Prejudices that interfere with the police officer's professional judgments and actions are a handicap which must be acknowledged, examined and controlled.

### **PROBLEM: STEREOTYPING**

Working hypotheses based on past experiences with people are an important and necessary tool of the professional police officer. However, these working data should not be confused with stereotypes which are exaggerated assumptions based largely on emotional feelings.

Stereotypes are generalizations which automatically assign certain group characteristics to anyone who happens to belong to that group. Stereotyping is the kind of labeling that requires less thought and energy and is easier than taking the time to evaluate people as individuals. By selecting certain traits, usually negative, to represent all

members of a group, we effectively screen out individuality. This kind of labeling is inaccurate and unfair because we know that within every group there are individuals whose value systems, religious and political points of view are different.

Officers have long experience with being stereotyped as a group and so should be sensitive to this problem in regard to other minorities. Within the Department, men and women of all ethnic, religious and cultural backgrounds are employed on an integrated, equal basis. Remarks, actions, or jokes which can be interpreted as insults, even unintentionally, should be avoided.

### **PROBLEM: AN ATTITUDE OF SUPERIORITY**

Complaints frequently result when an officer approaches citizens with an officious or superior attitude. A heavy-handed belittling, badge-heavy manner actually reveals the officer's own insecurity and the attempt to compensate for it in his behavior. The secure individual is confident, authoritative and non-defensive rather than demeaning or overly aggressive.

### **PROBLEM: ANGER AND PROVOCATION**

Routine contacts may cause citizens to feel accused, guilty, angry, or resentful. This can happen without any provocation on the part of the officer. A person's hostility tends to be contagious—it stimulates defensiveness, counter-hostility and raises barriers to communication. The well-trained police officer is aware of this process and is able to control his reactions since he knows the anger isn't directed at him personally but at him as an authority figure.

### **PROBLEM: OFFICER AS AUTHORITY SYMBOL**

A few individuals react negatively toward police officers in an almost automatic way. The person isn't seen as an individual but as a symbol. Badge, gun and uniform may trigger guilt feelings and anger in people who have not resolved their own conflicts with authority. These individuals may actually be fighting against their problems by exaggerated reactions to authority. In order to feel more comfortable, they need to use an external authority symbol as a scapegoat. Officers

as well as other groups fill this need for a scapegoat. In this sense, police officers serve without due recognition or thanks. An explanation is neither a sign of weakness nor a pampering of the citizen. It is merely the professional approach of smoothing the way in order to get the job done with the least amount of strain.

### **PROBLEM: OVER SERIOUSNESS:**

Police work involves serious and sometimes tragic human events. Repeated exposure can lead to a tendency to shut off all feelings, appear gruff and serious to the point of coldness.

This is an occupational hazard that usually diminishes with experience and the knowledge that a smile can be more effective than a frown or harsh tone. The person who doesn't take himself too seriously is probably the more stable and better adjusted individual since the ability to laugh at oneself occasionally is a measure of inner security.

### **PROBLEM: BEING MANIPULATED INTO PROVING YOURSELF**

To insecure suspects, not only the uniform but also the age or stature of an officer can seem a challenge. The person who needs to challenge a youthful officer will try to bait or manipulate him so that he can "prove himself a bigger man." If the officer understands the reason for this behavior, he may help defuse the situation by merely acknowledging that "I know you're a man, you don't have to prove it." This may cut right through to the suspect's basic conflict and help to calm his anxiety over his being a real man.

Because the professional officer knows his own self-worth and is secure in his role, he doesn't need to demonstrate his masculinity or toughness by allowing himself to be manipulated into a fight. On the other hand, he doesn't tolerate physical abuse and takes prompt action to contain an assaultive suspect.

### **PROBLEM: WHOSE PROBLEM IS IT?**

In handling provocative individuals, the officer must ask himself the basic question, "Whose problem is it?" Invariably, the answer will be that it is the suspect's problem. The officer then gains little by

getting personally involved and making it his problem also. By recognizing the source of the problem, the police officer is able to control the situation, keep the contact an impersonal one and avoid a degrading altercation.

These suggestions form the basic guidelines that police officers should be expected to follow in contact with the public. There are literally hundreds of illustrations that could be cited about adverse contacts; however, a simple body of knowledge about how one should act will enhance relations with the public.

## SUMMARY

This chapter has shown how the humanitarian problems encountered in critical situations are responded to by the different agencies of the system. We have asked, what is it that makes people hostile toward the agencies of the criminal justice system? We have also indicated that all criticism directed at the system is *not* directed toward the police. However, a greater problem exists with the police because they have more contacts with the population on a day-to-day basis. Suggestions have been offered about what should be done to make the law more meaningful. Some rationale has been given to show why it is not easy to make the law more humane. Finally, there are observations about how the police perceive themselves and what they believe their problems to be.

In the final analysis, it is difficult to believe that the system does not give more than it gets from the public. Because there are so many different roles taken by members of the public, it is unlikely in this heterogeneous society that all segments will ever see eye to eye.

## **DISCUSSION QUESTIONS**

1. Why are most community relations problems of the criminal justice system directed toward the police?
2. Why has the image of the federal law enforcement agencies begun to be questioned by the public?
3. How have federal law enforcement agencies expanded their authority into local law enforcement matters?
4. Do federal and state police agencies have the same public image problems as local police?
5. Discipline is more difficult to maintain in federal and state agencies because of the wide dispersion of agents. Discuss possible measures to combat this problem.
6. The traffic enforcement problems of state agencies are acute because enforcement policies vary from state to state. Discuss some policies that are causing problems in your state.
7. Surveys indicate that officers involved in gambling and liquor control are held in lower esteem by the public because less importance is attached to the laws they enforce. What is the police reaction to this statement?
8. Do police problems involving officer conduct in most major police agencies have common causes, and thus common solutions?

9. High discipline in a police agency can only correct a part of the human interaction problem. How is the public also a factor?
10. The burden of resolving hostile contact with the public rests with the professional police officers. Give examples of some methods of resolution.

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. Some police officers exhibit a lack of control and a short temper. This lack of control means they are frequently creating hostilities. Do you know a person with these behavioral tendencies and based upon your analysis of this person should they be allowed to work in law enforcement? What do you do with this type of person?
2. There are a great variety of individual behaviors which elicit either friendliness or hostility. Identify, list, and analyze the five behaviors which you believe elicit friendliness and hostility.
3. Each of us have formed values based upon "significant emotional events" in our lives. Describe the event(s) that have brought you to your particular set of values.
4. What does a law enforcement officer do in a typical days work? Analyze the situations that constitute "significant emotional events." What positive forces do you suggest to offset the negative stress from these daily experiences?

## *Chapter 10*

# **AN ANALYSIS OF COMMUNITY PROBLEMS**

### **Learning Goals:**

- To understand how to conduct basic research of community problems using the values orientation technique.
- To understand the means used to gain insight into why community populations support given values.
- To be able to recognize the value system process as a viable way to determine a community's need for services.
- To gain insight into socially significant events and what happens when there is negative input without positive input into a community relations design to serve a community.

### **INTRODUCTION**

There are many ways to analyze the attitudes, feelings, and other relevant traits of the people of a community. There have been frequency distribution studies, measures of central values, measures of variability, correlations, and others predictors of norms and variations. These studies are all included in the millions of pages of research paid for by the government and other interested persons.



While the research has contributed to explaining how things are, it is perhaps even more important to understand why things are like they are. The mystique of statistics has brought us to the point where there is a need for logic and common sense to explain to administrators what is required to make social changes. By explaining why people with different values think differently through the process of "value system processing," perhaps common sense will tell us that change can be made in a community only if certain conditions exist or have preexisted in that community.

In this chapter the methodology in *value system processing* has been outlined so that a person who develops a community relations program for the criminal justice system will have a model to follow. This method is designed to take any demographic fact such as the independent variable, and assess why populations, based upon that variable, have certain values. Thus, if we assess and measure community values in this way, we can design programs that result in positive orientations for the community and for the criminal justice system serving the community.

The design, while highly simplified, will be presented in the following order: (1) value system processing, (2) basic values formation, and (3) evaluating significant emotional events.

## VALUE SYSTEM FORMATION

We each meet situations which call for thought, opinion making, decision making, and action. Some of our experiences are familiar, some novel, and some are casual. Many are of extreme importance. Everything we do, every decision we make and course of action we take, is based on our consciously or unconsciously held beliefs, attitudes, and values.

It is not necessary that we know how these processes take place in order to make them work for us in a positive manner. If you will concentrate right now on what you are thinking, you will

realize that encounters with friends, family, classmates, and peers are causing you to form important personal and theoretical ideas in your mind. There are seven basic processes in the classification of values. These are shown in Table 10.1.

### Selecting One's Beliefs and Behaviors

Choosing From Alternatives.

Selecting After Consideration  
of Consequences.

Choosing freely.

### Prizing One's Beliefs and Behaviors

Prizing and cherishing

Publicly Affirming, When Appropriate

### Acting on One's Beliefs

Acting With a Pattern, Consistency,  
and Repetition.

**Figure 10.1.** The process of "valuing" (adopting values).

To better understand value processing, some explanation is important. For example, "moralizing" is the direct, although sometimes subtle, teaching of the adult's values to the young. The problem is in selecting desirable values. If a young person has been brought up with a moralizing adult, he or she may not be prepared to make his or her own choices. This then may cause decisions to be made on the basis of peer pressure. Such, in turn, may lead to unthinking submission to authority or to undue influence of propaganda. This kind of orientation frequently brings about eventual rebellion against authority and ignores the value system of the larger society.

Further, no value system is right for everyone. People must forge their own set of values. The problem with this approach is that young people often experience conflict and confusion when left on their own; thus, their values are gained from the environment in which they live. In law enforcement specifically, and the criminal justice system generally, these value orientations are often overlooked in evaluating different behaviors. For example, to shoot craps on the sidewalk may be perfectly acceptable behavior in some neighborhoods, but not in others.

Values are learned during three critical periods of our life as shown in the value system processing chart in Table 10.2. From ages 1 through 7, values are learned mostly by "imprinting." Behavioral patterns are learned from parents and baby-sitters. "Modeling" occurs between the ages of 8 and 13, at which time we tend to choose people (real or fictional) whom we want to be like when we grow up.

The third phase, known as "socialization," takes place between the ages of 14 and 20. We learn from and adopt values held by our peers and others with whom we associate in school, at work and in church. By the time we have reached the age of approximately 21, our values are fairly well set and are not likely to change dramatically short of a "significant event" (an event that is emotionally important and meaningful).

This is not to say that people never change after reaching the age of 21—of course, they do. We are discussing here such things as basic values, our understanding of "right" and "wrong," basic ethics, attitudes toward other races and ethnic groups, etc.

There are a number of events which might occur during each of the imprinting, modeling, and socializing stages of one's value development which will leave long-lasting perceptions as they apply to the police and other segments of the criminal justice system. These are discussed below.

*Imprinting*, is a stage where values held by the parent will be reflected in the child. What kind of perceptions do you suppose a child will develop of the police if, for example, the parent repeatedly threatens: "If you aren't good, I'll call the cops and they'll take you

to jail!" The child does not thoroughly understand the meaning of "cops" or "jail," but does associate the police with something "bad" that may happen. Understandably, the child learns to be frightened of the police before he or she may have ever seen a police officer.

Age Group	Value Periods	Value Processing
1-7	■ Imprinting	■ Behavioral information stamped into the personality.
8-13	■ Modeling	■ Hero worship - who we want to be like. Hero may be known or unknown.
14-20	■ Socialization	■ The significant others. Association with like people.
21 and over	■ Universal value and behavior are set and usually changed only by a "significant event."	

**Table 10.2.** Value system processing chart showing ages and sources for different types of values.

*Modeling*, is the phase where the child may very well want to be like the police because of their shiny vehicles, bright lights, neat uniforms, and loud sirens. Again, we might inquire of the impact when a parent puts the child into the car and tells it to "look out for cops because they will put us in jail." While the child wants to believe in the basic goodness of its hero, it is again frightened of the

unknown. Events such as these can develop unconscious fear of the police.

*Socializing*, is a dramatic period of change for most young people. They evolve from hero-worship to peer valuing. This can be a dangerous period for relations with the criminal justice system. For example, if many of the neighbors park on the wrong side of the street with relative impunity, imagine how a teenager must feel when issued a citation for the same infraction. Further, this "significant emotional event" (which a citation is, especially to a young person) may be made worse by a juvenile court referee or judge who is not empathetic and deals out a too-harsh penalty.

No other police and court function can create as much animosity as does the issuance of a questionable citation. Running a close second might be the stopping and searching of a car without adequate legal basis or logical explanation to the driver and occupants.

Animosity is increased in both the above situations if it is done in front of a teenager's friends. An entirely new manual of police procedures in dealing with juveniles might very well be in order in many cases. Poor judgements and procedures urgently need to be eliminated in some agencies. The practice of using police traffic enforcement as a key source of raising funds for local government is particularly resented by most people. For one thing, it changes the purpose of citations from traffic safety to "raising taxes."

In the adult years, changes in people's values are very difficult to attain. Those espousing human and community relations programs should realize that once a negative value has been implanted, only a stronger significant emotional event will change it. For example, if as a juvenile, a person is stopped and issued a citation, this is a significant emotional event. If that event ends with negative connotations toward either the officer or the system, there is very little chance that later community or public relations programs will change the attitude of the person holding the

negative images. The point is, once the negative image is planted in a mind, there are very few ways of removing these negative values. Expectations programmed at a young age are carried into adulthood and are not easily changed.

One should not conclude, at this point, that as adults our values never change, because such is not the case. The following chart (Table 10.3), for example, shows how police officers may go through a continuing process of changing values at various stages of their career.

## BASIC VALUE FORMATION AND DEVELOPMENT

Forces that impact upon a person's value system have been identified for many years. However, the film: *What You Are Is Where You Were When*, has popularized these concepts. These forces are illustrated in Tables 10.4 and 10.5.

Value systems fluctuate, but those cited in the film mentioned above, reflect general trends in the United States. We can then draw some general assumptions for the data cited in Table 10.5. These assumptions are:

1. The basis of programming in early years is significant in how your values are cast in later life.
2. You are what you are, regardless of right or wrong, because you have been value programmed that way.
3. When we accept other people's gut level values as being of significance to the good of society, there will be some changes in the application of human relations doctrines.
4. If we desire change in a value system, and that is what law is all about, we must know how to create significant

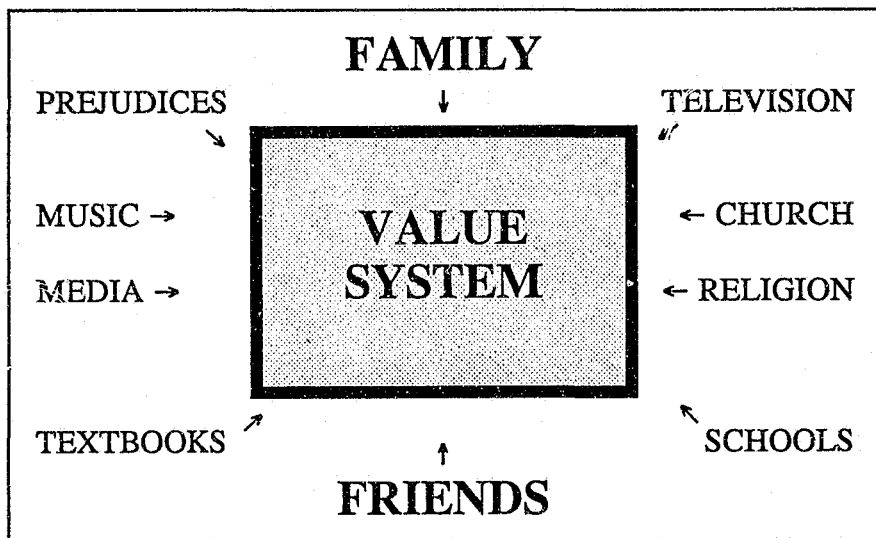
★ POLICE VALUE PROCESSING ★			
Work Position	Police Officer	Supervisor	Administrator
When Programmed (years on job)	1-5 years	1-10 years	1-15 years
Influence Factors	<ol style="list-style-type: none"> <li>1. Encounters with drunks, pimps, murderers, etc.</li> <li>2. Lack of consistency in law, courts, etc.</li> <li>3. Learns police are vulnerable.</li> <li>4. Work hours causes family problems.</li> <li>5. Strong comradery develops between officers.</li> <li>6. Increased alienation from "them" (society).</li> <li>7. Suspicious of everyone.</li> </ol>	<ol style="list-style-type: none"> <li>1. All to the left, plus</li> <li>2. Becomes disillusioned handling personnel problems.</li> <li>3. Caught between officer concerns and administrative demands.</li> <li>4. Keeps troops together via common enemy, i.e., the public.</li> </ol>	<ol style="list-style-type: none"> <li>1. All to the left, plus</li> <li>2. Political survival.</li> <li>3. Not always able to defend officers' accounts.</li> <li>4. Allows "fudging" to improve statistics.</li> <li>5. Frustration with poor court decisions.</li> <li>6. Administrative support enhances "in-breeding."</li> </ol>

**NOTE:** Value from each succeeding position are carried over into next ascending level of authority.

**Table 10.3.** Police value system processing showing typical periods and influences affecting values.

emotional events in other people's lives that will be slanted to creating changes based upon law.

5. People need to be able to reflect back to their early programming so that they can understand what is happening to people around them, as well as understanding what is happening to themselves.



**Table 10.4.** Some of the many forces that impact upon value system formation in young people.

## EVALUATING SIGNIFICANT EMOTIONAL EVENTS

How can we best use value processing in the-establishment of community relations programs? There are several strategies suggested to gauge what values are held by different demographic groups in a community at large, or by an individual. Entire books of strategy are available, but only three modes are suggested here. One mode is the taking of an independent variable, such as age, as was shown in Tables 10.2 and 10.5, and integrating known values



Current Age	60's	50's	30's	20's	Teens
When Programmed	1940's	1950's	1960's	1970's	1980's
Influence Factor	1. Great Depression 2. Security-oriented	1. World War II 2. Commitment to Win 3. Family Decay 4. Mobility and Change	1. Affluence 2. Indulged Children 3. Dr. Spock Philosophy 4. Television 5. Length of Hair 6. Permissiveness 7. Vietnam War	1. Space Program 2. Bad-guy Heroes 3. Civil Rights 4. Computers 5. Jaded Expectations	1. Technological Development 2. Minority Rights 3. Abandonment of Marriage 4. Little Self-denial 5. Early Retirement 6. Small Cars, Autonomy 7. Harsh Economic Reality 8. Discarding Liberalism

**Table 10.5.** Programming patterns from past decades. Chart shows that different values were important in influencing values over the years. Table helps to explain why certain age groups subscribe to certain values because of significant events when they were younger.

to support a hypothesis. The second method is to use one of several values, such as classification strategies, to identify a subject group's feelings and priorities about key criminal justice problems. The third method is to incorporate the assessment of values into present subject matter.

### **The Independent Variable**

Briefly, this is illustrated by using age as the independent variable. For example, if we were to study the cause of friction between officers and citizens, we might look to the direct connection between stress and brutality. Rather than place emphasis upon stress management, we would individualize a problem that might be ecological, cultural, organizational, or individual. This interpretation would then address the problem in a broader sense. If we chose to study the problem organizationally, we might find that valuing periods of work groups in a police agency would generate different values as indicated in table 10.6 below.

The valuing periods could cover all three areas showing how the individual is oriented to the particular position. This kind of values processing is gaining importance because of the vast numbers of lawsuits being initiated against police officers for brutality. (There is a question as to whether brutality is on the increase or whether it is more likely that society is just becoming more litigious.) In any event, there is a problem arising in the police subculture that needs to be addressed using techniques more comprehensive than just treating individual officers for stress. The problem is bigger than just the individual officer.

The forces that alienate officers from the larger society begin to develop early in a career, and after several years on the job, the police tend to divide the world into two groups: "them" and "us." (See Tables 10.3 and 10.6).

Work Group	Value Periods	Value Processing
<b>Captains and above</b>	Imprinting Modeling Socialization	Is the boss admired? Does he/she act as you would in a like situation?
<b>Sergeants and Lieutenants</b>	Imprinting Modeling Socialization	Is the supervisor's actions satisfactory to the others? Does he/she relate well to individuals?
<b>Officers</b>	Imprinting Modeling Socialization	Are employees being developed to handle the next higher position?

**Table 10.6.** Value processing using police groups as the independent variable.

## SUMMARY

This chapter has taken one method of assessing a population, reviewed the highlights, and indicated that the analysis of values in a community might be the best method of researching a design for community relations programming.

The measurement of a community's value system has left us with at least two strong guidelines in developing a community-based human relations program. First, what the police and other system functionaries believe to be a good program may not, in fact, be addressing the concerns of the citizens. Second, most community relations programs now in effect are public relations oriented designed to improve the image of the agency. Even they are not going to be effective unless significant emotional

events happen to an individual that are stronger than the emotional events that have been occurring to him throughout his lifetime. This is not very likely.

We can conclude from this type of research methodology that, unless there are powerful, goal-directed programs aimed at groups of specific value directed populations, the concept of community relations programming is not going to be effective.

## DISCUSSION QUESTIONS

1. Value assessment tries to explain why things are like they are, but without statistical support. Discuss.
2. If we can assess what the community is like, we can design better programs for human relations. Discuss.
3. Value systems result, in part, from contemporary cultural experiences in the community. Discuss.
4. Police are an important role model for the young because of frequent contact with, and high exposure to, the public. Discuss.
5. There are at least four valuing periods in the life of an individual. Identify and discuss.
6. How does the forming of values differ as each person articulates values as he or she grows older?
7. Forces that impact upon basic value formations are well known. Which are the most important?

8. What are the significant emotional events of the past decade? Of the past year?
9. Are the general guidelines cited in the chapter significant as a guide in the programming of criminal justice community relations?

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. Our changing society has brought with it changes in the social meanings of age: blurred boundaries between the periods of life; new definitions of age groups; new patterns in the timing of major life events and new inconsistencies in what is considered age-appropriate behavior. Analyze your own life and define at least two periods, i.e., childhood and adulthood. What are the significant emotional events that have been the basic building blocks of your behavior.
2. Analyze what is termed "classical police behaviors." Define what some of these behaviors are. (Refer to the trial of Rodney King). Illustrate how society contributes to the defined behaviors. How can this kind of influence be minimized? Can a personality be changed?

## *Chapter 11*

# **WHO IS RESPONSIBLE FOR COMMUNITY—POLICE INTERACTION?**

### **Learning Goals:**

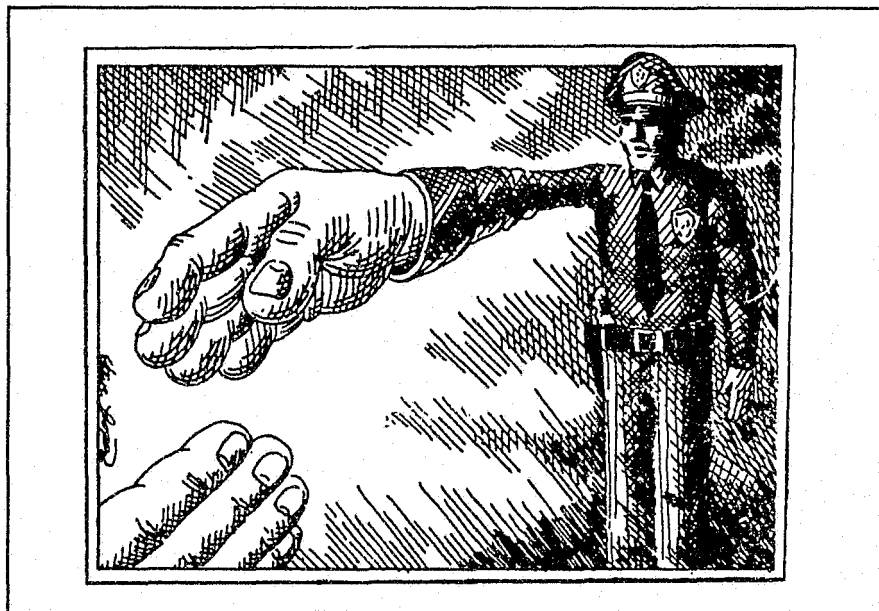
- To show that community responsibility for crime must be shared by the criminal justice system and the community.
- To illustrate how police attitudes become stilted toward a community that is hostile.
- To describe the consequences of public pressure on police agents.
- To identify stress related reactions in contact with police and the community.

### **INTRODUCTION**

Because of the presumed changes in police roles during the past two decades, there have been increased pressures for police officers to interact in a better way with the community. Pressure groups in the community have asked them to shed their old image of “macho man” and become more involved in the social problems of the community as a whole. The “macho man” image has often

been perpetrated by police trainers and police educators who may not have been quite sure what the role of the police officer should be. The importance of the police officer as a community service person has, for the past fifty years, been clearly indicated.

The police have not ignored their responsibility in this area. However, the training and education necessary to do a superior job in the community have been inadequate, because emphasis has been placed primarily upon enforcement activities. These latter activities are clearly defined in the law, while services in the social sector have developed more from tradition and public need (See Figure 11.1).



*Figure 11.1* The police officer symbolized as a service agent in the community.

Who should assume the responsibility for changing these roles is discussed in (1) the significance of role identification in police

performance, (2) stress as it effects the police role, and (3) the citizen's responsibility for interaction between police and community.

## **THE SIGNIFICANCE OF ROLE IDENTIFICATION IN POLICE PERFORMANCE**

In general, the reputation of the police may not always be good. This is partly because the police have been charged with handling socio-legal problems in the community. Often the causes of social deviance, and thus social control, are created by causes over which the police have little authority or ability to cure or control.

The police are often the victims of rumors, generalizations, and "scapegoating" (finding someone to blame) by militant or special interest groups in the community. Because of this underlying community harassment, some officers have erroneously developed an attitude of "since I am being accused, I may as well live up to my community reputation."

### **Public Attitude**

In all too many instances, the public has developed an erroneous perception of the role of the police. Many sociologists feel the public has been "conditioned," especially by what they see on television police shows, to believe that the police resort to violence much more often than is actually the case. Almost every episode of the typical police-type television show depicts the police as solving most situations by violent action. This is obviously done for dramatic and entertainment effect, and does *not* represent the reality of day-to-day police work (which can be very boring at times)! However, because of these "conditioned perceptions," too many people expect police arrogance or mistreatment. On those occasions when the public is not treated in a professional manner



by a law enforcement officer, the recipient understandably concludes that *all* police act that way at *all* times. The majority of the community, however, believe that the police use only those tactics necessary to properly handle the problems of the community. It should also be pointed out that the way the police conduct themselves, is often in direct response to how much public support they routinely receive.

The feelings of the community need to be known before we can discuss attitudes about the role of the police. In a recent survey, it was shown that 70 percent of the public has a great deal of respect for the police, while only 4 percent said they had no respect for them at all. While acceptance is not as high as it might be, it is still a clear indicator that police services may not be quite as bad as some people would have us believe.

In the same survey, ghetto residents had higher resentments than the community at large. This is probably because the ghetto is largely made up of minorities and low economic groups, which tend to distrust virtually all authority figures. Of these minority groups, the Blacks are more negative than Whites, with only 51 percent believing that the police are doing a good job. The young in minorities are a special problem because 60 percent do not believe that the police are doing a good job. On the other hand, of those over 45 years of age, only 30 percent believe the police were not doing a good job.

These attitudes should not be considered an indictment of police service. The 30 to 40 percent who do not believe the police are doing a good job serve notice to all institutions of government that the agents of government are under constant scrutiny. They are also serving notice that the government as a whole will likely be challenged for every misdeed. These figures are healthy for a democracy where dissent plays an important role in bringing about positive change.

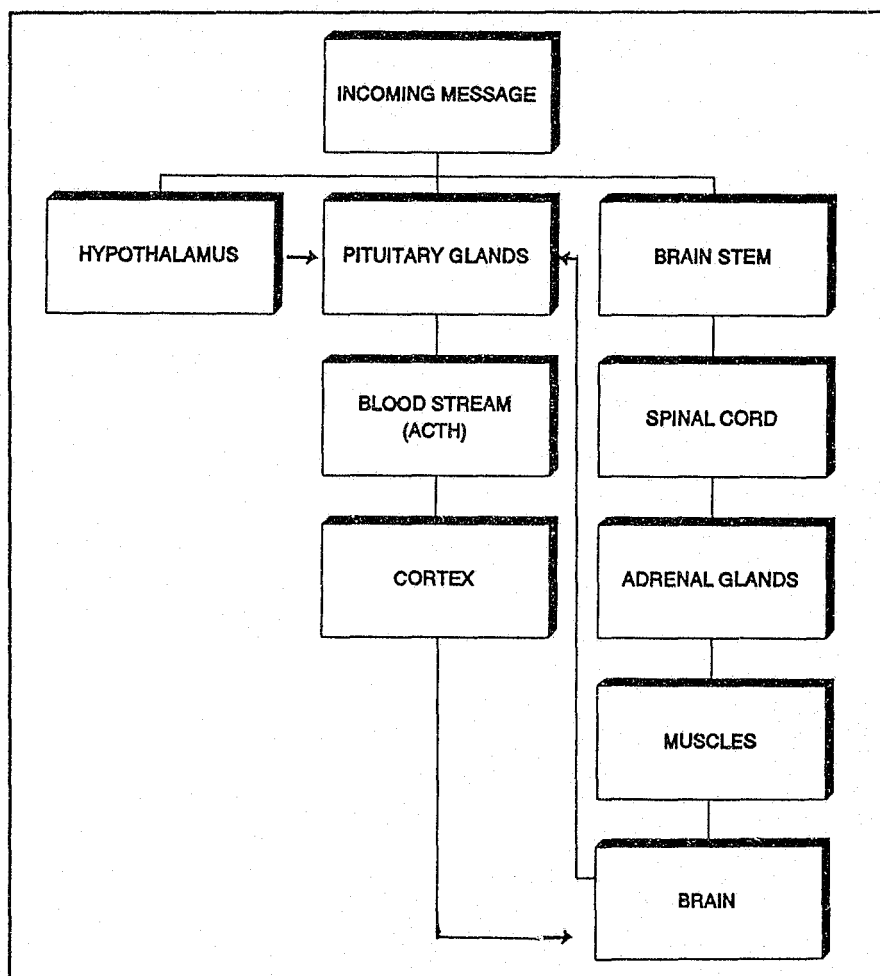
Because the public exercises a continuing check on the activities of the police, there is constant pressure not to violate a person's constitutional rights. This constant pressure, if not relieved by realistic training and counseling, becomes detrimental to effective police service. A natural consequence of this pressure exhibits itself in the form of stress reactions in critical situations, "burn out" on the part of the officer, and other personnel problems.

### **STRESS, AS IT AFFECTS THE POLICE ROLE**

When we view police behavior patterns, the issue is not the "mistakes" an officer may have made. Rather, we need to search out the reasons for the officer's actions, which may include sarcasm, vulgarity, disparaging remarks about race, drinking, and aggressive stances when none are needed. These are the actions that cause 90 percent of complaints against individual officers. These are also the actions for which the community at large can find no justification.

What makes a police officer do these foolish, offensive, and often unthinking actions? While stress may not account for all the reactions, it is the primary cause for many of them. The reason for discussing stress in depth is that a police officer, if he or she understands the dynamics of stress, can better control the ensuing reactions.

Stress has served man well in the past and is a positive force for surviving in today's environment. When a body senses danger, the stress process is set in motion; the muscles tense, the heart pounds, the breath comes rapidly, and perspiration may begin. This is the body's signal to get the muscles primed, to get attention focused, and to get nerves ready for anticipated "fight or flight." (See Figure 11.2 for a chart picturing this very complex process.)



**Figure 11.2.** Chart showing the chemical trail in the brain and nervous system caused by stress.

In response to the stimulus of stress, chemical messages (1) are carried along neurons in the brain to the hypothalamus (2), stimulating the production of the chemical CRF. The hypothalamus sends the CRF along two trails. The first trail goes to the pituitary

(3), where the chemical is changed into the hormone ACTH. This enters the bloodstream (4) and travels on to the cortex of the adrenal glands (5). ACTH initiates the production of cortisol, a chemical that increases blood sugar and speeds up the body's metabolism.

On trail two, "messengers" leave the hypothalamus and trigger electrochemical impulses down the brain stem (6) and spinal cord (7), until the signals reach the core of the adrenal glands (8). The result is a release of adrenaline, which helps supply extra glucose to serve as fuel for the muscles (9) and brain (10) and produces norepinephrine, which speeds up the heartbeat and raises blood pressure. Both trails feed back to the pituitary (3) to further regulate the stress responses.

Good training in the powers of observation, the ability to analyze a situation, and the development of common sense in responding to stress signals is vital to good police work. The ability to arm and disarm stress processes of the body leads to good mental and physical health.

Stress related symptoms are acknowledged as a corollary to police work. Police pension systems are developed to cover officers who suffer from cumulative stress. Of the six leading causes of death in the United States, stress plays a vital role in aggravating the conditions which contribute to these deaths. What have the police agencies done to accommodate the traumatic situations faced by the individual officer on his work shift? The answer is that very little has been done by public organizations to alleviate stress in police agencies. City governments and city administrators have not addressed the problem on a therapeutic basis.

When cities pay out millions of dollars in civil claims arising from the actions of officers who have overreacted to a stress situation, it seems logical that this would prompt them to recognize the need for extensive counter-stress training.

The police officer lives in a world of uncertainties, present in nearly every contact the officer makes. The mere enforcement of a "poor law" can cause stress. Also, society's attitude toward sex has caused turmoil in police agencies for the past two decades. Sexual permissiveness and new social and work roles result in a chronic psychosocial (stressful) situation.

Dr. Hans Selye identified stress as the "rate of wear and tear" on the body. It is so pervasive that psychological (mental) strain alone can cause physiological (physical) symptoms. Fortunately, human beings have a fairly high capacity for withstanding massive doses of stress. The great weakness of the human body, however, is the inability to mobilize for *recurrent* stressful episodes. The logical conclusion is that community contacts are going to cause wear and tear on an officer who is not psychologically trained to adjust to each changing situation.

Interestingly, it is not so much the major incidents that cause stress. Authors Conroy and Hess, in their book *Officers at Risk*, note that negative stressors include such things as a perceived lack of administrative support, court leniency, antagonistic contacts with citizens or prisoners, physical danger, and rotating work shifts. In a South Florida police study, it was found that the friction of dealing with an "ineffective" judicial system and "distorted" press accounts about their work caused greater stress than arresting felony suspects. Along the same line, the Houston Police Department, found paperwork to be more stressful than physical danger, for many officers.

## **STRESS FROM CONTACT WITH POLICE**

While we have zeroed in on the police, the same incidents of stress are happening in the community. The stress of poverty and ghetto life is twice as high among American Blacks as among

Whites. Life in the ghetto creates unique stress situations. For example, social isolation, reduced income, and problems of being a single parent are chronic pressures in the ghetto.

Contact with police can be very stressful for many people. There is a "ripple effect" that transcends the entire well being of an individual. This contact, no matter how insignificant to the officer, makes the recipient wonder if he or she will be arrested; if arrested what will happen to his or her job; and, if the job is gone, what will happen to the family. The psychological changes resulting from a simple police contact can be devastating. There is little likelihood that the public will ever learn to adjust to this type of contact stress. What the police reap in these kinds of contacts are often bitterness, fear, hatred, and an inability on the part of the contacted persons to have a feeling of trust for the police.

A police officer needs to recognize signs of stress and analyze his or her own motivating stress factors. At the same time, he or she needs to understand why a citizen may be tense and stressful in a police contact. If this concept is understood, one can more readily understand why people contacted by the police do not always respond as appropriately as the police expect. The police and the community, if there are going to be less stressful contacts between the two, are going to have to find a way to make the interaction smoother.

## **POLICE BURN OUT**

Police officers are often products of the causes of stress found in their jurisdiction. The typical officer develops attachments toward his or her employer, and he or she is tied physically and psychologically to the persons with whom he or she works. The officer works within an environment that surrounds him or her with pressures and demands. These pressures and demands cause individuals to perceive their role either positively or negatively. If

the role is perceived in a positive sense, there is a strong self-image built around the employee; however, the reality of human behavior generates many negative responses to stress situations that are present in nearly every police contact with the community.

Most police officers reside in the city or area they serve. Thus, their loyalties and emotional ties are to the city, and often to the community, in which they work. Research has shown that approximately eighteen months of experience makes an officer more active, assertive, and self-directing. Often the officer's environment remains stable but the officer changes, and this potential incompatibility may result in a number of emotional traumas. These traumas, or stressors, can further change a person psychologically, if the causes are not recognized and life style adjustments are not made. Police burn out is an accumulation of things that cause stress and are often not recognized and properly dealt with by management. A few of the most prominent of these causes are discussed below.

***Shock:*** The officer does not want to acknowledge that a change is taking place. Sensing this change may actually cause grief and anger. If the change is drastic, the regaining of emotional equilibrium may take months once the problem is recognized.

***Guilt:*** An officer may assume feelings of guilt about having to enforce laws that he or she may have violated. The officer may have guilt feelings about exercising authority over friends or neighbors.

***Isolation:*** If any traumatic experiences have occurred, it is normal for administrators and citizens not to listen or try to understand why these traumatic experiences happened. If the experiences result in administrative hearings or civil litigation, the officer must

relive the experience over and over again. An officer in trouble becomes an isolated person.

**Anger:** Inconsistency in the law and departmental policies, "red tape," and delays keep an officer on edge and perhaps angry. An atmosphere of hostility may be present unless management is skilled in interpersonal relationships.

**Depression:** Traumatic encounters, adverse interpersonal relationships, and continual stressful work situations can contribute to a declining interest in the job. Financial problems and injuries also often lead to depression. Trained managers or a skilled therapist should know problem solving approaches that help an officer to regain his or her self esteem.

**Anxiety and Vulnerability:** Feelings of fearfulness, restlessness, and irritability are often detected and management should be aware of stress reduction techniques.

**Alcoholism:** Police work and alcohol tend to be companions. Young officers are especially vulnerable to hypersensitivity, aggressiveness, and obsession with fear which may lead them directly to the excessive consumption of alcohol. Many departments are not addressing this problem through counseling and rehabilitation programs.

**Relationship Problems:** The stress of the job is often a motivating factor for an officer to withdraw in anger or to lash out at others to seek relief from his or her stressful feelings. Partners are affected first; then the husband-wife relationship is put to the test.

These instances, and hundreds more, exist which the police officer must overcome. Organizationally, the patrol officer is



probably more susceptible to critical trauma on the job because he or she may be younger, less experienced, and often less wise to the machinations of the system. Officers working as correctional personnel experience the same type of emotions and stress, perhaps even more so than does the police officer on the street.

An emotionally strong officer is a prime prerequisite for successful service to the community. In more and more cases, professional counseling, peer counseling, and crisis intervention techniques are being used for the police officer as well as for crime victims. It is past time to recognize the stressful role of police work and to see that the officers are kept emotionally strong enough to face the challenges of the community.

### **Stress Related Personnel Problems**

Pressure from the public also affects the cohesiveness of, and the ability of the officer to operate within his or her peer group and to be self-actualized within himself. In order to avoid these negative implications, the police must be positive in realizing the following:

1. Laws are designed to do the most good for the most people and not to restrict people needlessly.
2. An officer must scrupulously obey the law.
3. An officer must give friendly, courteous service.
4. All of government is reflected in police behavior; people tend to think of police as their government.

5. Law enforcement depends upon public support. Good support generates better service and thus better police.
6. Public relations must begin inside the department, and success depends upon the impression created within the community.

Many police administrators have taken positions emphasizing the importance of police involvement in the community. For example, Chief Ray Davis (Ret.), Santa Ana, California, makes the following points:

1. The police deal with people and their problems. How, then, can we ever evade the social problems of a community?
2. A total community service approach must be adopted by the police, recognizing that it is extremely difficult to accomplish this when so many conflicting views of the police officer's role are caused by the media, the mystery writer, the politician, the citizen, and more importantly by the officer.
3. We should be initiating essential changes in our training programs and spending more time emphasizing how the police officer can become more involved in understanding human frailties.
4. Young people choosing police careers must be aware that an officer's ultimate image has to be somewhere between that of a social worker and a reluctant enforcer of necessary laws—and that the police must have the ability to understand the human problems of their community.

5. It would also help if there was a better understanding of the philosophies that cause the police to be more concerned about a disruption of a community than the enforcement of a law that is not achieving any purpose or lasting impact (e.g. immigration laws).
6. The role of the police is more important to the community than the "cosmetic" enforcement of certain laws.
7. A police officer cannot have at his or her fingertips, direct solutions for every social ill, but that officer must be trained to identify and understand a variety of ills and be capable of referring, recommending or even involving himself or herself in an effort to find the best available solution.

### **CITIZEN'S RESPONSIBILITY FOR POLICE-COMMUNITY RELATIONS**

In our society, all too often, everyone stands around and points the finger of responsibility at every other person. The same thing is true when there are poor relations with the police. Not too many people in the community have admitted that if poor relations exist with the police, it may be the fault of the residents of the community. A study in Corpus Christi, Texas, showed that only about one-half of the hostile encounters with the police could be attributed to the police officer. The question then arises, who else should assume some of the "blame" for hostile attitudes between police officers and citizens in the community?

Many authors have addressed this problem on police-community interaction and most have blamed the friction entirely on the police agencies and the police agents themselves. The terms "discretionary abuse" of police power, or the abuse of "institutional power,"

are popular terms when blame is to be fixed. Others see these events as aberrations of police personalities, while others use the terms "police deviancy" and "brutality." It would appear that each incident may have traces of each syndrome. While the police themselves can address the problem in 40 to fifty percent of the cases, there are a vast number of complaint areas that the police cannot resolve. *This, then, must be the responsibility of the community!*

Rarely has anyone challenged the community to "get its act together." Special interest groups in the community often make accusations without fact. Because they generate threats by innuendo, and before the facts are in, the incident becomes so skewed from reality that there can never be a reconciliation of hurt feelings, damaged reputations, and fear generated for each other. It does no good to train a police force in the fine points of sociological behavior if segments of the community itself do not possess a modicum of civilized behavior. This was clearly evidenced in the 1992 South Central Los Angeles riots.

We are at a time in history when the social contract (each must give up a little freedom so that all may share equally in the system of law) has to be looked at as applicable to all citizens. This is a carefully measured formula, and the rules established for social control require compliance by *all* citizens.

The community today—that is, the political, educational, and minority community—is different from what existed as few as five years ago. The larger society is no longer catering to the special interest groups that have been so demanding in the past four decades.

Citizens who may have grown up to resent authority because of the civil rights marches, the Vietnam War demonstrations, and Watergate have a very conservative orientation today toward the treatment of crime and public disorder. Young persons are more inclined to support the classical theory of crime control than the

"due process model" which has prevailed for several decades. Based upon student surveys and upon the responses in the last presidential election, these new ideologies will probably exist for the next several decades.

This change does not mean that the criminal justice system will become polarized from the community. It does mean that the system will become oriented through Supreme Court interpretations and a different management philosophy belonging more to the classical theory of crime control. Individuals will no longer be able to blame "society" for their criminal tendencies. The change in the administration of laws in the past few years has indicated that juveniles will no longer be able to hide behind the cover of age. A juvenile who habitually commits serious crimes will more likely be certified to adult prison and will not be continually reprocessed time and again through the system.

The liberal ideologies that were once prevalent in the community no longer have support from a majority of the public. Thinking leaders of minority groups now say that the minority community can no longer stand the brunt of criminality and are requesting a higher level of enforcement in their communities.

## **SUMMARY**

The police cannot, by themselves, have more than partial success in crime control without the aid and cooperation of the community. If the community does not join in the efforts of the police to maintain public peace, then the concept of good community relations cannot exist.

Stress affects the police and citizen relationship. The causes of stress realistically show why police officers and citizens alike respond to critical interactions in a negative manner. There has also been an attempt to show the trauma of contact with police on the public. Once the police understand the consequences of this

trauma, their approach to public contact will take on new importance.

A short overview of police burn-out has been discussed, and some of its causes have been shown. By implication, it has been shown that burn-out is a result of a combination of events, many of which could be controlled by good management practices.

Along with the responsibility of the police in maintaining good relations, it has been shown that the public may be the critical key to good community relations. It has been suggested that the new philosophy may necessitate a better attitude toward the victims of crime rather than to blame the community for "making the criminal." The basic philosophy of dealing with criminal acts is changing, and the individual criminal, not society, is going to take the blame and consequences for his or her criminal behavior. When this attitude change is firmly established in the community, both the police and the community can expect a better understanding of each other's roles.

## **DISCUSSION QUESTIONS**

1. Are police roles fairly well defined? What changes in police roles might we expect?
2. Are community attitudes toward the police in turn reflected back to the community through the police? How?
3. Discuss how some of the problems between the community and the police may have resulted from the media portrayal of the police.
4. If police procedures in the media accentuate violence, is violence more apt to become standard police procedure? Give some examples.

5. Many people, because of their exposure to the media, actually anticipate police mistreatment. Why?
6. Ghetto residents have a higher resentment of the police than the general population. Is this normal and expected? Why?
7. Stress, if understood by the police officer, can temper the way in which the officer interacts with the public. Discuss.
8. If an officer understands the consequences of the stress caused to an individual in a contact, how can that contact be modified so there is less stress for both parties?
9. The police must deal with people and their problems. Are police social agents in the community? In what way?
10. It is suggested that the behavior of the individual in the community is as important as that of the police officer if there is to be satisfactory police/community contacts. Discuss some behaviors that affect these contacts.

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. Consider police behavior patterns and seek out the reason for an officer's and a private person's actions based upon a classmate's (or your) contact and experience with a police officer. Identify the "stressors" both experienced. Analyze the situation and determine how hostility may have been or was avoided.

## *Chapter 12*

# **THE IMPORTANCE OF SELF-IMAGE**

### **Learning Goals:**

- To explain why individual actions, rather than organizational activities have greater impact upon improving criminal justice community relations.
- To understand the importance of nonverbal actions and reactions in criminal justice operations.
- To understand how professionalism must develop within an agency.
- To develop techniques in and understanding of the reasons behind the use of human relations skills by law enforcement agencies in the community.

### **INTRODUCTION**

The importance of individual thoughts and actions has been stressed throughout this text. There has been an attempt to show that individual actions, not organizational operations, are the primary cause of conflict in a community. It may not matter what the organization does; if the individual within the organization does not perform in an equitable and proper manner, the organization is doomed to failure.



The image held by the community of the functionary in the criminal justice system is viewed in at least three ways: (1) professionalism and the image in criminal justice, (2) nonverbal ways in communicating, and (3) improvement of human relations skills.

## **PROFESSIONAL IMAGE IN CRIMINAL JUSTICE**

The criminal justice system has evolved through several centuries, and each of the divisions of the system has gained respect from the community through professionalism. The court system, from the Greek city-states through England, has achieved some status within the system. It has achieved a mark of respectability that the rest of the system is now attempting to achieve. Judges have grown with the courts and have set standards that allow them the distinction of being better prepared for their job than anyone else in the system. Also, because of their role in the political system, they are able to exert a considerable amount of leverage on the other two branches (executive and legislative) of government. Other agencies of the system do not have this influence.

Defense attorneys and prosecutors are continually under attack about their professionalism. Often, their role in the system makes it difficult for them to retain a facade of professional respectability. Their professional role appears subordinate to that of the judge, even though the same or similar qualifications exist.

Correctional workers have also struggled during this century to gain increased professional status; however, they have been only moderately successful. Unfortunately, law enforcement falls into a slightly lower niche in the eye of the public than any of the above, despite its struggles to make the job truly professional. The law enforcement code of ethics is considered by those in the agencies as being of great significance (see Figure 12.1). In

reality, however, it is just another piece of paper unless it is understood, taken seriously, and implemented by police managers, law enforcement trainers and officers alike.

### **The Professionalization of Judges**

The role of the judge has evolved until it is now solidly entrenched in the political structure of the community. This assists the public in viewing judges as professionals. Granted, there may be educational and training voids in the preparation of judges. However, when these deficiencies are weighed against the qualifications of other members of the justice system, judges do look professional.

In the 1950s, many states adopted the "Missouri Plan" and consolidated their court systems into an integrated state plan. This plan set standards for education and demanded that judges hold law degrees. This professionalization of judges has been further enhanced by the creation of state Commissions on Judicial Qualifications. These commissions, although mostly ineffective, have given the judicial system the image of maintaining professional discipline. Other divisions of the system have, thus far, failed to take this step.

### **The Professionalism of Attorneys**

The proliferation of law school graduates and the unethical behavior of some attorneys have cast much doubt upon the professional status of this occupation. The country is swamped with law school graduates. Every action, social business, and interaction is now subject to litigation. Because there are so many attorneys looking for a commission, trivial cases are brought to litigation when there should be no legal action. Actions that a few years ago would have been thrown out of court are now being

## *Law Enforcement Code of Ethics*

*As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.*

*I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.*

*I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.*

*I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.*

**Figure 12.1.** Law Enforcement Code of Ethics.

litigated to financial settlements. These frivolous cases require more judges which must be paid for through increased insurance premiums and increased courtroom costs; and thus the cycle continues. It is the taxpayer who must eventually pay for these additional costs, and it is the consumer who must pay for higher product costs as a result of litigation. This proliferation of trivial court cases has cast a shadow over the entire legal profession in this country.

Legal training, in many instances, seems to have taken the place of philosophical orientation as the desired prerequisite for advanced education. As a result, legally trained individuals are inundating the legislative and executive branches of government. How long society will tolerate this condition is a serious question.

### **Correctional System Professionalism**

It has only been about three-quarters of a century since American correctional theories were activated into their present mold. The science of the management of prisons and reformatories, or penology, evolved through mundane tasks, prison scandals, and erratic funding. The professional penologists gained some status through advanced education, but because of low budgets and tasks with little or no prestige, they have had to struggle for professional status and recognition.

### **Law Enforcement Professionalization**

Those who enforce the law have developed a code of ethics; they have formed professional organizations, and they have progressed somewhat in gaining education and training in order to achieve standards of performance. However, they have not yet achieved the professional status level they so covet. Some of the

many reasons why police and other law enforcement personnel failed to gain professional status follow:

1. The tasks assigned law enforcement have made them, in some cases, the "garbage men and women of society." Somebody has to do it, so the roll of the police is expanded to include family fights, mental cases, barking dogs, parking violations, etc. These tasks do not enhance the professional status as viewed by the public.
2. Politically, in times of recession, law enforcement agents have been sent out into the streets to generate revenue through traffic citations. The public resents this type of action because of the high fines and indifferent attitudes of political administrators.
3. In an essay entitled, "Thou Shalt Not be a Mooch," Dr. Whitehouse indicated that the police will never professionalize as long as they are recipients of free gifts, favors, and other gratuities. These should not be viewed by the police officers as "fringe benefits" but as a condition that will forever keep the job of law enforcement from becoming a profession.
4. Criminal justice persons need to be reminded that, when a public trust has been assumed, they must consider themselves a subject of that public trust.
5. Gratuities, bribes, and the bad habits that have developed in accepting them, reflect upon everyone who serves in the criminal justice system. Is it any worse for a police officer to accept a free meal than it is for a judge to accept a political donation when the intent of the giver is the same?

## **NONVERBAL COMMUNICATIONS IN COMMUNITY RELATIONS**

Many of the community relations problems of law enforcement arise from the nonverbal conduct of its agents. Actually, much of the communication carried out by law enforcement officers will be done by nonverbal means. Because a uniformed officer is so visible, people are critical of his or her every move and every action, whether it is verbal or nonverbal. Verbal communication is a matter of training and articulation by the individual officer. To be able to communicate orally is a minimum qualification for the job. Nonverbal communication goes beyond the normal use of verbal signals and looks to actions that carry cognitive messages. This form of communication uses the idea that sign language, action language, symbols, and body language are viable ways whereby information passes from one person to another. These language forms are called paralanguages, kinesics (study of body movement), and proxemics (study of human spatial relations).

### **Paralanguages**

International traffic signs and symbols have been adopted worldwide and are known and understood wherever they appear. Signs and logos of corporations are also recognized everywhere by almost everyone. Certain types of symbols, such as the scales of justice and the eagle, are identified with the organizations of the criminal justice system. Likewise, the star or a badge is recognized as a law enforcement symbol. Thus, symbols are important in our society and in our effort to improve community-police relations.

### **Symbols**

The most important nonverbal symbols for the criminal justice agent are those that occur in face-to-face contacts. Few question

the symbolic robes of the judge or the paneled walls of the courtroom as inherent symbols of authority. On the other hand, however, some are willing to challenge the symbolic roles of the police because these are not so well established and recognized by the public.

The most important symbols are those we see on the highly visible, uniformed officers or other individuals with a badge who are readily identifiable as law enforcement officers. These symbols become important when two people confront each other, since there is communication whether words are spoken or not.

Following are some of the more important forms of paralanguages of which law enforcement officers have to be aware. The male shaves his face, shapes his sideburns and hair line, and styles his hair to create a certain image for himself. The public interprets this image at first glance and makes up its collective mind about the person. Since the public has a certain perception of what it feels the model officer should be, if it is satisfied by what it sees, it will accept that officer. If the initial appearance is not accepted by the public, then there may be hostility before a word is spoken. This is the reason dress codes and hair lengths are established by a department. A person's values, if they were oriented in the 1950s, reject long hair, shaggy beards, or anything else that reminds them of the "hippies" of yesteryear. This is a perfectly normal reaction.

A person may use after-shave lotion or perfume to project a certain personality choice. While the individual may, literally, smell like a rose, he or she may smell offensive to someone who is oriented to more subtle surroundings. The female, especially, conceals, accentuates, and changes natural features with creams, eye-liners, lipstick, eye shadow, etc. Also, she may use perfumes that make her unique, but she may be "turning off" a specific community population. Thus, care should be exercised in makeup

and perfume selection so that positive or neutral interpretations may be made by the public.

Symbols may have a *denotative* level of meaning. That is, the symbols refer to things other than themselves. For example, markings made by a gang on a wall may have one meaning or interpretation for a gang member and a totally different meaning for citizens or law enforcement officers.

*Connotative* levels of meaning might be exemplified by the feeling and association attached to a gun. The police officer looks upon the weapon as just another "tool of the trade." The citizen, on the other hand, may view the gun as suppressive and dealing with death and become highly sensitive to the display of a weapon. This type of interpretation often triggers hostility and may cause a failure to communicate positively with members of the community.

Paralanguages also refer to elements in the human voice during communication. For example: (1) judgements may be made about a person without seeing that person, but based on some tonal quality in his or her voice; (2) sex, race, size, age, and education level are indicative of many unique traits of an individual; (3) stress is an emotional pattern that clearly shows in the voice.

These are not frivolous signs for a law enforcement officer, for they may be the key to the person's next actions. They may tell an officer the ethnic or regional origin of a person; or a voice, properly identified, may be sufficient to solve a crime. Do the following exercises as an experiment and see just how difficult and, at the same time, how useful it is to be able to interpret nonverbal communication.

*Exercise 1. Decision Making:* Consider for a moment several incidents showing how you have been involved in making a decision about a person you have never seen.



*Exercise 2. Experiencing Senses:* Close your eyes and experience your other senses. Keep your eyes closed for two minutes and think about the following: What does the person on your left look like? On your right? What are the experiences in your inner body? Do you hurt? Are your muscles tense? Is your heart beating slowly or fast? What do you smell, hear, and taste?

### **Kinesics or Body Language**

Body language “signals” are often the most important signs for a police officer to interpret properly. The ability to interpret and react to these signals allows the officer to anticipate the movements and indications of the pending acts of someone with whom he or she is communicating. The following are some signs to watch for.

1. Does the person seem relaxed? Is the body tense? Are the hands closed, clenched, or open? To show the palm of the hand may indicate a desire to be friends or to court an audience.
2. In American culture the way a person holds his hands at the wrist is related to gender. The limp wrist gesture is considered feminine. This may indicate impulsive or tense reaction in a male.
3. Signs often are used to discharge anxiety. Repetition of actions may indicate tension and high anxiety levels. These are often misidentified as sexual signals, when in fact they are nervous reactions:
  - a. Brushing hair back from face or rearranging it.

- b. Fingering and adjusting ties, straightening creases, and repeated concern for any clothing article.
  - c. Touching or pulling at lips, ears and nose.
  - d. Fondling any objects that are available.
  - e. When a person sees someone he or she likes, the pupils of the eyes will dilate.
4. The aggressive tone of a person may be reflected in how he or she responds to a question. Does a person look you directly in the eye (a sign of assertiveness or aggression) or are the eyes dropped (a sign of acquiescence)? A male will normally be more assertive than a female.
5. Women tend to close their eyes more slowly than men. The quick blink is considered a masculine signal.
6. Eye contact projects confidence and strength. People may shield their eyes or look away when they are anxious. Society has a traditional eye contact period; a direct, steady stare from a stranger is considered either an insult or a threat.

*Exercise 3. Eye Contact:* Give a statement or think about your experience with eye contact.

*Exercise 4. Walking Styles:* Have you watched a police officer walk? Give a statement or think about the way the officer walked. How about other walking styles that send a message?

7. The handshake reveals certain personality traits.
  - a. One who offers you only the fingers of his hand may not like you too much or may not want to become too involved with you.
  - b. The limp, or "no bones" handshake, may indicate an inner arrogance that the person wants to keep concealed.
  - c. The firm handshake gives an impression of quiet confidence. However, this handshake is easily learned and may not be very revealing.
  - d. The super-hard handshake may be hiding a basic insecurity and a need to prove himself or herself with every meeting.
  - e. "Pressing the flesh," or double contact, such as shaking a person's hand and touching the arm or elbow with the other hand, is a favorite technique for politicians. It is used to indicate a feeling of liking and being close to a person.

*Exercise 5. Handshakes:* Think back. Have you ever been turned off by a handshake? Make a comment explaining or think about your experience and your preference for a certain type of handshake.

8. Touching is an important means of communicating willingness to assist, warmth, and sincerity. This gesture has limited use in police communication with the public. Most official situations do not lend themselves to this type of communication. In fact, touching has many negative connotations and is often the catalyst to violent reaction.

## Proxemics and Time

Space and time are important considerations in any situation. However, all of the nonverbal messages described are situational. Their use will vary for each occasion and between individuals. When normal space relationships are violated, people tend to be offended. Being too close reflects aggressiveness. Being too far away denotes an unfriendliness. The norm for all races and both sexes would appear to place an interviewer about two and one half to three feet from the interviewee.

The space (territorial imperative) a person reserves for himself is important and should not be violated. Whether a person stands (to maintain control) or is seated may affect the interaction between two persons. Whether a person sits at the head or foot of a table may indicate his or her position of authority. The situation should dictate the space and stance of each person involved.

The time factor may be an important element in the success of an interview. Many interviewers tend to dominate an interview. A person conducting an interview should allow the other person to tell his or her story with some direction but without too much interruption. The interviewee should have an opportunity to respond to each simple question. A pause in questioning will often elicit an answer. If a person is apprehended during a crime, statements made immediately upon apprehension may be different from those made after a person has had time to reflect upon an event.

An officer who is aware of nonverbal techniques and uses them to his or her advantage finds that their reports are more complete, more cooperation is received, and dangerous situations are often avoided. Remember that each culture has its own space-zones, depending on region, ethnic background, cultural traits and social background.

*Exercise 6. Body Space:* Draw stick figures on the chalkboard or think about how space should be maintained: (1) Intimate space:

about 18 inches; (2) Casual-personal Zone: about one and one half to four feet; (3) Social-consultive Zone: 12 feet and beyond.

## IMPROVING HUMAN RELATIONS SKILLS

There are no easy ways to impart the skills needed to improve relations with other people. Values are largely formed by the time a person enters law enforcement services. From that point on, we must look to the policies and procedures in an agency to see what it is that shapes the individual officer's behavior during his or her tenure of duty.

The authors earlier discussed stress as a contributor to hostile relationships between people, but that is only one factor. The litigious nature of society and the "pot-of-gold" at the end of a lawsuit have caused people to allege any number of misdeeds by police. From inhospitality to coerciveness to brutality, the poor especially are motivated to seek huge settlements through legal action. For this reason, many cities have a policy of letting the insurance companies settle out of court rather than fight each case to its conclusion.

Since the 1978 Supreme Court decision ruling that a municipality could be held liable for the actions of its employees, many more citizens are now reporting *any* offensive actions in their contacts with law enforcement. Courts have held that municipalities can also be held liable for the psychological fitness of their officers. Thus psychological studies are beginning to emerge that show how, after a few years, police officers tend to divide the world into "good guy/bad guy" categories. Why officers sometimes become alienated is of prime interest to those who are responsible for community relations programming.

There are a great number of reasons why individual officers may become alienated by their normal role in the enforcement/social structure of the community. A few of the reasons are given here.

After repeated disappointments with the system, officers find that the system is often ineffective and in many ways works against them in the performance of their sworn duties. This kind of dissatisfaction and disillusionment can and does cause young officers to change. Persons who enter a law enforcement agency often have strong egos. This feeling of "immortality" is quickly stripped from young officers. A normal reaction to this process is defensiveness, surliness, or even violent reactions in key situations.

In many departments, these conditions are not recognized and addressed as psychological problems, but are viewed as management control problems. This view resolves some of the problems for the agency, but the individual officer is usually "turned off." Once officers conclude that administrative resolutions do not solve their problems of curbing social turmoil they tend to ignore these concerns. After a few years of adverse street experiences, the officer who daily deals with violence, thievery, and hostility finally succumbs to the paranoia of the police brotherhood ("them vs. us" or "good guys vs. bad guys").

The "police brotherhood" syndrome is caused by the same emotional changes that are attached to many stressful occupations. Even though viewed as being self-destructive, the police adopt the values of the group; they seek comfort in each other's company, and they defend each other, often to the detriment of themselves and society. The police are so visible that this association becomes well known. It is expected or assumed that all law enforcement officers covet this protection, whether they do or not. What prompts the brotherhood to survive and flourish is that officers feel that no one outside of law enforcement understand their problems.

Statistics show that 50 percent of all U.S. marriages end in divorce. Police officers experience a divorce rate of approximately 65 to 70 percent. When the family split occurs, the anchor for an individual's mental and emotional stability becomes his or her work. He or she is now thrown together with other officers who are in the same straits, and they find strength in each other's

misery. Many second marriages between male and female officers have grown from this isolation in the police brotherhood.

Eventually, during this passage through this "fraternizing phase," officers enter a new subculture. They eventually become different. Friends tell them they are different and eventually, whether true or not, officers begin to assume that they are. *Machismo*, fraternalism, and comradery tend to hold the brotherhood together against the "common enemy" —the community at large.

Changes in the officer's personal life and in street action policing often occur because of these psychological adjustments. First, the individual officer is a candidate for higher rates of suicide, alcoholism, and a shortened life expectancy. In the field, the officer assumes the "us" and "them" attitude in relating to the community. Second, the individual begins to assume the posture of uncritical obedience to the organization. Frustrations in promotions, the topping out of salary increases, and the internal politics in an agency frustrate the officer. The organization demands loyalty, but does not return psychological satisfaction to the individual. This squeeze eventually produces a "charismatic paranoid" who decides that loyalties should lie with the brotherhood.

Service to the community eventually changes. This change is not unique to the police agency; it happens in all occupations whose work group depends upon the cohesiveness of the organization to exist. However, other organizations whose service to the community also changes are not criticized to the extent that the police are because they are less visible and the change is tolerated. In the police service, on the other hand, the change is obvious in the day-to-day operation of the officer. The officer's service is put to the severe test of analysis by both the community and the administration of the agency. What causes these work changes to occur?

Police officers are concerned with lenient judges who, they feel, are not holding up their part of the job to "rid the streets of

criminals." The police, laboring under the handicap of assessing their own role, frequently do not realize that their responsibility does *not* extend beyond their own job of arrest and case preparation. They are frustrated over the slowness and political manipulation of the justice process. Again, they are not clear that their responsibility ends at some point earlier in this process.

The police are overly sensitive to criticism about laws and regulations over which they have no control. They become defensive about being a "cop." As a result, they often assume the posture of "a good offense is the best defense." When this happens, views about violence may be overshadowed by their desire to see justice rendered. In this event, both the officer and society are in trouble. Aggressive activities then come to the attention of the administration which is looking for productive individuals. They support this aggressive action by giving preferred assignments as long as the good statistics keep flowing in. These aggressive actions often lead to citizen complaints of illegal acts which may result in lawsuits. The "fair-haired boy" then becomes a liability to the administration, and a new round of psychological trauma appears. While these instances are generalizations, this pattern evolves all too frequently to be ignored.

On the brighter side, it should be noted that many departments throughout the country have retained the services of psychologists, have established "peer group" counseling within the agency, and have begun to work on the problems mentioned. Psychological screening and improved field training have become a standard in most agencies of any size. Where these steps have been taken, the result is improved community relations and better working conditions for officers.

## **HUMAN RELATIONS COMMISSIONS**

In response to civil rights concerns of two decades ago, there was a rush to create community based commissions to intercede on behalf of offended persons. Community pressure resulted in the



organization of thousands of government sponsored commissions to study problems relating to prejudice, discrimination, and disorder in the field of human relations.

In the initial stages, these commissions were viewed by the criminal justice system as adversary investigative bodies set up to placate the vocal minorities of a community. Since that time, however, there have been some successes in generating community awareness and stimulating interest in violations of civil rights. The typical commission now holds hearings on problems of the community and attempts to resolve the problems through negotiations.

Most commissions are advisory only. They usually overlap established governmental jurisdictions and, in reality, are tolerated by the bureaucracy because they give the vocal members of a community a forum. Unfortunately, some commissions are dominated by activists in the community, and very little attention is actually paid to their recommendations. As sad as it may seem, this type of organization generally creates more animosity than it resolves.

### **HUMAN RELATIONS GUIDELINES—A SUMMARY**

The following guidelines from the Public Safety Program of Rio Hondo Community College are reminders that, in key situations, the proper impression often makes the difference between a pleasant or an unpleasant contact.

1. Don't be trapped into unprofessional conduct by a threat or a challenge.
2. Make sure everything you do is calculated to enhance your reputation as a good officer—one who is firm, but fair and just.

3. When you are faced with a threat and you can't tell how serious it is, try to "buy time" in which to size up the situation by engaging the person in conversation. Make a comment or ask a question to divert his attention if possible.
4. Don't show hostility even if the other person does. Many times a quiet, calm, and reasonable manner will cause his hostility to evaporate or at least to simmer down. An important point is that the next time the person will not be so hostile because he doesn't think you are.
5. Reduce your "threat" potential. Avoid a grim or expressionless countenance. Be an approachable human being. Too many officers habitually appear gruff and forbidding.
6. Cultivate a pleasant, friendly manner when making non-adversary contacts. Be ready with a smile, a pleasant word, or humorous comment when appropriate.
7. Let your general demeanor and especially your facial expression and tone of voice indicate that you respect the other person as a human being.
8. Let the other person know by your reception of him or her that you don't expect trouble, and that you don't consider him or her a nuisance. (Maybe you do, but don't let it show.)
9. Show an interest in the other person's problem. Maybe you can't do anything about it, but often it is a great help just to be a good listener. Most people will respond in kind.

10. Go out of your way to contact people in the interest of improving police-community relations. Even though your department may have a unit which specializes in community relations, never forget that you are the real key to good police-community cooperation. No group of specialists can establish or build really effective police-community relations without you. More important, however, is the fact that effective police-community relations means more to you than to anyone else. This means that you, more than anyone else, should be actively working toward the establishment of or the improvement of police-community relations. The essence of good working relations between the people and the police is to be found in the way you handle yourself. You and your fellow officers on the street can do more to improve, or to destroy, police-community relations in one day than your specialized unit and your command staff can ever do.
11. There is an old show business maxim which says, "Always leave 'em laughing." Let us paraphrase that and say, "Always leave 'em feeling satisfied." There are people who react to an arrest or a traffic ticket by feeling that the officer was fair, and was just doing his job, and that they had it coming. They don't like it, but they have to admit the officer did his job properly. When you render a service or react to a request, show some interest and give some explanation. This will promote good feelings which, if carried on consistently by the entire force, will have a cumulative effect resulting in vastly improved human relations.

12. Encourage people, in every way possible, to work with the police for their own protection. Let the average citizen know that, far from being a threat, you are interested in being of help. Drive home the point that citizens are threatened by crime and disorder, not by the police.  
(Source: Rio Hondo College, Whittier, California)

1992 was a banner year for changes in community-citizen interaction. Some of this change is a result of major police embarrassment as the result, for example, of the Rodney King incident in Los Angeles. Much of the thrust for improvement in police ethics, empathy for minority citizens and generally improved cultural awareness must be credited to California's Commission on Peace Officer Standards and Training (POST). Currently, new cultural awareness goals are being implemented for both police trainers and officers. These are:

1. Increased cultural awareness training and guidelines.
2. Knowledge of others' values.
3. Ethical reinforcement—ethics left to their own devices do not work.
4. Cultural awareness is not spontaneous.
5. Study existing immigrant and racial groups in the state.
6. Establish guidelines to determine how agents of the system conduct themselves while interacting during culturally and racially diverse situations.

7. Capture early diversity among children, prior to 5th or 6th grade.
8. Establish a training curriculum for conducting cultural and racial diversity at the executive, management and line duty level.

Human relations is the thread that holds civilized people together. It is not just the skill that one develops in being a human relations specialist; it is the sum total of a person's application of human behavior that counts. Human relations cannot be taught directly; therefore, it must come to the learner in many different ways. To be humane to another person, the functionary of the criminal justice system must focus upon the client, feel empathy for the person's problems, and feed back the hope and strength that he or she has as a fellow human being.

## SUMMARY

The image projected by the law enforcement officer involves a number of facets. The officer must work in an agency that does not view the police as revenue agents or as accumulators of statistics to satisfy the political whims of politicians and administrators. The professionalism of the police involves organizational changes, but it also involves a commitment by the individual to improve himself or herself intellectually, technically, and humanely. One without the other will not produce a professional officer.

Nonverbal communications are powerful ingredients for enhancing community relations. A viable interview or investigation cannot be conducted unless verbal and nonverbal actions and symbols are utilized to the maximum. Only a few of the nonverbal techniques and actions have been reviewed, but these are the key symbols and actions that alienate the officer from the public.

Several techniques for projecting human relations skills have been given. However, if law enforcement persons are to deal humanely with people, they must feel and act with some reverence and respect toward all other people.

## **DISCUSSION QUESTIONS**

1. Why are individual actions more important than organizational policies in interaction between human beings?
2. Discuss how professionalization is the total result of the way a person acts and performs.
3. Why does professionalism mean a goal for performance, rather than a qualification of the individual?
4. The infusion of legally trained people into every facet of government has made us a litigious society. Why?
5. Paralanguage invite common understanding about a sign or a symbol. Give examples of some common signs and symbols.
6. The image, smell, and attitude projected by an individual may determine whether he/she is accepted by a majority of the community. Why?
7. Why are pre-judgements often based upon paralanguage symbols, such as walking styles, etc.?
8. Discuss how time and space are key operation techniques for criminal justice persons in interviewing, investigations, etc.

9. Why are human relations a way of living and operating as opposed to just abiding by a list of rules?
10. Why has the law enforcement officer not gained much community acceptance in the past two decades?

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. Analyze the positions in the criminal justice system by listing the professional qualifications criteria of each. Then determine why certain of these positions are professionalized and others are not?
2. What are the levels of meaning that might be exemplified by the feeling and association attached to a gun? How do these feelings differ between the peace officer and the public?
3. The signals sent out by body language may be misinterpreted by the receiver. Therefore, an officer uses caution in making any judgements based upon body language. What are some of the body language signals that may be misinterpreted and lead to false judgements?

## *Chapter 13*

# **COMMUNITY RELATIONS PROGRAMMING**

### **Learning Goals:**

- To develop an awareness of how community relations programs evolve.
- To show how community relations programming is influenced by political forces in the community.
- To identify several of the most successful community relations programs.
- To give an overview of the importance of the media in community relations.

### **INTRODUCTION**

Most progressive agencies of the criminal justice system have, in the past two decades, moved to innovative ways to promote good community relations. With the financial help of the Law Enforcement Assistance Administration (LEAA) and the U.S. Justice Department, these agencies were able to initiate and test "model" programs that would be effective in any community. Many county and city governments continued with and improved upon programs begun with federal funding, but most of the projects funded by the federal government have gone by the wayside when the funding ended after three years.



This is not because the programs were successful or unsuccessful. It is because manpower priorities for these types of programs have not been high enough with the political administrators of a community. Many of the programs were never evaluated and died a natural death because of lack of funds. Most political officials, because they are subject to reelection, are not anxious to see money spent on projects that do not put criminals in jail or get convictions. Political pressure usually dictates where the money is going to be spent, and most goes for traditional procedures, even though those procedures, in the long term, may not be effective.

In this chapter a limited number of the most critical components and successful programs are discussed. The chapter is divided into three sections: (1) program development, (2) a sampling of present programs, and (3) a listing of specific projects.

## **PROGRAM DEVELOPMENT**

From 1965 to early 1992, funding was made available to local agencies to identify the range of social and criminal problems that affected the communities' crime picture. Since these funds were administered by the Justice Department, few dollars were spent to address the base causes of crime such as poverty, unemployment, mental health, etc. The thrust of the programs was to improve the system's response to street crime. In the narrow view of the system's administrators, this meant shotgun wielding drug task force units, SWAT squads, and intense anti-burglary task forces.

Very quickly the jails were full and the prosecutors were overwhelmed. They merely added more prosecutors. When the courts could not handle the load, they appointed more judges. Finally, when the correctional system was saturated, they built more prisons. The federal objective was to implement new programs. They attempted to put these programs into a system that could not absorb or adequately carry on new programs after federal funding

ceased. The federal effort spawned hundreds of new programs, poorly conceived and barely executed.

While the federal goals were lofty, the pragmatists at the local level took this opportunity to improve their delivery system. Many agencies developed innovative and enriched programs. Most agencies, however, could not afford to support these projects after federal funding ceased, and the programs went the way of the funding.

There were many agencies that developed community oriented programs, especially in the police area, where abrasive contacts had reached new highs due to the civil rights marches and the Vietnam War demonstrations. Many of these programs died at the end of the initial three-year funding period, but some have survived to become viable anti-crime programs for the 1990s. The transition to good programming was slow, but those programs which were well-founded tended to become successful because of the personalities in the program rather than the funding patterns.

## **CURRENT PROGRAM SAMPLING**

Some of the more important community interest programs to be developed during this period and to become of major importance to the operating agencies were police-media relations, the handling of citizen complaints against the criminal justice agencies, and community-police advisory councils.

### **Police-Media Relations**

The image of the entire criminal justice system is dependent upon what is said in the media (primarily newspapers and television) about each of its components. While the newspapers have taken a back seat to the impact of television, the thinking of the citizen in the community about the system is linked to the reporting done by the media. The media is in part responsible for the

smooth functioning of the system in terms of what it writes about the flow of work through those subsystems. Good publicity is the life blood of a police agency. If the reporting is not accurate and objective, the public, through its animosity, can destroy any good work done by an agency.

Keep in mind that the objectives of the police and the news services may not be compatible because their roles are different. The role of the news media is to ascertain the facts even if this may embarrass the police or hinder the police investigation of cases. Thus, police are often at odds with the media because of the slow processes of investigation.

There is even an incongruity between constitutional guarantees. The First Amendment guarantees freedom of the press while the Sixth and Fourteenth Amendments guarantee the right to a fair trial and the protection of the defendant's rights. Consequently, police and the courts are always in a compromising position.

Because of the power of the media and the right of the citizens to be informed, this problem became critical for many agencies. The best solution to the problem appears to have been the development of the agency information office. This function, generally, was headed by or included a press relations officer. Because of the critical position of the police and the amount of news generated, the police press relations officer has become a standard feature in mid-sized and large departments. Most press relations officers assume the following responsibilities:

- The officer speaks for the chief of police and for all persons throughout the department.
- The designated press relations officer will always be available to the press.
- Information about major cases will be made available to the media on a timely basis.

- Withholding information about a critical case is asked for by the police and is a voluntary act on the part of the news media.
- This office provides all news media with facilities and holds press conferences as requested.
- It makes available data on the internal processes and procedures in a department and keeps the press informed about personnel investigations and any plans it may have for major operations.

This procedure was developed to make all public records of an event available to the media. As a general rule, the media assumes some responsibility for accurate reporting and handling confidential information in a proper manner. Nationally, all of these programs do not work to perfection, but they have created a working environment for the police officer who can now, it is hoped, expect some semblance of truth in reporting. The press has also served notice to the police that it is reporting internal operations of the department and that the job should be done as prescribed by law or adverse publicity will result. The press has become not only the most important link to the public, but also it has assured clear lines of responsibility within the agency itself.

Two projects from the Metro-Dade Police Department emphasize the importance of communication through regular media channels and through special education media.

## **HANDLING CITIZEN COMPLAINTS**

Over the years this process has been an important obstacle between the community and the criminal justice agencies. Again, because of the nature of their tasks, most of the complaints are lodged against the police agencies. In fact, we can settle the

problem of complaints against functionaries of the system other than the police in a couple of paragraphs.

Local officials such as probation agents are subject to the administrative sanctions of their departments. The district attorney will investigate if a crime has been committed. Likewise, the grand jury will respond if investigations are needed.

Statewide functionaries such as judges and prosecutors are subject to sanctions from the Council on Judicial Qualifications, a professional group composed of attorneys. They are, of course, subject to investigation by the district attorney and the grand jury. All are subject to investigation by the state attorney general (in most states) and any federal investigative agency with jurisdiction. The police are also subject to the same types of investigations for misbehavior. There are no units in the criminal justice system that do not have adequate control, if these controls are properly exercised.

Attorneys feel protected by their professional associations. As a matter of practical procedure and because of their professional standing in the community, they have not received pressure for instituting special reporting procedures such as those that have been prescribed for police.

Complaints against the police are another matter. When complaints come to an agency, the public must feel comfortable that the complaint will be investigated properly and that any conduct which failed to meet proper standards will be fairly dealt with to insure proper future conduct and to restore public confidence that the system works.

Complaints against police involve the public in one-on-one situations and often in critical and tense incidents. When legitimate, these incidents are serious breaches of trust to people in the community, and investigations of misdeeds must be conducted by a party neutral to the action. The public should not be discouraged from making legitimate complaints. If the process of complaint is not honored, then the public can expect, in some cases, slovenly

service, brutality, corruption, and, in general, a department which is not responsive to the community.

### **Types of Complaints**

The most serious type of complaint is the complaint of the individual against a police officer charging discrimination, abuse, brutality, or negligence.

A second type of complaint is the individual complaint against the department. This type of complaint may be against procedures or policies which are alleged to be discriminatory or illegal.

A third group of complaints pits employees against the department or an employee against another employee. While this group of complaints is important, they are not discussed in the community relations context. In any event, these grievances are entitled to be heard by a neutral person without a threat to the person complaining.

### **Processing Complaints**

The administrative structure for receiving complaints against members of a unit has traditionally gone to the chief of police or to a designated Internal Affairs or personnel unit that investigates the complaint and makes recommendations about its disposition.

This traditional process immediately makes a reporting person uneasy because he is being interviewed by the same "police" against whom he is complaining. Also, the reporting person is often distraught and may be interested in getting his or her "pound of flesh" from the officer who violated his or her rights. The complaining party is not interested in personnel law governing the conduct of an investigation, the release of information, or the rigid procedures that are needed to discipline a civil service employee. He or she may want to see the "cop get fired," and if that doesn't happen, then the complainant immediately believes something is

wrong with the system. The complaining person is rarely satisfied unless the case is aired in the media, disciplinary action is taken against the officer, and there is a civil settlement in a court of law.

Complainants often want vengeance, and they are extremely unhappy when it is not forthcoming. It is not unheard of that arrested persons falsely accuse an officer of impropriety for the purpose of diverting attention from their own criminal action.

## **FACILITATING COMPLAINTS AND FOLLOW-UP**

It is the responsibility of the political governing body in a community to make the reporting and investigation of complaints a non-threatening, neutral process. A number of satisfactory processes for handling individual complaints against the police have evolved, and several of the most successful are listed below.

### **The Ombudsman**

This is an office or a person who is an administrative watchdog for a citizen's grievance against official actions. If this person or office is truly neutral, then the citizen and the police officer may both be assured of an unbiased, neutral investigation and hearing.

Unfortunately, this office has not been received well in the United States simply because the duties of the office are often tinged with partisan political philosophy, paybacks for political appointment, and other factors.

### **Police Commissions**

In many cities the police commission has become an accepted organization. A commission is a body of citizens with the responsibility of setting policy for the police department. The commission establishes a reporting and investigative unit to handle individual complaints. In progressive metropolitan police departments, this

organization has become something of a standard. The strength of this type of citizen board is that it is responsible for the operation of the department; so, when it finds a complaint, it usually has the authority to take action to solve the problem.

### **Citizen Review Boards**

This board has evolved in a few cities but has not become the practical way to handle complaints that it was originally envisioned to be. This type of organization calls for a representative group of people from the community who will hear complaints about the police and decide what action, if any, is to be taken.

The first problem was that the persons who were pushing for representation on the board were not representative of the community. They were generally the vocal rabble rousers who wished to impose their values upon the community. The second difficulty was that they were operating in a legal vacuum. They could make recommendations, but no one had authority to carry out their decisions. In many instances, these decisions were in conflict with the law and could not be honored. This, of course, made new enemies for the police department, which could not act on the recommendations. Perhaps the most important reason why these boards are not popular is that they have no authority to correct a situation.

Theoretically, the Citizen Review Board is an ideal vehicle to seek out misdeeds and to reconcile them to the satisfaction of the community at large. In practice, they do not function with objectivity, they do not have impartial or specialized investigators to conduct necessary investigations, and they have no power to carry out their decisions.

Regardless of which organizational structure is selected by the community, there are minimal requirements that should be present in every citizen complaint unit.



## Citizen Complaint Unit

Some of the more important criteria are: (1) A neutral person to receive the complaint. This person must be a trained investigator and must be skilled in making sure that all facts are received from all persons concerned with the case. (2) A signed complaint form should be secured from the complaining person if the complaint is serious enough to investigate. (3) Oral and written notification to all appropriate parties involved in the case. Notification would not likely be given if the complaint involved charges of an on-going crime. Only qualified investigators, including specialists, should be assigned to a personnel investigation.

This office should maintain liaison with the media and with the administrative structure in the police department. Only information that is not of a confidential nature should be released and this only after all investigations are complete.

Persons filing a complaint should be kept informed on the status of investigation. The final disposition of the case should be discussed with the complainant. Complete records, summaries, etc. should be kept. Some departments make it a policy to post the results of what final action has been taken by the department in specific cases.

Departments accept most complaints as valid, unless an investigation proves otherwise. A complainant, when making a written report, should be made aware of the legal consequences (usually a misdemeanor crime) of filing a false report or including false facts.

The adjudication of a case depends upon findings and upon whether crimes have been committed. Brutality and corruption should never be condoned. Other types of violations should be judged according to the law.

The processes of handling complaints should be made clear to the police officer when he is hired. It should also be made clear that an error or mistake of fact may be lightly adjudicated.

However, if a major crime has been committed by the officer, the department should be prepared to accept its public obligation and see that the officer is separated from the department.

## **SPECIFIC PROGRAMS AND PROJECTS**

In addition to the important projects just discussed, a great number of other innovative programs and projects are now serving communities. In this text we have endeavored to list and describe those that have been most successful and those that have been carried on by local agencies after federal funding stopped.

Because of space limitations, only select examples of projects have been included. Literally thousands of projects have been funded and categorized by the National Institute of Justice. The projects have been divided into three categories: (1) police--community relations, (2) anti-crime projects, and (3) miscellaneous projects that serve both anti-crime and community relations purposes.

### **Public-Community Relations Programs**

Most police, court, or corrections projects are of this type. These programs are created to enhance the image of the agency and to inform the community. If there are residual benefits in reduced crime, then so much the better. Some of the more significant projects include the school resource officer program, the storefront (small neighborhood police stations) programs, and the police athletic league. The term "program" is used when there is more than one project in the plan.

#### **School Resource Officer**

This program includes a dozen or more innovative projects. The philosophy behind these projects is to enhance the image of

the criminal justice system with children and adolescents. The projects transmit simple concepts of law, procedures, and operations. In the upper grades (9-12), the objectives of the projects are to gain voluntary compliance from the students and to inform teachers about practical applications of the law.

A sample project for the lower grades would be "The Officer With a Talking Dog." The officer in this project is a ventriloquist who travels with a St. Bernard puppet, named "Officer Rover," and a portfolio of police equipment. This gives the students an opportunity to see the police as an entertaining friend rather than a foe. There are dozens of variations from the Santa Ana, California, model just cited.

The middle grades are usually presented with safety talks on simple law concepts dealing with bicycle safety, foot safety, how to avoid molesters, and anti-drug talks. The police presentation on drugs should coincide with the coverage of that subject in health or science classes. Simple concepts of law may be presented to this age group.

In the upper grades (9-12), the officers are dealing with young adults. This group is just beginning to drive, and they are seeking information on traffic laws, stop and search procedures of the police department, drug laws, etc. The students are interested in knowing their rights. They are intensely interested in seeing that their own rights are not violated. An hour or so with this group might mean the difference between voluntary compliance with the law and serious enforcement problems.

There are hundreds of variations in how school programs can be initiated. The main thing to remember here is that the officers should be as educated as the teachers who are the role models for the students. Unless a police officer has the ability to present the subject well, he should not be sent into a school setting. Also, it is a matter of preference for the school and the chief of police to decide whether the officer will be in uniform or plain clothes.

The most overlooked group in the school is the teachers. The teachers are often ignored when programs are being developed for the school with the result that there is less cooperation in the implementation of the programs. A program going to a school must have teachers in the planning and implementation stages, so that cooperation and active participation is automatic. Teachers at all grade levels should be required or allowed to ride along with field units.

Teachers, next to parents, are society's most important transmitters of values, mores, and cultures. For many years, teachers have consistently rated police officers low on acceptance scales. This is, in part, because police departments and school administrators have not maintained a proper liaison. Teacher contact projects should have the highest priority since teachers are exposed to, and transmit values to, no less than 150 students a day.

Police liaison with athletic and recreational groups should be encouraged so that police-public contacts are positive and long lasting.

### EXEMPLARY YOUTH PROGRAMS

*(Courtesy St. Louis, Missouri, Police Department.)*

#### Officer Friendly Program:

This program is designed to establish constructive understanding between children in the primary grades and police officers.

Public Affairs officers work with elementary school principals to establish a schedule for patrol officer visits. District commanders then assign the officer who patrols the area in which the school is located, to make two visits to each kindergarten through third grade classroom in the school. An officer's job and equipment is described as well as safety. He

utilizes picture reading books, and electric street signals in his talks. Each teacher receives a manual for ongoing programs.

Following the second visit, the officer provides Junior Citizenship certificates for the children. The officers then conduct "rap" sessions with older children in the school to explain the police function and answer questions in order to establish rapport with them.

#### **Police Athletic League:**

The Public Affairs Division conducts a Police Athletic League for the city's youngsters. Each summer, about 1,200 boys and girls participate in a softball competition, coached and organized by police officers. Trophies are awarded winning teams after a playoff of division winners. The summer is concluded with a picnic or other outing attended by all participants.

The Buddy Fund provides all financing for the outing, uniforms, equipment and umpires.

During the winter months, the Division sponsors soccer and basketball teams.

#### **High School Programs:**

In each district, Public Affairs officers establish high school programs to better communicate with the youth. Programs range from assembly programs to classroom visitations.

In the Seventh District, the district commander, assisted by the Public Affairs officer, conducts a program where two students from each of the four high schools spend every morning for a week at the district station learning about the operation of the police at the district level. About 160 students from the district participate in this ongoing program each year.

### **School Safety Patrol:**

Police officers train school safety patrols of the city's 210 elementary schools. After the training there is follow-up by district officers to insure that the boys and girls are performing properly. The training consists of information about what to do about traffic offenses, molesters, injuries and other problems that may be encountered.

### **Explorer Posts:**

Explorer Posts, with a special interest in law enforcement, are an advanced unit of the Boy Scouts of America. Members must be high school students between the ages of 14 and 18. They wear uniforms similar to those of police officers. Explorers are taught fingerprinting, identification techniques, first aid, firearms safety, etc.

### **Youth Employment:**

Public Affairs Officers assist youths in securing part-time employment. Follow-ups are made to determine how well youths work out.

### **Block Homes:**

The district committee encourages and provides guidance and assistance to any PTA, Mothers' Club, or other organization that wants to start a Block Home program. Mothers who will be home when children are going from school place a "Block Home" sign in their front windows, and children are instructed to take refuge in these homes if they become frightened, sick or injured.

Public Affairs officers will meet with these groups to show a film and discuss the needs of the children. Applicants are carefully checked before they receive the Police Department's Block Home sign.

#### **Halloween Candy:**

The division purchases Halloween candy which is distributed to youngsters at the district stations.

### **ANTI-CRIME-COMMUNITY INTEREST GROUPS**

There are hundreds of innovative projects in operation around the country. Because of space we will discuss the neighborhood watch/community oriented policing, special weapons and tactics (SWAT), directed patrol, and foot patrol.

#### **Neighborhood Watch—Community-Oriented Policing**

The Neighborhood Watch program began as neighborhood workshops, coffee klatches, and community oriented policing concepts. It has gradually evolved into a highly organized community crime prevention group.

The neighborhood is organized into sections with block captains who assume responsibility for a small area of the community. Meetings are held monthly or as needed. They are run by the block captains and civilian coordinators, with support from department administrators and speakers. Meetings are held in available facilities and can vary from plush clubhouses to mobile home laundry rooms. By sensitizing the individual in the community to crime problems, suspicious persons are often reported or apprehended before they can commit crimes.

Community oriented policing extends beyond the neighborhood watch program into specialized patrol organizations. The organiza-

tions vary but are most often reduced to district police departments. These district police squads are then responsible for the handling of all crimes that happen in the district and are directed to use innovative ways to curb the crime problem. From this mandate grew the neighborhood watch concept.

Of all the projects initiated through LEAA funding, this type of project appears to be the most successful. The programs are inexpensive and serve as an effective communication device with the community at large. See Figure 13.1 for the Neighborhood Watch program developed by the St. Louis, Missouri, Police Department.

### Special Weapons and Tactics (SWAT)

These emergency response units have performed well and have been met with acceptance by the community. While SWAT squads do not perform substantially differently than any well-trained response unit, they are usually better equipped and backed up with heavier weapons and more diverse equipment.

It would appear that the value of having a special SWAT squad is that the citizens are able to relate to the regular patrol officers who are the mediators in a community before the SWAT squad enters and does the shooting and the destroying—or so it appears to the citizens.

In actuality, SWAT teams have engaged in shootouts, and they are the epitome of what people believe crime crushers to be. But, they have engaged in relatively few violent actions. People have watched the *A-Team* on television, and they are psychologically prepared for special team action, although they are not in favor of the regular patrol officer engaging in this kind of violence. By having the SWAT squads, much community pressure is taken off



## Neighborhood Watch

Citizens involvement in crime prevention efforts has become more than ever, an essential element in controlling and reducing crime.

Police do not witness even a small fraction of the crime that occurs, many times citizens do. Police do not prosecute, citizens who are victims must.

Police cannot testify as witnesses, citizens who witness criminal events must and police must rely on the citizens. In short, the safety and security of a community hinges on the willingness of its citizens to be actively involved in the crime fighting effort. Neighborhood Watch is a vehicle through which the citizens, in cooperation with the police can actively fight crime in their neighborhood.

The role of the Public Affairs officer is that of the trainer and assistant in organizing.

The Public Affairs officer will not create nor organize a Neighborhood Watch Program, he will assist neighborhood leaders in organizing and he will train the citizen in crime prevention measures and inform them about crime in the community.

*Figure 13.1.* Neighborhood Watch programs as implemented by the St. Louis, Missouri, Police Department.

the patrol units. The community, also, gets better handling of extreme situations.

### **Directed Patrol**

The idea behind this project is to have units directed toward a particular problem to eliminate or reduce that problem. In reality, this is another name for the "felony car" concept where units may be flexible to work uniform or plain clothes, are not committed to answering routine calls, and in fact do "zero in" on special crime problems. These units concentrate efforts based upon crime statistics and/or intelligence information about where crime may be expected to occur.

### **Foot Patrol**

Contrary to some contemporary thinking, the foot patrol still has a place in police work. While the use of foot patrol is restricted, the city of Flint, Michigan, initiated a new foot patrol project. The goals that were developed from that project may serve as a model for a great number of different projects. These goals (shown below) are important in any anti-crime effort.

1. To decrease the amount of actual or perceived criminal activity.
2. To increase the citizen's perception of personal safety.
3. To deliver to residents the type of law enforcement services consistent with community needs and ideals of modern police practices.

4. To create a community awareness of crime problems and methods of increasing law enforcement ability to deal with crime effectively.
5. To develop citizen volunteer action in support of the police department, aimed at crime targets.
6. To eliminate citizen apathy about reporting crime.
7. To increase protection for women, children, and the aged.
8. To monitor the activities of the foot patrol officer. (This was presumably done to determine if there were enough activities to justify the deployment of foot patrol officers.)
9. To measure interface between foot patrol officers and other units of the police department.
10. To evaluate the impact of training on the performance of foot patrol officers.

### **Model Programs For Community Relations**

One of the most active and aware cities is Santa Ana, California. There, just 16 percent of the school children are Caucasian. Thus, the community faces considerable racial tension, and the police community relations program holds a special importance in this setting. In a special publication (see Figure 13.2), various projects are listed to illustrate the comprehensive thrust of this city's program.

## *Public Awareness*

*by Lt. Earl Porter*

The success of Santa Ana Police Department's many innovative programs has been a direct result of community involvement. The importance of receiving the support of the community for the efficient functioning of the Department cannot be over emphasized.

In order to maintain a positive approach towards public awareness of the on-going efforts of Santa Ana Police Department, a series of presentations has been developed to be used at public meetings. These presentations deal with the on-going programs and services of Santa Ana Police Department. A staff officer (Lieutenant or above) will make these presentations concerning department policy.

### **Subjects available:**

- *Integrated Police Services Delivery System*
- *Case Management*
- *Career Criminal Apprehension Program (CCAP)*
- *Field Investigator Program*
- *Police Service Officers*
- *Community Centers*
- *Major Enforcement Team*
- *Directed Patrol*
- *Response Time*
- *Gangs*
- *Narcotics*
- *Vice*

Community groups desiring a departmental spokesperson for any of the subject areas may make an official request through their area Police Service.

**Figure 13.2.** Progressive community programs. (*Courtesy Santa Ana, California, Police Department*)

The Indiana State Police have organized volunteers into groups called "INCERT" (for the Indiana Council of Emergency Response Teams), who respond to emergencies and disasters. These members are not police officers. However, they are trained and specially equipped civilian volunteers, ready to move in force in the event of an emergency. This group parallels the functions of many reserve units that are popular throughout the country.

Traditional crime-community programs are being used in most major cities in the United States. Special programs addressing crime prevention have been useful in avoiding a drastic rise in crime, and, in some instances, the programs have resulted in the measurable reduction of crimes.

Operation Identification, developed and published by the Florida Governor's Crime Prevention Committee, and other similar projects from around the country are proving valuable in crime prevention and property recovery (see Figure 13.3).

Proven projects, some of which have had ten or more years of successful operation, are included in the programs sponsored by the Miami-Dade Metropolitan Police Department (see Figure 13.4).

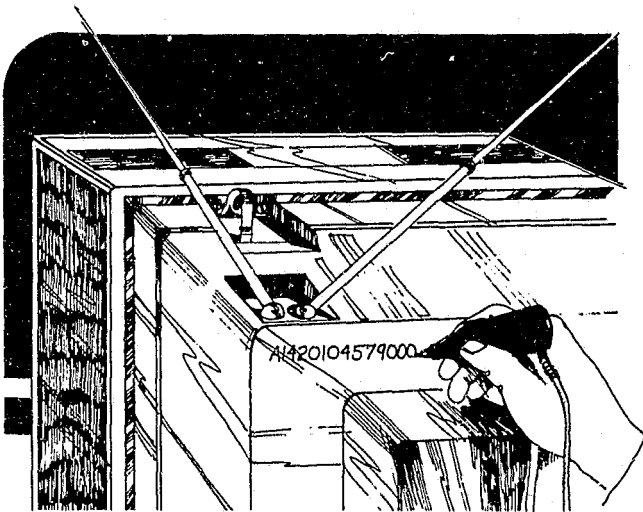
All newspapers periodically run feature articles designed to get the community actively involved in the prevention of crimes by *not* becoming a victim. Author Michael Castlemen says, "There is little need for most people to become victims of crime. The citizen should be made aware and therefore able to outsmart the criminal." The thesis in this approach to crime prevention, according to the author, is that crime occurs because of impulse and opportunity. "Avoid situations of impulse and take away the opportunity, and crime can be cut by drastic numbers," he declares.

### **Victim Service System**

A new community oriented program was proposed in a recent meeting of the National Conference of the Judiciary. This new

## OPERATION IDENTIFICATION

There are several ways to mark your valuables for Operation Identification. You can use an electric engraving tool provided by one of the community-minded organizations cooperating in this Residential Burglary Prevention Program. Call your local Police or Sheriff's Department to find out where these tools are available. Or you may choose to purchase one for your own use, since they are relatively inexpensive. They're available at many hardware stores. Another method is to engrave your license number on valuables with a special diamond-tipped pen, also available through many hardware, department and variety stores. Whichever method you choose, check with your Police or Sheriff's Department to find out where you can get Operation Identification stickers to display near the front and rear doors of your home.



**Figure 13.3.** "Operation Identification," a national crime prevention concept.

## CRIME WATCH PROGRAMS

1. **Sexual Assault Program:** This meeting may include information concerning molesting and child abuse, if requested, as well as explain the varying approaches confronting and preventing sexual assault. Movies are available, including a 55-minute film by John Storaska, "How To Say No To Rapist."
2. **Youth Crime Watch:** This program is available to all elementary and secondary students who will be trained in crime prevention and in observing and reporting incidents in their schools. Additionally, the youths may initiate and develop their own programs in order to make their neighborhoods safer.
3. **Courts Committee:** The Committee works in cooperation with the Crime Commission Court Aide Program in following cases where Crime Watchers were victimized or gave information leading to the arrest of a suspect. Crime Watchers are kept apprised of the status of the case. The Committee and the Crime Commission Court Aide Program are Crime Watch advocates seeking justice in the case.
4. **House Stickers & Neighborhood Signs.** Citizens' Crime Watch stickers are available to each Crime Watcher for use on homes, apartments, cars or businesses. Neighborhood Citizens' Crime Watch signs, installed by the County, are available to all neighborhoods participating in Citizens' Crime Watch.
5. **Awards:** Awards are given at our AWARDS LUNCHEON in May to those Crime Watchers who have given information leading to the arrest of a felon. Awards are, also, given at this time to the outstanding "Officer of the Year."
6. **Home Security Surveys:** Security Surveys are available to each Crime Watcher. A policeman or trained volunteer will check locks, windows, doors, lighting, etc. and evaluate security needs.
7. **Business Crime Watch:** A general meeting of all businesses is held, similar to the "Primary Meeting." Crime Prevention and Crime Watch-training, however, applies to businesses, offices and stores rather than to residences.
8. **Realtor Watch:** Realtors throughout the county are trained to "Crime Watch" during their working hours in the neighborhoods and commercial areas in which they are selling.
9. **Safe Homes:** Provides safe havens for elementary school-age children in case of an emergency going to and from school.
10. **Assaults on Police Officers:** The Committee researches case records and collects data of instances where officers have been assaulted in order to try to insure proper disposition of all such cases.

**Figure 13.4.** Ten excellent crime prevention programs. (*Courtesy Miami-Dade Metro Police Department*).

plan to involve the victims of a crime in the resolution of a case resulted in a statement of policy which contained four groups of recommendations.

1. Fair treatment of victims and witnesses—to ensure that they are treated with courtesy, respect, and fairness.
2. Victim participation—to allow victims to participate and give appropriate input in all stages of judicial proceedings.
3. Protection—to protect victims and witnesses from harassment, threats, intimidation, and harm.
4. Judicial Education—to encourage trial and appellate judges to participate in programs dealing with the needs, comforts, and legal interests of crime victims.

At the present time, there appears to be a national awareness of victims. This is leading to increased pressure for the police or other social agencies to sponsor self-protection programs for child abuse, rape, and assaults against women. Most of these programs are designed around hot lines and one-on-one counseling. Police agencies have always furnished speakers to concerned groups but have not moved fully into social service counseling with these victims. Most victims are referred to private agencies for follow-up counseling.

### **Conjugal Prison Visits**

One of the important projects for rehabilitating prisoners has been the weekend visits by family members. This allows a prisoner to leave prison with relatives established in society. Family visiting programs are not operational in all states, but in the major states



that allow these visits, the inmate does not become isolated from society and the chances of rehabilitation are statistically better.

### **Carrier Alert**

The U.S. Postal Service has initiated a program where letter carriers are alerted to be aware of the special problems of the elderly and to report lack of activity or over-activity at a particular residence to the proper authorities. This program, called "Carrier Alert," has merely formalized and recognized what the neighborhood letter carrier has been doing for years.

Many police departments have developed "call back services," "emergency notification centers" and similar services for the elderly. Information and educational programs for the elderly serve the community centers in a vast number of programs.

### **McGruff, The Spokesdog**

A national crime prevention program featuring McGruff the talking dog has become a national byword and household symbol (see Figure 13.5). It is estimated that 30 million people have been exposed to the campaign and learned from it. The motto of the campaign is "Take a bite out of crime." Its direct impact on crime is problematic, but its value in generating awareness is irreplaceable.

### **Special Compensation Programs For Victims**

The American Psychological Association recently released a report on its two-year study of compensating victims of crime. They reported that many parts of the program were actually detrimental to the victims they were designed to help.

Because of the tremendous "red-tape" in applying and the meager funds granted, many victims were left demoralized,



*Figure 13.5.* “McGruff,” the talking anti-crime dog.

unsatisfied, angry, and frustrated. They perceive the system as being unjust.

The program does not cover psychological counseling or family therapy, and often contains exclusion of compensation if family are present, the compensation is administered unequally.

The burden of proving financial need and the limitations of the service caused the study group to give the program negative marks. The laws require victims to "cooperate" with the law, and this is psychologically repugnant to many victims. A major complaint from the group was that defendants were receiving full service while the victims had to scratch for meager benefits.

The report (to some degree a self-serving document for psychologists and psychological services) strongly recommended the expansion of the program into on-the-scene psychological first aid by the police and short-term follow up and crisis counseling for the crime victim.

It would appear that the program is so full of holes that it may do more damage to the victim than it does good. This very costly program should be returned to the welfare agencies who are prepared to offer this kind of support as a matter of routine.

## **SUMMARY**

Community relations programs have evolved from service type programs to community based crime prevention programs. The development of the different programs has followed federal funding patterns which, in turn, have taken on a conservative orientation to closely follow the philosophy found in the classical theory of crime causes.

The development of law enforcement—media relations and the handling of citizen complaints is the keystone of any good community oriented program. The proper handling of complaints from people in the community requires that the people know of the

process, understand the legal ramifications of a personnel investigation, and obtain feedback about what the department does in resolving the complaint. There have been a number of alternative methods cited so that the reader may select the system he or she believes to be best.

The listing of specific projects includes a number of proven programs/projects that are presently in use throughout the United States.

Programs such as Neighborhood Watch deserve special attention since this type of program has had significant impact upon the rate of neighborhood crime and has also prompted positive interaction between the criminal justice system and the community.

## **DISCUSSION QUESTIONS**

1. The declared worthiness of a program may not be based upon its value to a community but on the lack of funding in the community. Why is this so?
2. There is a constant pressure upon political administrators to support programs which put persons in jail and obtain convictions. Why?
3. Why are the types of programs begun in the community, in the main, decided upon by the federal funding that is available?
4. The success of any program is largely based upon the personal strength of the person who conceives the idea for the program. Give some examples.
5. A press relations officer is a necessary position for almost all police departments. What is his or her job?

6. Why should the proper handling of complaints against personnel and agencies of the system be a high priority program of an agency?
7. Why should the authority of a citizen complaint unit, a citizen review board, or other citizen representative group be spelled out in writing and be adhered to?
8. The school serves as an agency for good communication-interaction programs for the criminal justice system. Cite and discuss several of the more popular programs.
9. Crime prevention orientation tends to be replacing service oriented programs in the community relations philosophy. Is this good or bad?
10. Neighborhood Watch programs have tended to meet with success for the police agencies as well as for the community. Why do you think this is so?

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. Schools are the social fabric for the future of society. In order to maintain public order in the schools it is necessary that attending students want to be in school for educational purposes rather than merely complying with the law. Based upon this premise, who then become primarily responsible for student behavior in the schools? Analyze your answers and then decide who must assume a secondary role in school crime prevention programs.
2. Community and problem-solving policing have been met with positive community response wherever they have been initiated. Analyze the different programs initiated under these concepts and identify the merits and practicality of

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programs such as foot patrol, neighborhood watch etc. Are police resources being maximized to achieve efficiency? Effectiveness? Will the community policing strategy lead to increased police corruption and misbehavior?

## *Chapter 14*

# **NEW CRIMINAL JUSTICE ISSUES IN THE 1990s**

### **Learning Goals:**

- To identify new directions for agencies of the system.
- To review identified areas of concern for courts and corrections personnel.
- To assess needs and areas of concern for law enforcement.

### **INTRODUCTION**

The role that the criminal justice system assumes in the 1990s is fairly well established, since the political philosophy that establishes priorities is on a relatively stable path. It would appear that the present conservative trend in politics and the way the public reacts to crime will continue well beyond this decade. This conservative trend is shown in court decisions, changes in laws to limit some of the rights of the accused, and in the expansion of discretionary police powers of the state. These trends have already been shown in the evolution of community relations programs of the past five years.

The programs have changed from public services orientation to a large number of crime repression programs being offered to the community under the umbrella of community relations. Thus, what the people in power and the political structure see as justice will be the prevailing philosophy for at least a decade. By having the

needs of the community assessed in a recent national survey, it is easier to project what will be. The approach will be to identify the trends for each component of the system and make projections on how the thrust of community oriented programs will go. This chapter will discuss: (1) the needs of law enforcement community programs, (2) courts and prosecution, and (3) the correctional system.

## **LAW ENFORCEMENT NEEDS**

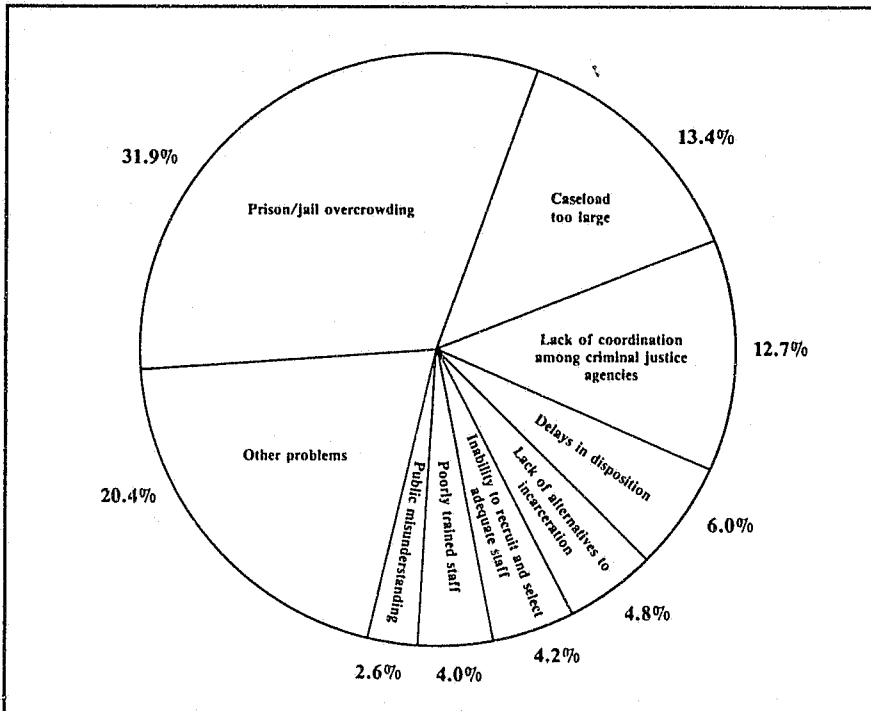
One of the most recent surveys in the nation identified the important issues facing the criminal system as being prisons and jail overcrowding. One-third of the respondents to the survey perceived this problem as the overriding issue of the system. Two-thirds of the respondents identified other issues that are of direct concern to the areas of law enforcement (see Figure 14.1). These priorities will not be drastically different from the past, but they posed questions of law enforcement activity that involve community programs and school-age youngsters. The law enforcement problems in and beyond the 1990s, are outlined in these survey results.

The number one priority is obviously the shortage of personnel to carry out traditional police functions. Other priorities are going to be relegated to satisfying these needs. To overcome and move personnel into crime prevention roles is going to require heads of agencies who are innovative and able to secure funding for special programs from local sources.

A second priority is the difficulty and high cost of recruiting, selecting, and training police officers. Ninety-two percent of the respondents to the survey said their financial support was inadequate.

Because of this lack of resources, new roles for law enforcement agents may be highly restricted in community oriented programs. If funding is appropriated at the federal level for high priority, community-based programs, then the concept of community





**Figure 14.1.** National survey results identifying important issues facing the criminal justice system. Percentages indicate relative seriousness of the problem by respondents.

programs will grow and will carry law enforcement officers into these functions.

### Crime Control Policy

Many professionals are saying that there was a lack of consensus among agencies on how to deal with crime problems. This question has been partly resolved in the correctional system by a change from the "Medical Model" to the "Justice Model," previously discussed. It would appear that the thrust of criminal

justice action is being directed back toward the classical theory of crime prevention. Ten years of the classical theory of crime prevention has resulted in a reduction in some types of crime and increases in others. The major movement in the law enforcement field has been the hiring of thousands of federal agents to curb the flow of narcotics (rather ineffectively), fire arms and concerted attacks against organized types of crimes. Thus the trend toward federalism continues.

Through court decisions and by new laws such as the Omnibus Crime Bill of 1984, there is a political thrust to bring law enforcement more into tune with the classical theory of criminology. It would be reasonable to expect new funding to follow these lines. The role of the street law enforcement officer appears to be headed back to what it was in the 1940's and 1950's.

### **Drugs and Crime**

The next priority, and this would give much importance to community-based programs, would be to address the problems of drugs and crime. The general feeling was that if you cut down on drugs, you also reduce other crimes. Most agencies suggested they had neither the resources nor the expertise to make significant inroads into present drug problems.

The general response to that finding is "so what else is new?" There appears to be a strange dichotomy in society about drugs. The general public screams for the eradication of crime associated with drug use and, at the same time, reduces penalties for narcotic and alcohol use. It is virtually impossible to get jail time for a person caught driving under the influence of alcohol unless injury or death results from the drinking incident.

Employment of thousands of federal agents to fight the "war on drugs," has resulted in mixed results. Citizens read in the newspapers and see on television, the results of massive drug raids netting millions of dollars worth of drugs. They also read and hear

about the millions of dollars in assets which drug enforcement agents have confiscated from drug dealers. They also read, see, and hear that drug sales are "alive and well" in our schools and on almost any urban city street throughout the United States. People can only conclude that the "war on drugs" is faring no better than did the battle against liquor and beer during prohibition.

### **Crime Prevention and Youth**

These concerns lead to crime prevention programs aimed at school-age youngsters. Over one-half of the survey respondents suggested drug prevention programs in schools as a priority since efforts to reduce drug usage through heavy penalties, treatment programs, and undercover buy programs have fallen far short of resolving the problem.

The question then is raised, are the police prepared for an expanded role in elementary, junior high, and high schools, and are the police in the best position to be presenting these programs?

### **Research and Training**

Other problems that will affect the future role of law enforcement agents were identified as information processing, research, and training. It was recognized that outside help is needed in information processing to reduce the paper work of field officers. It was also suggested that research be directed to "applied research" only and that funds be directed to operational programs.

Training content and location were generalized as being a priority for improvement in the quality of personnel from police officers to judges. Logically, good service to the community demands the best trained personnel throughout the system.

## **Discretionary Police Power**

The first person in the criminal justice system to exercise the powers of discretion is the law enforcement agent. Until a defendant is placed into the system, the exercise of police power on the street is rarely legally challenged.

The proper use of discretionary power controls how the police respond to the needs of the community. In order to satisfy the perceived needs of the community, good relations will require that judgments, not prescribed by law, must be based upon mature and professional decisions and guided by leaders who also possess empathy and wisdom. The future of law enforcement as a successful instrument of control will depend upon the ethical performance of its agents rather than upon the "purity" of law.

## **Productivity in Law Enforcement**

In the future, law enforcement agencies are going to be asked for greater "productivity" without increased resources. In reality, the public may be asking for a different kind of delivery service. Everyone agrees that the level of performance of the system must improve. These improvements include the following:

1. Improvement in managing the demands for services. This was begun by implementing the 911 phone system and the incorporation of the Computer Assisted Dispatch system (CAD). Improvement in these systems will improve allocation and deployment of personnel,
2. The improved systems of personnel allocation should include a more realistic evaluation system. There is more to the law enforcement job than the number of felony arrests made or the number of traffic citations issued. Those criteria do not tell the "whole story" of how well the

job of the law enforcer is being done. Too often, however, they are the only criteria used for personnel evaluation. More appropriate assessment and performance systems must be developed.

3. Law enforcement organizations must do a better job of communicating their expectations to the line personnel. Management wants officers to maintain good community relations, but they also want them to build statistics such as more tickets, more field interviews, and more arrests. Some of these activities may be incongruent with good community relations. The law enforcer is often so busy with the activities that count toward good personnel evaluations, that he or she has very little time to spend on activities that count with the community.

## COURTS

Excessive case loads are the constant cry from judges and administrators in the court system. In reality, the structure of the present courts system is *not* designed to handle volume. Up until this time, there has been very little effort to modernize court procedures. There have been more judges and more courtrooms of magnificent structure added, but nothing has been done to render better or faster justice. Changes in the system *must* take place if the courts are to remain viable.

Case management should be done by professional systems people. The design of a proper system will ensure that scheduling is maintained, court docketing is done, generating subpoenas is accomplished, and the notifying of jurors and the handling of fines are ensured. These are all done in private enterprise with a standard system of resource allocation. There is little reason to believe that they would not work for court operations.

Courtrooms are in use only about 30 percent of the time. Taxpayers are paying a high price for this inefficiency. With the present operating staff in a courtroom, at least three times as many cases could be handled. Night courts are an inconvenience for some judges. However, they would be much more convenient for most witnesses and other people involved in the system and would also save law enforcement agencies about 10 percent of their operating budget.

Most judges are highly educated, but they are rarely trained in efficient courtroom management. Thus, efficient procedures, legal interpretations, and good management practices are sometimes bogged down by inept court operation. This is often compounded by the delaying tactics of the prosecutor and defense attorney who can tie an efficient court operation and procedure in knots if the judge is not properly trained.

The future will bring greater efficiency and effectiveness in the court system. Simplified rules of procedure are necessary so that all courtroom participants can better focus on the factual issues of a case and the job to be done.

## **PROSECUTORS**

Problems similar to those that exist in the courts and in law enforcement also exist for the prosecutor's office. Their most common concerns are:

1. Lack of funds for investigation, investigative equipment, funds to conduct surveillance and "buy money" for narcotics investigations. (This leads one to believe that the agencies' priority is no longer prosecution but investigation.)
2. The role of the prosecutor needs to be carefully analyzed as to the ethics of investigation being under the domain of the attorney, be it the U.S. attorney, attorney general of a

state, or the local district attorney. Many resources of the district attorney go into investigative resources that are duplicated in the sheriff's office and in local police departments. Perhaps these funds could be better spent on actual prosecution.

3. Prosecutors need technical assistance in training and upgrading young prosecutors. Prosecutors' offices tend to be the entry-level job for law school graduates, who use it as training for private practice.
4. Increased use of a "law enforcement liaison attorney" by police and sheriff's departments has gained much credibility. Expansion of its use would eliminate marginal cases before they get to court.

## **PUBLIC DEFENDERS**

Public defender offices, private defense leagues, and other agencies that come to the aid of the accused are suspect in the eyes of much of the public. As a result of this community feeling, the public defender has had to "cope with" heavy case loads, inadequate investigative staff, and insufficient staff for proper case preparation. Some of the needed changes are:

1. Because of the lack of public understanding of the role of the public defender, there is a great need for a community oriented media program to make the public aware of the advantages of the office. The public should understand that a case properly defended saves money in the long term.
2. To function effectively, the public defender must modify the case loads. There need to be adequate funds for investigations, expert witnesses, and legal research.

3. The quality of training and retraining in the public defender's office is marginal in most offices. Generally, the public defender suffers the same deficiencies as does the prosecutor.

## **PROBATION**

The decision makers are directing probation agencies to develop a more structured approach to the risk of recidivism in a person released into the community:

Probation officers conduct background investigations and make sentencing recommendations on defendants to the court. There does not seem to be pressure to change this function, only pressure to improve the delivery. In any event, there are new guidelines that are designed to assist in the probation function. The criteria used to establish these guidelines, however, have not been fully developed. Some of the criteria are given here:

1. The courts are being requested to establish more consistent guidelines in sentencing. Probation should be a part of the sentencing consistency.
2. Efforts to standardize felony crime classifications are important for sentencing and for assessing prior convictions.
3. The implications of sentencing that reflect on the management of prisons becomes of interest to the probation officer who must then make recommendations to the court.
4. Sentencing must relate to the ability of society to handle the cost of imprisonment.



5. Pretrial release programs need to focus on screening and decision-making processes that result in cost effectiveness.
6. The entire area of criminological diagnosis is needed so that biological, psychological, forensic psychiatry, chemistry, and other new research findings are entered into the treatment and disposition of criminal behavior.
7. The probation function is not understood by the public, especially the elderly in whom the fear of crime is so pervasive. Success rates rather than repeater rates should be emphasized and transmitted to the public through properly designed media programs.
8. Probation needs to take the lead in documenting attrition rates. The probation officer is the person who can document attrition based upon the characteristics of the defendant, the case, the rest of the criminal justice system, and the political and social context of the community.

## **PAROLE**

Parole and probation roles in post-sentencing problems are similar. Some of the key areas in parole are as follows:

1. New technology needs to be utilized in assisting the parole and probation officers in prison jobs, welfare, supervision, and the tracking of behavior patterns.
2. The lack of financial resources was the number one problem area indicated in the national survey. New research and new programs are needed if the programs of probation and parole are to survive.

3. With an emphasis upon "selective incapacitation," more prisoners will be serving their full terms before release (providing jail and facilities are available). Consequently, parole may be eliminated or reduced for post-sentence prisoners.
4. Programs such as work release, education release, restitution, community service, and volunteer service programs directed to juveniles, the mentally retarded, alcoholics, and drug abusers will probably consume more program time in the future.

## SUMMARY

Prevailing political philosophy will probably continue for the next decade and the conservative trend will likely continue even longer. This trend toward conservative criminal justice has been shown in funding patterns for the past several years. Programs in the community relations sector have moved from service type programs to specialized crime prevention programs.

Several new areas, identified in a national survey have been discussed. What priority is attached to these programs, depends on federal funding patterns. New innovative programs in any segment of the system will have to look for resources outside the community.

## DISCUSSION QUESTIONS

1. Discuss what factors are currently working to change or maintain the role the criminal justice system in the 1990s.
2. In respect to criminal justice, is the current political trend in this country conservative or liberal?

3. What did a recent national survey indicate as the most important issue currently facing criminal justice?
4. What problem are we facing at this time relative to carrying out traditional police functions in this country?
5. What effect did the Omnibus Crime Bill have on the criminal justice system in this country? Is that effect changing?
6. What are the two problems most frequently cited by law enforcement which prevents it from reducing the drug use problem?
7. Briefly discuss changing public attitudes relative to the "medical model" as opposed to the "justice model" as these apply to corrections.
8. Briefly discuss some of law enforcement's current problems relative to research and training.
9. What is meant by "discretionary police power?" What problems, if any, does it create in the area of public relations?
10. Briefly discuss each of the four improvements in law enforcement productivity as listed in this chapter.

### **CRITICAL INCIDENTS FOR ANALYSIS AND DISCUSSION**

1. Is the current trend in criminal justice toward the politically conservative or liberal? What will be the likely effect of this trend on the system? What change, if any, is likely in the balance between "service" vs "crime prevention," in police-

community relations programs? What has been the major funding source for police-community relations programs in the past and where will agencies need to look for future resources? What will the shift from the "Medical Model," to the "Justice Model" have in the future on the police, courts and corrections?

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