

POLICING AMERICA

METHODS, ISSUES, CHALLENGES

THIRD EDITION



KENNETH J. PEAK

Third Edition

POLICING AMERICA

Methods, Issues, Challenges

Kenneth J. Peak

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This book is warmly dedicated to

Cindy Peak, my sister
My "adopted" siblings, Dale and Sandy White
Ron and Christy Glensor
The Rev. George Wolf
Debi Dearman
B. Grant Stitt
Bob Niggemann

for their extraordinary support and comfort during a difficult transition

The Cover

Justitia, or the statue of Justice, representing evenhanded treatment under the law, has traditionally been depicted as a blindfolded maiden. To the Greeks and Romans, Justice was a pure being with an unerring instinct for fairness and no need for a blindfold. German artists of the sixteenth century, however, appalled by the corruption of the courts, satirized Justice as blindfolded and staggering around the courtroom. Thus, the negative connotations of the blindfold, which became a standard part of the image, eventually were lost.

The cover shows one of but a few statues in America that does not have a blindfold. It stands on the front of the Storey County Courthouse in Virginia City, Nevada. The figure, made of gold-plated zinc, was purchased from the Seelig Fine Arts Foundation of Williamsburg, New York, in 1877, at a cost of \$236.

The author is grateful to Ronald M. James, State of Nevada Historic Preservation Officer and author of "Nevada's Temples of Justice," *Western Legal History* 3 (Winter/Spring 1990): 95-103.



PREFACE

This third edition of *Policing America: Methods, Issues, Challenges* continues my goal of providing a comprehensive view of the largely unknown and often obscure world of policing and also represents a major, line-by-line revision of the preceding editions. New chapters have been added concerning police technology and issues and trends, and new sections dealing with current police methods and issues have been added to other chapters as well. Meanwhile, this edition continues the tradition of providing in-depth coverage of major topics of the day.

The book is written for several audiences: those persons who are considering a police career, those already in the police field, or those who are merely concerned consumers of police services. Given the prominence and authority of police in our society, it would seem that all of us have an interest in police functions.

Policing America differs from other policing texts in several ways. First, the author brings both a scholarly and practical background to this effort; as a result, the chapters contain a “real world” flavor not found in most policing textbooks. Also, disseminated throughout the book are several “Practitioner’s Perspectives”—short essays written by selected individuals who have expertise in particular areas of policing. In addition to the new chapters on police technology and issues and trends, this book also provides uncommon, in-depth coverage of a number of subjects; a chapter-by-chapter breakdown follows.

Chapter 1 discusses the history of policing, and Chapter 2 examines the contemporary status of federal, state, and local law enforcement agencies and their roles and functions. Next, Chapter 3 examines the police subculture and how common citizens are socialized to the role. The next chapter considers how police agencies are organized and administered, and how administrators, middle

managers, and supervisors perform their functions. Chapter 5 explores the very important patrol function and includes a discussion of the community policing and problem solving concepts.

Chapter 6 focuses on criminal investigation, including the highly progressive fields of forensic science and criminalistics, and Chapter 7 looks at several extraordinary police problems and methods: policing militias, the mafia, teen gangs, small towns, the homeless, and the borders. The rule of law is discussed in Chapter 8, delineating the constitutional guidelines that direct and constrain police actions. The next chapter looks at police accountability to the public, including the issues of police ethics, violence, use of force, and corruption.

Police civil liability is examined in Chapter 10, and the new Chapter 11 describes a number of trends and issues, including rights of police officers, women and minorities in policing, the private police, unionization, contract and consolidated policing, civilianization and accreditation of police agencies, higher education for police, and police stress. Then, in Chapter 12, policing is analyzed in four international venues: China, Saudi Arabia, Northern Ireland, and Mexico. INTERPOL, the international crime-fighting organization, is also discussed. Chapter 13 is also new; it examines police technology, including myriad uses of computers, electronics, and imaging and communications systems. Developments with firearms and other weapons are also discussed. Finally, Chapter 14 looks at the police of the future and how predictions are made.

From its introduction, written by Harvard graduate and Reno, Nevada, Police Chief Jerry Hoover, through the final chapter, the reader is provided with a comprehensive and penetrating view of what is certainly one of the most difficult, challenging, and obscure occupations in America.

ACKNOWLEDGMENTS

This edition, like its two predecessors, is the result of the professional assistance and guidance of the publishing staff at Prentice Hall and of several police practitioners. This effort again involved Neil Marquardt and Kim Davies, acquisitions editors, and I was again (for the fifth time) quite fortunate in being able to work with my friend and production editor, Linda Pawelchak. The author also wishes to acknowledge the invaluable assistance of Richard Becker, North Harris College; Peter Gray, Sante Fe Community College; and Ken Mullen, Appalachian State College, whose review of the second edition resulted in many beneficial changes in the third rendition. An unsung hero, copy editor Lynn Buckingham, improved the final product immensely.

A special debt of gratitude is owed to all those who contributed "Practitioner's Perspective" sections, making time in their busy schedules to explain different facets of policing and its related issues and problems.

Ken Peak



ABOUT THE AUTHOR

Ken Peak is a full professor and former chairman of the Department of Criminal Justice, University of Nevada, Reno, where he was named Teacher of the Year by the university's Honor Society. He served as chairman of the Police Section of the Academy of Criminal Justice Sciences from 1997 to 1999 and recently served as president of the Western and Pacific Association of Criminal Justice Educators. He entered municipal policing in Kansas in 1970 and subsequently held positions as a nine-county criminal justice planner for southeast Kansas, director of a four-state Technical Assistance Institute for LEAA, director of university police at Pittsburg State University, and assistant professor of criminal justice at Wichita State University. His other books include *Community Policing and Problem Solving: Strategies and Practices* (2d ed., 1999, with Ronald W. Glensor); *Justice Administration: Police, Courts, and Corrections Management* (2d ed., 1998); *Police Supervision* (with Ronald W. Glensor and Larry K. Gaines, 1999); and *Kansas Bootleggers* (with Patrick G. O'Brien, Sunflower University Press, Kansas State University, 1991). He also has published more than 50 journal articles and book chapters. His teaching interests include policing, administration, and comparative justice systems. He received two gubernatorial appointments to statewide criminal justice committees while residing in Kansas and holds a doctorate from the University of Kansas.



INTRODUCTION

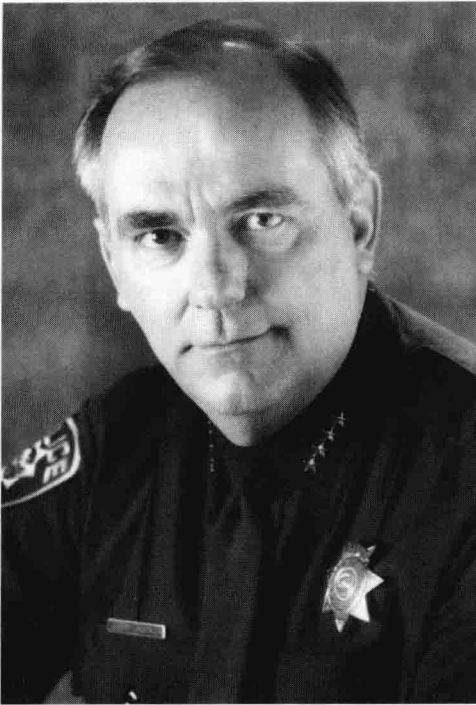
by Chief of Police Jerry Hoover

I have but one lamp by which my feet are guided, and that is the lamp of experience. I know no way of judging of the future but by the past.—

Patrick Henry

These are the times that try men's souls.—*Thomas Paine*

Police administrators have been asking about the future of policing for years. Futurists lectured at police conferences about what to expect in the 1990s. They predicted civil disorder and riots, domestic terrorism, and liberal laws that restricted the police from effectively doing their jobs. Some of these have happened, but not to the extent predicted. Students rioted at colleges, but most of those incidents were alcohol driven, not the result of some leftist revolution. Terrorism struck Oklahoma City and New York, but these were the exception rather than pervasive activities. And liberal laws? The pendulum continues to swing between liberal and conservative views as laws are passed and courts rule on their constitutionality. What we are finding is that the challenges for the twenty-first century are more likely to be an extension of our present issues: technology and crime, organization



Chief of Police Jerry Hoover Reno, Nevada

Chief Jerry Hoover has a master in public administration degree from Harvard University, a master of arts degree in anthropology from Colorado State University, and a bachelor of arts degree in anthropology from San Diego State University. He is a trained forensic anthropologist and an expert on destructive religious cults. He is also a national consultant on police issues and teaches at the University of Nevada, Reno. He began his 30-year career in law enforcement with the San Diego Police Department, serving there for 11 years. Following that, he was with the Boulder, Colorado, Police Department for 15 years. Prior to his appointment in Reno, he served as police chief for the St. Joseph, Missouri, Police Department for three years.

of police agencies, external social issues, and ideology. The future of policing is already here.

Technological crime has increased exponentially in the last 10 years. With the advent of computers and the introduction of the Internet, criminals have gained not only a powerful tool for committing crimes, but also a new world in which to operate—cyberspace. Very few jurisdictions have even attempted to approach this problem, let alone keep up. A proactive approach to technology issues is expensive and time consuming. Law enforcement administrators must hire and train specialists who understand this new environment. Fortunately, some are doing this; but unfortunately, many are not. The criminal justice system still tends to focus on crime in much the same manner as it did two or even three decades ago. This is changing, however. New ideas and skills are entering law enforcement as we hire people with diverse backgrounds and advanced education. Successful police executives understand that the future of policing depends on the quality of new officers and the diversity of their education and training.

The challenges of policing the next century, however, extend beyond the individual. Organization of law enforcement agencies has undergone a great deal of change. Rigid military hierarchy has given way to a more horizontal structure, allowing the command staff more exposure to the operations level. This has often resulted in improved communications between ranks and a more efficient operation of the department. Some police agencies are merging highly traditional

functions. Crime prevention and community affairs divisions are being combined with the patrol function. Detectives are sharing responsibilities with the line officer. Metropolitan police and sheriff's departments are regionalizing services, such as dispatch, the crime laboratory, and some investigative units. In some radical cases, complete consolidation of agencies is occurring. Police executives are aware more than ever that restructuring of the organization is necessary to enhance the capabilities of the police to meet increasing community demands.

External social issues facing law enforcement change as society evolves. Police officers are more likely today to encounter groups as dissimilar as militias, the homeless, gangs, and destructive religious cults. Some of these groups may be involved in criminal activity; others are simply out of the mainstream of beliefs; some are in need of assistance. The role of the police has changed significantly in the last 20 years, and it will continue to change because the values of our nation are changing. The police used to arrest what they termed *transients* for vagrancy. Now, working with social services providers, they may assist many of those people by transporting them to shelters, assisting with counseling, or even giving them tickets home if they live in another city or state. The proliferation of groups that threaten mainstream America will always present a challenge to law enforcement. Police officers will need diverse skills and resources available to them to confront these challenges with legal and moral means.

Police officers now treat their beats as living laboratories. They learn about community issues by collecting and analyzing data from a wide variety of sources. They are expected to analyze the problems in their community, not merely to fix the symptoms, but also to search deeper for the root causes of the problem. The officer must also facilitate a team effort among government and private sectors, a role that is relatively recent and nontraditional. The philosophy of policing is steadily evolving. Some administrators subscribe to a community policing model, others to a problem oriented policing approach; still others consider one a philosophy and the other a tactic and do both. An emerging debate exists regarding problem oriented policing versus outcome-based policing. There is no correct answer as to which philosophy or tactic should be used by a department. The style of policing will depend upon various factors, such as the size and structure of the agency, the resources and technology available, the values of the community, and the social and criminal problems encountered. If we search for the perfect model, the result could be a confusing attempt to force local agencies to use menu-driven approaches to policing. Police administrators are in the process of assessing programs, both national as well as local in scope, to determine how well they apply to their community's needs. The success of assessment depends on the type of leadership present in our police departments. We should be asking if leaders without authority are being cultivated in today's law enforcement agencies or do command officers make all of the decisions? Do we listen to voices that challenge our beliefs or are they silenced? Are we truly working toward partnerships with the community or is it business as usual? These are difficult questions, and they represent only a few of the many that should be asked.

Finally, people are demanding more accountability from their public officials. They want to be involved in the decisions affecting their personal lives. This desire for involvement may manifest itself externally in a call for police advisory committees or even more involved citizen review boards overseeing police actions. It most certainly will be seen internally in the form of police associations and labor groups. Every police executive is going to face one or more of these issues. For years, we have asked the community to judge our effectiveness in public safety by crime rates and response times. But now it has been made apparent that those are inadequate determinants of success. We are being asked to solve problems. Our effectiveness is now judged on the presence or absence of those problems. That is the future, and that future is here.

Just as law enforcement has evolved, so has the need for enlightened texts on the subject. Professor Peak's book fills this need. Peak takes the reader through the world of law enforcement, showing how the traditional model is evolving to fit our changing world.

Seeing the police domain in a historical context is important, but the student must also know where policing sits in relation to justice agencies throughout the nation. Police departments do not act in a vacuum. Their effectiveness is influenced by multiple factors, internal as well as external. Peak thoroughly discusses the topics that students need to know—from what makes a good cop, to the advances science has made for police investigations, to the role of community policing in today's police departments.

This book clearly explains the heterogeneous nature of the field. Policing is a difficult subject to comprehend and an even more difficult subject to write about, but Peak has written a text that can serve as a lifelong reference for today's police officer.

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