Daniel Adrian Doss William H. Glover Rebecca A. Goza Michael Wigginton, Jr.

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ADVICE & ASSISTANCE
DETAINABLE
IMPREDIATELY
OFFICEPS & CARS
RESPOND TO
URGENT CALLS

The Foundations of Communication in

# CRIMINAL JUSTICE SYSTEMS



## The Foundations of Communication in

## CRIMINAL JUSTICE SYSTEMS

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CRC Press Taylor & Francis Group 6000 Broken Sound Parkway NW, Suite 300 Boca Raton, FL 33487-2742

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Printed on acid-free paper Version Date: 20140909

International Standard Book Number-13: 978-1-4822-3657-6 (Hardback)

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#### Library of Congress Cataloging-in-Publication Data

Doss, Daniel Adrian.

The foundations of communication in criminal justice systems / Daniel Adrian Doss, William H. Glover, Jr., Rebecca A. Goza, Michael Wigginton, Jr.

pages cm

Includes bibliographical references and index.

ISBN 978-1-4822-3657-6 (hardcover : alk. paper) 1. Communication in law enforcement. 2. Criminal justice, Administration of. I. Title.

HV7936.C79.D67 2015 364.01'4--dc23

2014033365

Visit the Taylor & Francis Web site at http://www.taylorandfrancis.com

and the CRC Press Web site at http://www.crcpress.com

# The Foundations of Communication in CRIMINAL JUSTICE SYSTEMS

#### **Preface**

The combination of occasional insomnia and late-night movies may lead to the writing of books. During a sleepless night, I experienced a television showing of *Cool Hand Luke* (Internet Movie Database, 1967) during the wee hours. Among this movie's most memorable lines are, "What we've got here is failure to communicate. Some men, you just can't reach. So, you get what we had here last week, which is the way he wants it. Well, he gets it. I don't like it any more than you men" (Internet Movie Database, 1967). This portion of movie script spurred me to search meticulously for law enforcement or criminal justice textbooks that were authored from the perspective of communication. I located relatively few, reviewed their contents, and believed some colleagues and I could offer a new approach regarding the subject matter. The sandman's absence sparked a moment of inspiration that resulted in the crafting of a book outline.

Nearly a year later, after having finished a draft manuscript of this book, I once again found myself awake during the wee hours because of discomforts resulting from hernia surgery and the necessity of proofreading chapters. I again had the joys of late-night television while waiting for the pills from my trusty bottles of Demerol and Phenergan to blissfully quash the pain and soreness, and vastly modify my proofreading abilities. A Clint Eastwood movie marathon was on the tube that night.

Within the movie *Dirty Harry* (Internet Movie Database, 1971), one scene involved Eastwood communicating with a subdued perpetrator, and framing his situation rather directly. Specifically, Eastwood stated, "I know what you're thinking, punk. You're thinking 'Did he fire six shots or only five?' Now, to tell you the truth, I forgot myself in all this excitement. But, being this is a .44 Magnum, the most powerful handgun in the world and will blow your head clean off, you've gotta ask yourself a question: 'Do I feel lucky?' Well, do ya, punk?" (Internet Movie Database, 1971) Although fictitious, such a scene provides some important lessons regarding communication—it is often oral, quick, precise, to the point, and involves a sound, mutual understanding of the intended and inferred messages that are exchanged between senders and receivers. Human memory is imperfect. Therefore, people may be unable to recall completely and communicate accurately the details of an event. Communication also often involves the expressing of statements and the posing of questions that require varying amounts of thoughtfulness.

In reality, law enforcement officers and the personnel within the justice system often encounter various impediments that affect their ability to communicate with others. When law enforcement officers encounter members of the general public, some people may be mute, deaf, blind, or unable to speak English. Other medical conditions may also impede communicating effectively and efficiently. Members of the general public may offer different accounts of a mutually observed event (e.g., an automobile accident, act of crime, or domestic incident), thereby necessitating discretion, investigation, and wariness by the interviewing law enforcement officer. Malfunctioning technologies, such as radios, cellular telephones, and so forth, may also impair the ability to communicate. Therefore,

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when communicating with the members of society, law enforcement officers and personnel within the justice domain often encounter circumstances that diminish the ability to communicate efficiently and effectively.

Other considerations of communicating are as follows:

- Communicating is approximately 93% nonverbal (CUPW/UPCE-PSAC, 2013).
- One must generally hear something at least three times before the intended message can be effectively remembered (CUPW/UPCE-PSAC, 2013).
- Approximately 83% of adults learn concepts through visual means (CUPW/ UPCE-PSAC, 2013).
- Approximately 7% of communicating involves what one says; approximately 38% relates to how one says something; and approximately 55% involves "body movement" (CUPW/UPCE-PSAC, 2013).

These items represent a rather personal view of communication between people. However, many perspectives of communication exist. Communication is a big business upon which law enforcement organizations, corrections facilities, security organizations, and court systems rely on daily to support their functioning. These entities rely on telephone service, fax machines, electronic mail, surface mail, and wireless modalities in varying degrees. These services and products and various aspects of their components are not necessarily innate to the justice system. Instead, they are obtained from outside vendors of goods and services (e.g., AT&T, Comcast, Microsoft, or Motorola) that supply a range of products and services ranging from software to cellular telephones.

Communication represents a method of influencing societal behaviors. Among localities, numerous billboards, television and radio commercials, and newspapers often communicate messages that are intended to modify the behaviors of the local citizenry. Specifically, campaigns against drunk driving may be broadcast to mass audiences as a method of attempting to diminish instances of driving while intoxicated. Another familiar communications initiative is the "Click It or Ticket" campaign in which citizens are told to use their seat belts or face certain consequences if they are caught while driving without using a seat belt.

Communicating with the citizenry to influence behaviors also accommodates messages that influence both adults and children. Certainly, there are the unforgettable messages that are intended to sway behavior involving the McGruff Crime Dog and Smokey Bear. The former encourages people to report crimes, whereas the latter encourages people to ensure that camp fires are watered down before leaving a forest.

Other perspectives of communication involve homeland security and national security. Truck drivers may be conceptualized as the eyes and ears of American roadways throughout the nation (McElreath et al., 2013). If they see something suspicious, then they are encouraged to report it to authorities (McElreath et al., 2013). Furthermore, communication resources are components of critical national infrastructure (McElreath et al., 2013). They must be protected and maintained at all times during periods of both peace and distress (McElreath et al., 2013).

Communication may be considered from an operational perspective. Emergency dispatchers must communicate clearly, concisely, and unemotionally to allocate and direct emergency resources. Depending on departmental policies, law enforcement personnel often use "ten-codes" to communicate efficiently and effectively while simultaneously

encrypting portions of their messages to enhance communications security. However, when working with other agencies during an emergency, some efforts may be made by law enforcement entities to abandon "ten-codes" in favor of plain English to improve the effectiveness and efficiency of communicating.

A little imagination and some research will result in many other perspectives of communication that influence the justice system. Communication is an innate aspect of human existence and society. It is ubiquitous and inescapable. Understanding some of its basic principles, hopefully, will improve one's abilities to communicate efficiently and effectively.

It's now almost six weeks after hernia surgery. I'm once again awake during the wee hours at 3:17 a.m. I'm cranking out this preface while hearing the sounds of my ferocious, one-eyed Jack Russell terrier, Sprat, barking heartily at squirrels outside my window. An old rerun of *Gomer Pyle, U.S.M.C.* is on the tube tonight. Despite my best efforts to silence Sprat and to ensure rural tranquility among the hills and hollows of north Mississippi, we're having some communication problems. The dog doesn't speak English or squirrel, and I don't speak terrier. I could care less for talking to squirrels. Although I've performed my best impersonation of Sergeant Carter as a method of attempting to make my little man hush, he just doesn't get it ... so, to quote the movie *Cool Hand Luke* (Internet Movie Database, 1967) again, "What we've got here is failure to communicate."

Hopefully, kind reader, my fellow authors and I shall successfully communicate to you various concepts of justice system communication that may assist you in your endeavors. We hope there will be few, if any, communications failures as you read through these materials. We hope that you find this book to be interesting, useful, meaningful, and beneficial. If you experienced this book as an instructor or student, used it within your profession, or read it because of outright curiosity, then we encourage you to communicate with us regarding your feedback.

Thank you for your valuable time, kind attention, and interest in our work.

Daniel Adrian Doss

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### Acknowledgments

Thanks to Almighty God for this publication opportunity. Micah 6:8—"He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?"

This work is for my parents—Jerry W. Doss and Margaret S. Doss. When I was little, you always said I should eventually write a book. Well, here's another one!

For my little girl, Caleigh—I love you! Now that Daddy is finished with his "big book thingy," we can watch Mickey Mouse all night!

Thank you to my coauthors, Dr. Bill Glover, Becky Goza, and Dr. Mike Wigginton. Your participation and friendship are greatly appreciated, and I have thoroughly enjoyed this opportunity to collaborate with you.

Thank you to the faculty and staff of the University of West Alabama. Your encouragement was essential in keeping our efforts focused when completing the manuscript.

Thank you to the faculty and staff of the Department of Legal Studies at the University of Mississippi and the Department of Criminal Justice at the University of Massachusetts (Lowell). It was your graduate programs that sparked the idea of blending the topics of business and criminal justice as a research endeavor.

Daniel Adrian Doss

To my dad, who taught me (by example) how to have the drive and courage to succeed, and to my mother, who taught me not to run over people in the process.

William H. Glover, Jr.

This book is for my mom Judy Chadwell, my brother, Cory, and my sister, Emma-Leigh. I live life to its fullest because you can't. Special thank you to my mentors in the doctoral program, Drs. Lee Tyner and Adrian Doss. I appreciate every opportunity you give me and try to follow your every suggestion without fail.

Rebecca A. Goza

To my wife, Lisa, who gave me unwavering support and compassion and who has been by my side through some difficult times. I love you with all my heart.

Michael Wigginton, Jr.

### List of Acronyms

AAC Augmentative and alternative communication

AAR After-action review

ACLJ American Center for Law and Justice
ACLU American Civil Liberties Union
ADA Americans with Disabilities Act

ANOVA Analysis of variance

BTS Bureau of Transportation Statistics

CALEA Communications Assistance for Law Enforcement Act/Commission on

Accreditation for Law Enforcement Agencies

CAP Common alerting protocol
CBP Customs and Border Protection
CCA Corrections Corporation of America

CEO Chief executive officer

CLP Common Language Protocol
CMAS Commercial Mobile Alert System

CNN Cable News Network
COC Chain of custody

COPS Community-Oriented Policing Services

CQT Control Question Test

DADD Dads Against Drunk Driving
DHS Department of Homeland Security

DOJ Department of Justice
DOL Department of Labor

DOT Department of Transportation
DUI Driving under the influence
EAS Emergency Alert System

ECPA Electronic Communications Privacy Act

EMS Emergency medical services

EPAA Employee Polygraph Protection Act

EWS Emergency warning system
FBI Federal Bureau of Investigation

FCC Federal Communications Commission FDOT Florida Department of Transportation FEMA Federal Emergency Management Agency

FHA Federal Highway Administration FISA Foreign Intelligence Surveillance Act

FLSA Fair Labor and Standards Act FMLA Family and Medical Leave Act

f/s Frames per second

FTA Federal Transit Administration

GETS Government Emergency Telecommunications Service

GKT Guilty Knowledge Test
HHS Health and Human Services

Hz Hertz

IC Incident commander

IPAWS Integrated Public Alert and Warning System

JIC Joint Information Center
JIS Joint Information System
LAC Local assistance center

LAPD Los Angeles Police Department

LPR License plate reader

MADD Mothers Against Drunk Driving

mph Miles per hour m/s Meters per second

MSDS Materials safety data sheet

MSPA Migrant and Seasonal Agricultural Worker Protection Act

NASA National Aeronautics and Space Administration

NCA National Communications Association NCS National Communications System

NECP National Emergency Communications Plan

NIH National Institutes of Health

NIMS National Incident Management System

NLP Natural language processing NMB National Mediation Board

NOAA National Oceanic and Atmospheric Administration

NOPD New Orleans Police Department

NWS National Weather Service

OPORD Operations Order

OSHA Occupational Safety and Health Act

OSU Ohio State University
PIO Public information officer

PRSA Public Relations Society of America

PSA Public service advertisement
PSC Public service campaign
PWS Public warning system
RDP Route Diversity Program
RFP Request for proposal

SHARES Shared Resources High Frequency Radio Program

SSA State Secrets Act

SWOT Strengths, weaknesses, opportunities, and threats

TCP Traffic control point

TSP Telecommunications Service Priority

UM University of Michigan
USMS U.S. Marshal Service
WPS Wireless Priority Service

#### **Authors**

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#### Introduction

Communication occurs daily within the justice domain. Whether one is dictating a last will and testament or is attempting to sweet talk a patrol officer from issuing a speeding ticket, communication occurs. When reading legal notices in the morning newspaper or listening to traffic reports on the car radio during rush hour, communication occurs. When listening to a candidate for sheriff giving an election speech or reporting a crime via a 911 telephone call, communication occurs. Communication in the justice domain ranges widely from the issuing of Amber alerts to the simple acts of asking a patrol officer for directions to the local park. Regardless of the example, all communication in the justice system is permeated by some straightforward concepts:

- · Communication has a catalyst.
- · Communication has a human capacity.
- · Communication involves mutual understanding.
- · Communication has an intended message.
- · Communication is continuous.
- · Communication occurs everywhere.
- · Communication involves form and method.
- · Communication often experiences distractions.
- Communication is a process.

Communication occurs in the justice domain because of innumerable reasons. Some may express complaints to commence the lawsuit process or may call a police station to report suspicious activity within a neighborhood. In drastic instances, one may call 911 to report immediate concerns—perhaps a burglar has entered a personal residence while the owner is at home. From a lighter perspective, one may call a police station to learn whether it is sponsoring a little league team this year. Regardless, some reason exists to facilitate such communication within the justice domain.

People communicate. Patrol officers must communicate just as efficiently as any other person in the justice system. Judges must ensure that their jury instructions are clearly stated. When driving during adverse conditions, drivers must see and understand roadway signage that may warn of danger. During divorce proceedings, couples may communicate solely through their respective attorneys. When informing the public of newsworthy trial proceedings, news reporters broadcast their stories to the widest audience possible. Certainly, an infinite array of examples exists that shows the human capacity to communicate directly or indirectly.

When people communicate, some form of messaging occurs. A traffic control officer raises and extends an arm upward to stop traffic. In this case, the message is simple: stop. When a patrol officer is taking a report from someone who witnessed an automobile accident, the message communicated may be a description of the vehicles involved in

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the accident. When the Supreme Court issues an opinion, it is written and disseminated appropriately. In this case, the message involves expressing an interpretation of law. In any case, human communication, regardless of its modality, involves some type of message.

Communication in the justice domain is unceasing; it occurs continuously. A shift sergeant may commence roll call sharply at 0700 hours. A citizen may report a burglary at any hour of the day or night. A dispatcher may route patrol officers to the scene of an incident at any time. A law enforcement organization may conduct its monthly staff meeting at 3:00 p.m. on the second Monday of each month to discuss the effects of its operations. When one receives a jury summons, a specific date and time for reporting are specified within the court document. Essentially, communication in the justice system occurs all the time.

Such communication occurs everywhere within the justice system. Communication occurs within an open courtroom or within the privacy of a judge's chamber. Communication occurs wherever policing occurs—communication with law enforcement entities exists among neighborhoods and schools; within malls and sporting complexes; among correctional facilities and holding areas; among courtrooms and legal offices; and among roadways, waterways, and airways. Communication exists between attorneys and clients that may be separated by great distances. Basically, communication is not necessarily constrained by geography, and may occur anywhere.

Facilitating justice system communication is accomplished through a variety of modalities. Folks may read crime reports within their local newspaper or view stories about neighborhood watch programs during televised news shows. Someone may use a telephone to summon law enforcement assistance, Police leaders may disseminate organizational directives through the use of electronic mail. Law enforcement vehicles use sirens to gain the attention of motorists. A sheriff may issue a press release to announce the results of an investigation. Certainly, communication within the justice system has many forms and modalities through which messaging is transacted with people.

Communicating is methodical from start to finish. Rarely could it ever be perceived as random. Communicating incorporates a clearly defined process that describes the events that occur between the senders and receivers of messages. Throughout this process, some distractions may inhibit communicating efficiently and effectively. However, all justice system communication occurs methodically and systematically.

The preceding notions are all contained within the following series of questions: why, who, what, when, where, and how? All communication is affected by these queries. Throughout the communications process, someone attempts to convey some intended idea to someone else through a variety of methods. This communications process may occur at any point in time, is geographically unconstrained, and incorporates numerous messaging media.

This text represents an effort to explore these six queries from a variety of perspectives. Certainly, much more is discussed herein that is beyond the scope of these six questions. Regardless, this text represents a robust approach to examining communication within the context of the justice system. Although this book is primarily an introductory discussion of communication, readers are encouraged to explore further the topics introduced herein.

It is the hope of these authors that readers find some meaningful benefit from this book. It is also hoped that the topics herein are sufficiently varied and robust to provide an insightful amalgamation of communication perspectives. Ranging from the mathematics

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of communication to the influences of ethos, pathos, and logos, it is hoped that readers will discover something new herein. Reader feedback is always encouraged regarding experiences with this book and any suggestions for future revisions. Feel free to contact any of us, and communicate your thoughts!

Dr. Daniel Adrian Doss Dr. William H. Glover, Jr. Ms. Rebecca A. Goza Dr. Michael Wigginton, Jr.

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