



Issues of Democracy

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*Law
Enforcement
in a Free
Society*

Issues of Democracy

Law Enforcement in a Free Society

In a free and democratic society, law enforcement ideally is carried out in an environment in which law abiding citizens have nothing to fear from the police. Police officers serve the public good and are accountable for their actions; they must balance demands for the maintenance of order with respect for the law and the rights of the individual. In such an environment, citizens view the police as friends, not foes.

But how is such an environment created? What must be done to prepare law enforcement officials for the dual responsibility of both protecting and serving the public? There is no single, over-arching answer to these questions, as Professor Otwin Marinen points out in his article on police training in the Commentary section of this issue: “police training in the United States does not address democracy directly.... Only practical training, what to do and how, translates democratic norms into effective policy.”



In this issue, we examine the issue of law enforcement in a free society from various perspectives. In the lead article of the Focus section, FBI Director Louis J. Freeh examines the new, transnational challenges facing law enforcement officials, and the efforts being made by the FBI to confront them while maintaining respect for individual rights.

As a result of the Violent Crime Control and Law Enforcement Act of 1994, the Department of Justice established the Office of Community-Oriented Policing Services (COPS). In our second Focus article, Joseph E. Brann, the director of COPS, shows how community-oriented policing has led to a reduction in crime in many American cities over the last few years. To complement Brann's article, we have included in the Commentary section an outline of the principles underlying the practice of community policing by Jack R. Greene, professor of criminal justice at Temple University.

Reporting from New Orleans, where the drop in crime this year has been more dramatic than in any other American city, contributing editor David Pitts ties various strands of the journal together with a look at how thoroughgoing reform of the New Orleans police department led directly—and quickly—to the reduction in crime there.

Finally, managing editor Stuart Gorin provides a look at how U.S. courts operate at the federal, state and local levels, emphasizing that the presumption of innocence and trial by a jury of one's peers remain fundamental tenets of the judicial system.

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New Trends in Law Enforcement

by

Louis J. Freeh

In this adaptation of a speech given to the 1997 Federal Judges' Association Conference, Louis J. Freeh, director of the Federal Bureau of Investigation (FBI), talks about the new forms of transnational crime that the bureau must confront, and the importance given to integrity and ethics in the training of FBI agents.

Good morning, ladies and gentlemen. It is a great pleasure to be here and to see so many good friends. I think the association is a great network and force for input and evaluation, and I am delighted to be addressing you today. Let me just take a few moments to discuss a number of areas that I think will interest you.

As you are aware, we are expanding a lot of our international programs. These will translate into new cases and investigative matters in the courts. We are finding that the nature of crime—particularly economic crime and certainly in the areas of drugs, organized crime and terrorism—is taking more and more of a global nature. The transnational trends, with respect to these types of crime, have been increasing dramatically.

We had a recent case where an individual sitting in St. Petersburg, Russia, with a laptop computer, worked his way into a Citibank account in New York and



Louis J. Freeh

was able to move several millions of dollars before the bank itself identified the move. It was a \$400,000 loss, but a good lesson for law enforcement and the bank. We understood from that experience that we are going to be dealing with this new type of crime more and more.

We are finding that the advent of the Internet and computers has really been, for law enforcement, a whole new venue in which to operate. We are now chasing fugitives not only over back fences, but also through the Internet.

Our agents who are executing search warrants are now, more often than not, seizing hard drives and computers, in addition to records and books. I think that we will reach a point very quickly where evidentiary questions, as well as the scope and focus of warrants—whether they be Title III or search warrants—will change dramatically because of the new technologies, and because of the manner in which information is generated, stored and transmitted.

Vulnerabilities in the Information Infrastructure

This new technological awareness has caused us to create programs which work actively to identify vulnerabilities in our infrastructure. It is clear now that with respect to terrorism as well as criminal activity, our infrastructures—particularly the critical ones—are very pronounced areas of vulnerability. For instance, even a moderately sophisticated individual could attack information systems. More and more of our law enforcement infrastructure, and much of the judicial infrastructure, is residing in and engineered for informational systems. As those systems become more vulnerable, they increase the opportunities for criminals and terrorists to accomplish great damage. For instance, an attack on a stock exchange, or on a power grid in the northeast part of the United States in the middle of winter, could severely damage lives as well as property. We are finding this is an area where we need to be much better prepared.

The FBI Laboratory

Unfortunately, some of the vulnerabilities of our informational infrastructure are reflected in our organizational infrastructure: I refer specifically to the FBI laboratory, where, as a result of an Inspector General's report, we have put into place quality assurance units that we did not have heretofore, peer reviews and more scientists managing the lab. We have brought into the laboratory many civilian scientists for the first time in our history, and I think that the end result will be a much stronger lab. For example, the FBI laboratory recently was responsible for the freeing of a state prisoner who had spent

nine years in jail, convicted on a case for which the laboratory, in a later examination, was able to find exculpatory evidence. Our DNA Unit, which conducts examinations for federal, state and local authorities, absolves the suspect in 25 percent of its examinations.

We perform approximately 600,000 examinations a year in our laboratory. We have given information on these examinations to prosecutors, which in some cases will go to defense lawyers and defendants, and will probably be the subject of motions in courtrooms. At this point, we do not know of any FBI or state case that has been compromised by the findings and the criticism of the FBI laboratory. We have very, very dedicated men and women in that laboratory.

We are building a new FBI laboratory in Quantico, Virginia, at our training facility. That laboratory will be completed by the end of the decade. It will be a cutting edge, first-class teaching laboratory where both state and local scientists also will complete residencies, and where we will continue to do the forensic examinations for which the FBI laboratory is renowned. We are confident that it will remain, as it is now, the leading forensic laboratory in the world.

Threats to Members of the Judiciary

I will talk now a little bit about the investigations that we work on, with respect to threats against judges, magistrates and employees of the court.

When I travel around the country, many judges ask me if the number of threats is significantly higher. It may seem so, but our statistics show otherwise. In 1996, for instance, we received and

worked as investigative cases 45 separate threats against federal judges, and a lesser number against other court employees. The threats against Supreme Court justices, which we categorize separately, have remained relatively low over the last few years. We take those threats very, very seriously. We work on them quickly and diligently, and we report comprehensively the results of those examinations.

I am particularly sensitive to those cases, since the last prosecution that I did as an assistant U.S. attorney involved the assassination of a judge I followed on the court, in the Southern District of New York—Judge Richard J. Daronco, who was murdered. I can assure you that the FBI, together with the Marshals Service, works those cases thoroughly.

Most of the threats are neutralized because of the kind of people making them. In many cases, inmates and people who have psychiatric histories make the threats. We make every attempt to neutralize them as soon as possible.

Members of the judiciary should never be in a position where they have received a letter or a threatening call, have reported it, and have not heard back from us. If they feel that they are in that position, they should get in touch with our local special agent in charge (SAC). All SACs have been told to update the judiciary on the progress of those investigations as comprehensively as they can.

Ethics Training at the FBI

We are in a very dynamic stage in our development. We currently have about 75,000 applicants for special agent positions, almost all of whom are basically qualified to perform the job. We are hiring about 1,000 agents a year—partly to make

up for a hiring freeze back in 1992 and 1993, but mostly because of the new resources which we have received from Congress. By the end of 1998, we will have hired, within the last four years, about 40 percent of our workforce. This is an enormous change. We have seen, in the last couple of years, many retirements and the influx of a whole new generation of FBI agents.

We are very concerned about the early teaching and instruction of these new agents, particularly with respect to the issues of integrity and ethics. When I came to this job in 1993, I learned that the ethics portion of the curriculum was relegated to the 14th week of the 16-week course. It dealt very cursorily with the ethical obligations that law enforcement officers have to make. After going to Quantico and asking the new agents questions about hypothetical situations, I felt that there was a need for more comprehensive ethics instruction.

Visiting Judges and Law Enforcement Ethics

To that end, I started our visiting-judge program. Many judges have come to Quantico and spent the day with our new agents. Judges do not just lecture about the role of federal courts and the relationships among courts, judges, prosecutors and investigators. They really highlight for the agents, as I believe only a judge can do, the critical importance of the integrity of our work and the ethics which we must bring to our profession.

In addition to the visiting-judge program, we have created a curriculum wherein the first two days of a new agent's training are devoted to law enforcement ethics. We have structured the curriculum

with different practical problems. For instance, in a bank robbery crime scene, the agents find evidence which turns out to be exculpatory—evidence which is contradictory to the subject who has been identified and to the theory of the case.

The problem is to instruct the agents what to do with that particular evidence, and to explain the necessity of highlighting that for their supervisors or the assistant U.S. attorney. We instruct that the importance of protecting constitutional rights is really more important than the result of any single interview, or the outcome of a particular investigation. We have woven into the curriculum many more opportunities to discuss and instruct on this important core value, not only of the FBI, but of all federal agencies that investigate criminal matters for the United States government.

We have established at Quantico an Office of Law Enforcement Ethics, and we have mandated our employees to take several hours of instruction annually in the subtleties of ethics and law enforcement integrity.

International Law Enforcement Academy

We have also tried to export a little bit of this to our state and local teaching, as well as to the training that we do overseas. In 1994, we established the International Law Enforcement Academy in Budapest. The State Department, together with the FBI and other federal agencies, set it up to instruct a whole new generation of police officers coming out of Russia and the former Soviet Union, the Baltics, and the other countries of Central and Eastern Europe. The academy deals principally with the science of policing in a democra-

cy, which is of course much different than policing in a non-democracy.

In each eight-week session we bring in three countries at one time, three different sets of police officers with simultaneous translation. These are police officers who, in most cases, served under former totalitarian governments as civilian police officers.

The first course we teach them is on human dignity, which emphasizes the critical authority that law enforcement officers have, as well as the necessity for ethical conduct, trustworthiness, truthfulness and integrity in their profession. We are very pleased to see that, when the courses are rated by the students, the most highly rated course is the course on human dignity. This is a good echo in terms of what we are teaching and what we think the need is out there.

Coordinating Law Enforcement Agencies

Finally, I'd like to talk about some new efforts to coordinate better the work of law enforcement agencies on the federal level, and also on the state and local level. These efforts should translate into better cases, cases which are evaluated more before indictment than after indictment. Our special agents in charge work in the field very closely with their counterparts in the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (ATF) and the Justice Department's Drug Enforcement Administration (DEA), especially where we have task forces. We have 152 task forces around the United States, where FBI agents partner up with federal, state and local officers on fugitive, violent crime or joint-terrorism task forces. Their goal is to ensure that cases are appropri-

ately evaluated before they are presented for indictment or trial. They also ensure that we are using our resources wisely, and in a coordinated fashion.

We have created similar partnerships with the CIA and the State Department on the national security level. I think this coordination has given us the best possible cooperation that we have had in many, many years.

I try to take the opportunity when I travel around the country to meet with judges and their colleagues. I get out to an FBI office about every two weeks. Part of those visits is an opportunity to meet with the judges, if not the chief judge, then some of the others, to do two things: one, to introduce myself, and two, to ask what the FBI and what the federal enforcement authorities might be doing better in that particular district—the quality of the cases that are being brought before the courts; the quality of the evidence and the agents. I have gotten, over three-and-one-half years, tremendous feedback and input and I appreciate that very much.

Thank you.

C O P S

Partnerships with Communities

by

Joseph E. Brann

As a result of the Violent Crime Control and Law Enforcement Act of 1994, the Department of Justice established the Office of Community-Oriented Policing Services (COPS). In this April 1997 statement before the House of Representatives Appropriations Subcommittee, which oversees the COPS budget, Director Joseph E. Brann presents an overview of COPS, which he describes as "crime-fighting partnerships between the police and the citizens they are sworn to serve and protect."

In October 1994, Attorney General Janet Reno established the Office of Community-Oriented Policing Services, or COPS, to implement Title I of the Violent Crime Control and Law Enforcement Act. Title I of this act is the Public Safety Partnership and Community Policing Act of 1994, which has the goal of putting an additional 100,000 community policing officers on the beat throughout the country.

Title I is aptly named. What is crucial about our program, and what will ensure its long-term success, is that the officers we fund are engaged in community policing and work to build partnerships with their communities to more effectively address local crime problems.

At the core of community policing are crime fighting partnerships between the police and the citizens they are sworn to serve and protect. Officers engaged in community policing become part of the neighborhoods where they work. They get to know the children, the storekeepers, the families, as well as the criminals and



Joseph E. Brann

troublemakers. The officers work with schools, churches, community organizations and other government agencies to solve neighborhood problems instead of simply responding to the same situations over and over again.

Community policing is not a big-government solution to the crime problem. Community policing is a strategy that was developed at the street level, by rank-and-file officers who best know what works and what doesn't. My 26 years of local law enforcement experience have convinced me of one thing: community policing works.

A Background in Community Policing

I served as an officer in the Santa Ana, California, Police Department for 21 years, rising through the ranks from officer to captain. While initially disillusioned with policing, I stayed with the profession because a new police chief came to the department and introduced community policing. I saw how police could do more than just continually react to the same crimes: they could figure out patterns,

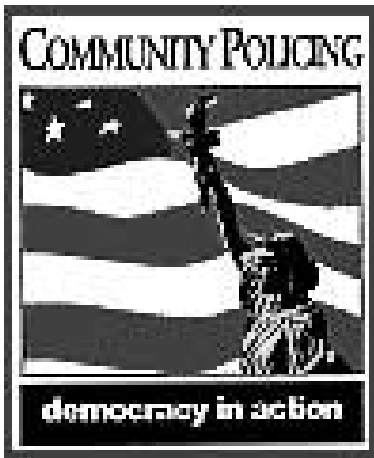
identify criminal opportunities, and intervene and actually stop similar crimes before they happened.

In 1989, I moved from Santa Ana to serve as chief of the Hayward, California, Police Department. In Hayward, despite demographics that are different from Santa Ana's, I again saw how effective community policing can be.

A Proactive Approach

The COPS program was designed both to increase the number of law enforcement officers by approximately 20 percent and to advance community policing nationwide. We want to make sure that these 100,000 additional officers are not sitting behind desks, but are out in their communities fighting the war on crime. Community policing is a proactive approach to policing which was developed by beat cops in departments across the country. COPS grants serve to introduce some departments to this strategy and to advance it in others. COPS grants have allowed departments large and small to become more effective, more efficient and more responsive to their communities. COPS grants have enabled the largest cities and the smallest towns to bolster their law-enforcement efforts and reclaim their neighborhoods.

During my tenure at COPS, I have had the opportunity to meet with chiefs, sheriffs, officers, deputies, mayors, county commissioners and community activists. I have heard countless tales of community policing turning a community around, from big cities such as Fort Worth, Texas, which saw a 44 percent decrease in crime just four years after implementing community policing, to North Brunswick, New Jersey,



which saw a more than 22 percent reduction in crime after implementing community policing with the help of three grants: COPS FAST, COPS MORE and the COPS Universal Hiring Program. Marysville, California, for example, saw a 24 percent drop in crime in 1996. The police chief and community residents credit community policing. Marysville has received grants for three officers from the COPS Office. Another example is Shirley, Massachusetts, which experienced a 36 percent decrease in crime in the first seven months of 1995. The town experienced a sharp decline in vandalism and thefts—crimes that affect the quality of life in towns like Shirley. Chief Paul Thibodeau attributed the reduction to increased police visibility made possible by the town's community policing grant. Shirley used its COPS grant to start foot and bicycle patrols.

Making a Difference

Community policing has been credited with reducing violent crime in cities like Tampa, Florida, and Pittsburgh, Pennsylvania. Tampa saw a reduction of 15 percent in the first six months of 1995. Pittsburgh experienced a 17.5 percent reduction in crime in 1995: the residents of

Pittsburgh are the safest they have been in 30 years. Neighbors and police working together have made the difference in those cities. For 1996, homicides in Phoenix, Arizona, declined by 16 percent, according to recent reports. The COPS Office has helped each of these cities implement community policing, increase trust, improve the quality of life by reducing the fear of crime, and, most importantly, decrease their crime rates.

Perhaps our greatest impact can be felt in the communities where a COPS grant has meant the difference between having a police department or not having one at all. There are places like Navassa, North Carolina, a small town that had become one of the most notorious drug areas in Brunswick County. Navassa was able to start its police department—a chief and two officers—with COPS grants. Now, the drug dealers have left the streets and prostitutes are no longer on the corners.

I could go on with example after example of how local policing agencies, assisted by COPS grants, have implemented community policing and have seen a real difference. I would encourage you to speak with chiefs, sheriffs and officers across the country who are crediting community policing for the decline in crime that we are seeing nationwide. It is making a difference. These agencies are building community pride and keeping people safe. Community policing works and works well.

New Goals

The COPS program has a goal of adding 100,000 community policing officers by the year 2000. I am pleased to report that we are on track. At the two-and-a-half-year mark, we have funded the hiring or redeployment of more than 56,000 additional

community policing officers. Once these officers are hired and trained by local law enforcement, they will serve more than 87 percent of the American public.

Some have asked why all of these 56,000 officers authorized by the COPS program are not on the beat yet. The answer is that finding qualified candidates, conducting thorough background checks, putting the candidates through training academies and then undergoing a solid field-officer training program can take anywhere from six to 18 months. COPS leaves it up to localities to follow their own rigorous screening, hiring and training procedures. In fact, we specifically encourage our grantees not to cut any corners to rush officers into service. As a veteran law enforcement officer, I can tell you that shortcuts do a grave disservice not only to the citizens of a community, but to individual officer safety as well.

COPS has been and will always strive to be responsive to those it serves: our nation's law enforcement agencies and officers. We realize that later this year, the first COPS grants will be expiring and localities will begin assuming the full cost of these additional officers. All applicants to the COPS program have said that they have a retention plan and will make a good-faith effort to retain their officers. COPS will assist grantees with retention and continuation of community policing.

The COPS Grant Programs

The Police Corps program will increase the number of police with advanced education and training, and provide educational assistance to students who are interested in serving as a law enforcement officer.

This program, which requires a four-year service obligation by scholarship recipients, is expected to provide the necessary incentives to attract and retain young men and women to a career in law enforcement. We have received applications from seventeen states to participate in this year's program.

The Law Enforcement Scholarship Act is a complement to Police Corps. It will provide financial aid to police officers and sheriffs' deputies, those who have already demonstrated a commitment to law enforcement. Officers will receive scholarships in order to pursue higher education. This program, like the Police Corps grants program, will require a service obligation by scholarship recipients, and is critical to enhancing state and local law enforcement recruitment, retention and education efforts.

Finally, the Police Recruitment program is designed to recruit and retain applicants to police departments. The program provides: recruiting services, which include tutorial programs to enable individuals to meet necessary academic requirements and to pass entrance examinations; assistance for candidates as they undergo the application process; and services to assist agencies in retaining qualified applicants.

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Police Training in a Democracy

by

Otwin Marinen

Because there are some 17,000 local, state and federal law enforcement agencies involved, formal police training in the United States can only be described in generalities. In the following article, Dr. Otwin Marinen, professor of political science in the criminal justice program at Washington State University, discusses the types of training available to police in the U.S., emphasizing that “only practical training... translates democratic norms into effective policy.”

The job of policing is one of the most complex and difficult tasks in any society. In democracies, the authority and disposition of the police are founded on law, yet they retain significant discretion in when and how to apply the law. Police must be responsive to public demands for service and protection, yet must resist if such demands were to violate the constitutionally protected rights of individuals and groups. They are granted a degree of professional autonomy as individuals and organizations, yet must remain accountable to societal norms and democratically selected representatives.

Many police activities—the use of force to control social relations; lying and deception to carry out undercover work or engage in controlled drug buys—violate conventional societal norms yet are necessary to satisfy public demands for order, safety and well-being. In short, the police must balance legitimate yet conflicting values and rights; demands for effectiveness with protection of individual rights;

the maintenance of public order without unduly restricting liberty; the need to threaten or use force without deviating into abuse; and guidance by law and professional expertise simultaneously. Training seeks to give them the intellectual and practical tools to make proper balancing decisions.

Formal Training

The focus in this article is on local police in the United States. They are the most numerous, having general jurisdiction and power, and they are the police most often encountered by citizens. In 1993 alone, state and local agencies employed about 830,000 people, of which about 620,000 were sworn officers and the remainder civilians.

Most local police are generalists; they do everything that is required. Much of their work consists of patrolling, routine order enforcement and the provision of services. Extensive specialization in investigative, technical and administrative skills is found most often in larger departments.

Formal training for police at the local level takes three general forms: basic academy training, field training by experienced officers and in-service training in specialized topics. The training described here is that for “sworn” officers, those who have full law-enforcement powers, rather than for civilians who work for and in police agencies. Of course, officers learn informally as they do their work. Formal training seeks to provide the framework of rules and guidelines in which experience and advice are interpreted and learned.

Standardizing Police Training

Standardized academy training is a fairly recent development in U.S. police history and was promoted by two policy innovations, one at the state and the other at the federal level.

In 1959, California established the Peace Officer Standards and Training Commission (POST) to standardize training requirements for police agencies within the state. Since then, POST-type agencies and training have been adopted by all states. In the United States, since municipalities are legal creations of state governments, states control the form and substance of municipal authority, including policing, through incorporation charters.

POST agencies typically establish standards for police recruitment, retention and dismissal; set minimal standards for training; and function as a mechanism for the accreditation of new police agencies, training programs and other innovations.

The National Advisory Commission on Criminal Justice Standards and Goals examined the criminal justice system in the early 1970s and found inconsistent and widely varying police-training requirements and patterns across the country. It recommended that police recruits be given a minimum of 400 hours of basic training, divided into the following categories:

- introduction to the criminal justice system (8%),
- law (10%)
- human values and problems (22%)
- patrol and investigative procedures (33%)
- use of force and police proficiency (18%)
- administration (9%).

The commission also recommended that educational entry standards for recruits be raised. Today, most local police agencies require only a high school education; about one percent require a college degree of potential recruits. Currently, all states have standardized academy curricula which average about 425 hours, with larger departments typically requiring longer training periods.

Basic Academy Training

Training is the responsibility of local police departments who must pay for sending a recruit to an academy. Basic academy courses are offered by state governments, by regional groupings of agencies and by some larger agencies themselves. In Minnesota, for instance, training is offered by community colleges and graduates of the program are hired directly by police departments.

Basic training generally stresses three areas of competence: patrol and investigations skills, substantive and procedural legal knowledge, and the proper use of force and weaponry. Much less emphasis is placed on human relations and communications skills, knowledge of the criminal justice system or professional ethics. Training seeks to give recruits the basic practical skills they will most likely need as they go out to do their job.

The components of basic training change over time, including most recently the rise of community-oriented policing. Another development—the hiring of minorities and women as police officers, and an accompanying awareness and acceptance of cultural differences—has stimulated the development and teaching of multi-cultural training at police academies. Dealing with each other and with

citizens of different races, ethnicity, gender or lifestyle is most commonly taught through role-playing.

Academy training is normally conducted by experienced police officers, in a classroom setting, and tested by written examinations or in practical applications, for example, measuring automobile accident tire marks. Training provides the formal knowledge thought essential for all officers and asks such questions as what is the definition of burglary or how do you handle a drug arrest? But training also is interpreted through the lens of experience, common sense and a shared imagery embedded in police culture.

The most common themes running through all teaching are pride in the police profession, officer safety, the obligation of all police to protect one another, the need to establish control in any situation, and continual awareness of one's surroundings. Typically, the final lesson—one recruits take an oath to uphold at graduation—is the Police Code of Conduct.

Field Training

Field training continues the transition of the new recruit from a civilian environment into a new police setting and culture. It covers the general nature of policing skills and issues and situations faced, teaches what to do in specific situations and introduces new officers to specific aspects of the department and its environs, that is, the racial composition of a city and neighborhood characteristics. Recruits normally are on probation—they can be fired without cause—during field training.

Field training has always existed informally by pairing new recruits with experienced officers. The San Jose, California, Police Department, in 1972, developed a

formal field-training program lasting one year (including a 14-week basic academy course), which was staffed by field-training officers (FTOs).

After completing the academy, new officers were gradually introduced to the nature of police work, under strict supervision, and continually evaluated by at least two FTOs on their knowledge of core (e.g., pursuit driving, danger recognition, use of a gun) and peripheral skills (e.g., people skills, report writing, basic demeanor).

Since that time, most police departments have adopted a form of the FTO system. In 1993, field training in the United States averaged about 220 hours, with departments in mid-size cities (between a quarter to half-a-million inhabitants) requiring the greatest number of hours (about 550).

In-Service Training

In-service training is offered to selected working police officers often as a reward for good work, preparation for career advancement, or an enticement to have rank-and-file police develop specific skills needed by a department.

Longer in-service training courses, mostly in administration and management, are offered by state and federal agencies, and private organizations. They can take the form of short courses in current issues, new technologies, recent court decisions on substantive or procedural law (e.g., search and seizure), investigative techniques or management skills. Courses normally last from one day to two weeks and are offered continuously by state training commissions and academies or private organizations. For example, the Washington State Training Commission publishes an annual *Training Catalogue* which lists

courses that range from policy and procedure writing to child physical and sexual abuse investigation to community-oriented policing to traffic accident investigation reconstruction.

Many states have Police Command Colleges which offer courses for aspiring police administrators and chiefs. For example, the National Academy Course at the FBI Academy in Quantico, Virginia, is tailored to local police issues. The Federal Law Enforcement Training Center (FLETC) at Glynco, Georgia, trains personnel primarily from federal agencies, but also teaches local officers in skills and knowledge not normally taught at local courses or academies. Well-known non-police organizations include the Southern Police Institute and the Northwestern Traffic Safety Institute, both affiliated with universities.

Democratic Policing

It is one of the great paradoxes that police training in the United States does not address the question of democracy directly. There are no courses which discuss the nature of democratic policing in general or provide a justification for policing by linking the capacity for force and discretion to discussions of human rights, dignity or democratic values. It is assumed that teaching effective policing, when supported by a strong, rule-governed police organization, will result in democratic policing, largely by shaping and enforcing a democratic police culture.

There are two main reasons for this anomaly. For one, politicians who write enabling laws, publics which vote them into office, and police trainers and recruits already know that the United States is a democracy, hence there is little need

to discuss the topic within an overview framework. Second, teaching democracy appears to American police forces to be “political.” It has been one of the main goals and proudest achievements of the professional ideology in American policing that the police are apolitical in their work. In their rhetoric, professional codes and efforts to promote themselves as a profession, the police present themselves as neutral in political life (irrespective of what they might think as individuals or an organization) and responsive only to law and safety needs. Of course, in reality they are political and they participate in politics, but they do not wish to be drawn into direct political conflicts, for that undermines their carefully nurtured external image and mission.

Though democratic policing is not taught as such, four particular aspects of training teach these skills: exposure to a professional code of ethics; knowledge of the law; technical skills; and, more recently, the ideology of community-oriented policing.

Code of Ethics

The International Association of Chiefs of Police (which is largely an American organization) adopted a Law Enforcement Code of Ethics in 1957, superseded by the Police Code of Conduct in 1989. The new code is more specific, stressing the values of impartial performance, reasonableness when exercising discretionary powers, the limited use of force, confidentiality of police-generated knowledge, integrity in the face of corruption and abuse of power, cooperation with other criminal justice agencies, personal responsibility for conduct and regard for the profession in

one’s private life. The oath of office which recruits swear to uphold incorporates these values.

The code also functions as a background statement of standards. Police officers know it exists and they know that its norms, which justify their discretionary power, also serve to discipline that power when it is misused.

Knowledge of the Law

A major component of academy and in-service training is knowledge of the law, which comprises, in addition to the details of local codes and constitutional procedures, the notion that in police work law matters. The police know that they will be held accountable if they act outside the law. The police complain continuously about the law but they also respect it, for without law they would be normal citizens and the legitimacy of their power and authority non-existent. Their right to use force to control behavior would not be accepted if the public saw them as acting outside the law. But when properly done, their work is the rule of law in action.

Technical Skills

This aspect of training supports democratic policing because being proficient in investigation, interrogation and control obviates the need to use force, threats or undue pressure to get at the truth, to provide expected services or to handle people in distress. When the police know how to properly detect and investigate a crime they have little need to pressure or beat a confession out of suspects. When the police are good in dealing with people they can defuse potentially violent situations without injuries to themselves or

other participants. Technical expertise is thus a substitute for arbitrary, coercive and illegal actions.

Community-Oriented Policing

Community-Oriented Policing has emerged as the latest innovation in American policing. Many of its fundamental goals—prevention, problem-solving, partnership with the community, the expansion of the police role to emphasize service—are democratic in the most important sense. Here the police are living up to their promised roles as caretakers of the community.

Training for Democracy

Training the police for democracy can stress general and abstract notions of democratic policing or it can focus on practical matters and manners of police work. The argument made here is that the only training which will teach democratic policing is that which discusses democratic values within the contexts of policing practice. Only practical training, what to do when and how, translates democratic norms into effective policy. In any case, the police will translate what they are taught at the academy or on the job into decision-making rules on the street.

Yet training for democratic policing faces a basic tension. Formal training does not occur in isolation. Recruits come to policing already formed as adults, their basic personality patterns set and established, and after they leave the academy they must work with fellow officers who have developed through their own working experiences particular views of themselves, their occupation and society.

Training is but a small experience

in a police officer's life and work, and is always confronted by the power of informal socialization to police work, that is, the existing police culture into which recruits move. The apocryphal story always told is that the first phrase new police officers hear when finally they start the first day on the job is this: "now forget all you have been told. This is the real story."

In the end, the police proclaim and the community demands that they serve the public and not themselves or the state. That is a simple yet accurate definition of democratic policing.

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The Case for Community Policing

by

Jack R. Greene

Rooted in western political philosophies emphasizing equity, fairness and justice, police in the United States often have struggled with being efficient, effective and lawful. In this exploration of the principles underlying community policing, Dr. Jack R. Greene, professor of criminal justice and director of the Center for Public Policy at Temple University in Philadelphia, views community policing as one response to the dilemma of police in democratic societies, who must both maintain public order and adhere to the rule of law.

Policing throughout much of the western world has been the subject of continuous debate and persistent reform. At stake in much of this debate is the relationship between citizens and their government.

Concern about the accountability of local police in the United States has been around for quite some time. Progressive reformers of the early 1900s focused almost exclusively on police corruption and lawlessness. Reformers suggested that removing control of the police from political machines and empowering police managers to oversee and control the actions of police officers was the single most important way of increasing police accountability.

The social transformations of the 1960s again made police accountability a major issue. Accountability meant formal civic oversight. Advocates of this approach argued for the creation of civilian review boards and for the direct supervision of the police through legislative and executive bodies, such as mayors or city managers.



While there are, indeed, a variety of police oversight processes, many observers believe that the police must be controlled through external oversight if real accountability is to occur.

More recently, advocates of community policing have suggested an alternative response. This line of reasoning suggests that police accountability will be enhanced to the extent that the police see themselves engaged in a partnership with the community; a partnership built on mutual trust, disclosure and shared values, and reinforced through regular interaction, critique and discussion.

Redefining the Core Elements

Community policing has been defined as a process for greater sharing of information and values by the police and the community, and a method for changing the police

and their service to the community. These definitions make up a common core of elements that seek to change the traditional role of the police from one of crime fighting to broader role definitions which view the police as problem-solvers and community advocates. Such role changes presume that the police will develop a greater affinity for the communities in which they work. Such an improvement in police officer identification with a local community will result in greater police/community communication and empathy which, in turn, will produce more tailored and direct police response to that community. Mutual understanding between the police and the community seeks to redress past practices of police talking “to” and not “with” the communities they are expected to serve, and to make the police themselves more law-abiding. Citizens and police officers can mutually agree upon what services

need to be provided, and in turn evaluate the quality and effectiveness of the services delivered.

Community control over the police can be further expanded by employing greater numbers of civilian personnel to work within the police bureaucracy. Here two arguments are advanced: first, civilians cost less and can be assigned to many functions not requiring a police officer; and second, introducing civilians into the mix will help make the police themselves more civil, by balancing their perspectives with those of the community.

Generally speaking, three factors must be present for community policing to take hold. First, the police must be seen as tied to overarching constitutional processes: they must be seen as “of the law.” Second, the police must at least maintain the pretext that they are independent of local politics. Third, policing must be seen as one of the central means of producing order in society.

Changing the Structure from Within

All too often, change within police departments, particularly larger ones, is attempted in a piecemeal fashion. That is to say, given the complexity of the overall changes typically associated with community-oriented policing, many agencies choose to implement programs either as experiments or in other incremental ways, resulting in less overall change or a scrapping of the program altogether.

In order to effectively implement community policing, police agencies must engage in six essential actions, each of which contributes directly to a police

department’s capacity to sustain changes in role, function and organization. They must:

- Decentralize authority and increase accountability so that the services provided to the community are beneficial to both the police and the citizens.
- Improve police bureaucracy by shifting from record-keeping and incident-counting to problem identification and analysis.
- Revamp the organizational culture of policing by changing the symbols, language and philosophy of the police agency itself.
- Provide community access and input into police policymaking by encouraging citizen participation and review during the decision-making process.
- Provide police personnel with input into local government policymaking and an active role in local government decision-making which affects police service within the community.
- Stress and implement systems for quality assurance, the maintenance of organizational and personal integrity, and the fair and equitable treatment of citizens.

These actions require intellectual, program design and training support if they are to take hold in police departments. But such close and enduring interaction will serve as a hedge against police misuse of the public trust.

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New Orleans

The Comeback City

by

David Pitts

Crime is falling in the United States. Nowhere has the drop in crime been more dramatic in the past year than in New Orleans, Louisiana. Contributing editor David Pitts looks at how police reform led directly to the remarkable reduction in crime in the city.

Mayor Marc Morial likes to call New Orleans the comeback city because of its plunging crime rate and booming economy. But during much of the 1980s, and especially during the early years of this decade, New Orleans was a city in crisis. Its homicide rate was the highest in the nation and climbing. Serious crime in general was at an all-time high. The New Orleans Police Department (NOPD) had a nationwide reputation for corruption and ineffectiveness.

The situation was so bad that the federal government contemplated taking over control of the NOPD, an unprecedented move in a country that prides itself on local control of municipal police departments.

“It was a low point in the history of law enforcement in this city. We were faced with a crime wave that was spiraling out of control,” recalls Terry Ebbert, executive director of the New Orleans Police Foundation (NOPF), an alliance of corporate leaders and community groups



*New Orleans Police Chief
Richard Pennington*

working with the NOPD to forge a business approach to policing and more effective crime fighting strategies.

Morial credits the foundation with providing vitally needed private funds to help pay for a radical police reform program that would have been politically impossible to finance from tax revenues alone. Supporters of the reforms say success is reflected in improving crime statistics across the board.

The situation began to turn around in 1995 following years of escalating lawlessness. The crime rate fell slowly that year and in 1996, but in 1997 it has plummeted. According to police data, from January through September, citywide crime went down 13 percent in total over last year. Serious crime is down even more. Homicides have declined 18 percent and armed robberies by 32 percent, while arrests are up 26 percent. There also has been a 25-percent increase in the solved crime rate.

Every city neighborhood showed a decline ranging from nine percent to 38 percent. Crime is still high compared to most other American cities, but observers say the startling drop this year could be a turning point in the city's long battle against lawbreakers.

Political Courage

According to Ebbert, much of the credit goes to two men who were determined to break the stranglehold of crime by transforming the NOPD from an inept bureaucracy into an efficient crime fighting machine—Morial and Police Chief Richard Pennington, formerly deputy police chief in Washington, D.C., whom Morial appointed in October 1994 after a nationwide search.

“I think it all started with Morial,” Ebbert says. “It took tremendous political courage to take on the police brass, and to hire Superintendent Pennington from outside the force and to give him the flexibility needed to do the job.”

“Dutch” Morial, the mayor's father, won election as the first black mayor of the city in 1977 and had tried, with little apparent success, to reform the NOPD during his terms of office. So the junior Morial knew how resistant city bureaucracies, and particularly the police bureaucracy, could be. He was determined to appoint a chief from outside the force, according to sources at the NOPD.

“I think the changes have been a long time in coming,” says Beverly Gianna of the New Orleans Convention and Visitors' Bureau. “The reforms have galvanized the community and given people new hope that we can get on top of the crime problem.”



Responsibility to the Community

Morial and Pennington believed the key to reforming the NOPD was not expanding police powers, not allowing the cops to take the gloves off, but instead making them more accountable and more responsive to the community.

“A major problem was that the police were totally reactive,” says Ebbert. “There was no thought of trying to prevent crime before it occurred or of zeroing in on areas where crime was particularly high. Moreover, corruption was rampant.” Pennington knew “that he would have to bring a lot of people in from outside—people he knew and trusted—to help turn things around, and he has brought new people in,” says Gianna.

In the largest reorganization in NOPD history, Pennington launched a major decentralization plan placing all crime fighting responsibilities under eight district commanders. The idea was to make the NOPD more professional, efficient and flexible. Among the changes made were:

- Sharply increasing police salaries to help combat corruption. The NOPD was among the most poorly paid police departments in the nation with starting salaries of only \$16,000 a year. Even the deputy police chief earned only \$42,000 a year. But since 1995, top cops have received big pay hikes. Officers have received four separate pay increases totaling 36 to almost 70 percent. Cops just starting their careers now earn \$30,000 a year.
- Hiring 400 additional officers to supplement the current force of almost 1,300; 200 of the new hires are projected to be in place by year’s end. The city’s main newspaper, *The Times-Picayune*, calls it “the most aggressive recruiting effort in the city’s history.” And Morial will continue the recruiting drive next year. In his proposed 1998 budget, announced in late October, staffing is frozen in all city agencies, except the NOPD.
- Requiring ethics education as part of officer training with stress on the importance of respecting the constitutional rights of citizens. The recruitment

process also was overhauled and streamlined, and psychological screening was adopted to eliminate potential rogue cops. Until Pennington's appointment, even a criminal record was not an automatic bar to joining the NOPD.

- Reforming the Internal Affairs Department, responsible for investigating charges of police corruption and abuse. Renamed the Public Integrity Unit (PIU), it was moved from police headquarters so as not to intimidate complainants. "We're working on making the PIU proactive and not just reactive to complaints," says Pennington. The PIU "is becoming a national example to other departments," he adds.
- Adopting community-policing techniques. Police substations were located in New Orleans' large public housing projects where much of the crime occurs. "There has been a 75 percent reduction in the murder rate in these areas since community policing was instituted," according to Morial, who credits federal grants with helping put this program in place.
- Calling in the Federal Bureau of Investigation (FBI) to probe allegations of police corruption and brutality. That move resulted in dozens of resignations and reprimands. Since Pennington became police chief, he has fired, suspended or demoted more than 200 officers, over one-sixth of the department, but he says more still needs to be done to root out unlawful cops.
- Instituting a policy of zero tolerance for petty crimes that are now thought to nurture a climate in which serious lawbreaking can flourish. It was adopted after evidence accumulated that a similar policy implemented in New York

City was a key factor in the reduction of crime there.

- Upgrading crime-fighting technology at the NOPD. A new state-of-the-art crime laboratory was built, a modernized emergency radio communications system was introduced, and COMSTAT, a crime data management system that tracks criminal activity citywide, was launched.

COMSTAT

COMSTAT, basically a tool to make the police more responsive in curbing crime in their communities, is the brainchild of Jack Maple, a legendary New York City cop who, by all accounts, wrought a revolution in accountability in the New York City Police Department. His system is credited with helping produce a 50 percent drop in the homicide rate there since 1993.

Maple was lured to New Orleans in the hope that he could repeat his success in New York by introducing a version of COMSTAT here. The system involves projecting patterns and levels of crime, district-by-district, onto huge computerized maps to pinpoint trouble spots. District commanders are grilled about incidents in their jurisdictions at regularly scheduled meetings and asked to take immediate countermeasures. Additional cops are dispatched to the most troubled areas.

"COMSTAT was exactly the kind of tool we needed in New Orleans where accountability was at a very low level," says John Linder, Maple's partner who was hired as a consultant here last July and brought Maple and COMSTAT to New Orleans last fall. The two worked together in New York. "Jack concentrates on COMSTAT, while I look at the overall picture—such issues as the reward system, disci-

pline, structure and training” in the NOPD, he remarks.

“What Jack did with COMSTAT is essentially join computer technology with the old pin maps,” Linder continues. “The result is real-time data so that you can spot clusters of crime immediately. It’s real-time accountability. Then you have rapid deployment of resources and relentless followup.”

“The reforms have had a direct impact on the plunging crime statistics for 1997,” says Ebbert who believes COMSTAT is the “heart and soul” of the revolution in police accountability. “All those district commanders are held accountable every Friday for what happens under their command,” he adds. Ebbert’s NOPF kicked in the half-million dollars needed to bring Linder and Maple to New Orleans.

In his annual address to the Metropolitan Crime Commission in late October, Pennington also gives credit to COMSTAT. “It fosters a competitive spirit among districts, with officers and commanders vying weekly for the most significant drop in crime,” he says.

An Economic Upturn

Morial and Pennington concede that the overhaul of the police force is not the total explanation for the downward spiral of serious crime, which fell across the nation as a whole over the last year. Like many other cities in the United States, New Orleans is in the midst of an economic upturn, which also is helping to reduce lawbreaking.

Memories of the 1980s, when the city suffered an oil bust, the disappearance of many traditional, industrial jobs and a spiraling drug epidemic—particularly of crack cocaine—are now fading, although

residents in poor areas say the drug problem there is still serious.

New jobs in the service industry, particularly tourism, are creating additional opportunities for employment. Tourism grew six percent in 1996, while the number of conventions held in the city was up nine percent. Although many of the new jobs are low-paid by American standards, observers say the improving economy is definitely helping to cut crime.

Other significant measures have included the imposition of a juvenile curfew, one of the most stringent in the nation. It requires children under the age of 17 to be off the streets by 9 p.m. In recent years, a disproportionate number of crimes has been committed by juveniles in New Orleans, as in other cities.

The juvenile curfew “has had a direct impact on reducing crime,” says Ebbert, “especially in those areas where it has been aggressively enforced.” It’s been “a major factor,” says Gianna. “Juvenile crime has gone down 20 to 30 percent over the last few years.”

Other Initiatives

Another important initiative is the Domestic Violence Task Force, a group that involves not only law enforcement and the criminal justice system, but non-profit agencies and other organizations that work together to prevent family disputes from escalating into potentially serious crime situations.

The Recreate New Orleans Program is a partnership between NOPD and the Young Leadership Council. It provides recreational opportunities and mentoring to inner-city children and, according to Morial, is a model of what volunteerism can do to help prevent crime.

But New York consultants Linder and Maple insist that it is the police reforms that have made the difference in New Orleans. "The reduction in crime here is happening twice as fast as it did in New York," Linder says. "And we did it with half as many officers per capita," as in New York, Morial stresses. "We still have a long way to go, but our force has gone from being a losing team to a winning team, and we are on our way to the championships."

The Comeback City

The improvement in crime has been particularly noticeable in the tourist-conscious French Quarter where the number of reportable offenses has dropped nearly 25 percent so far this year, partly due to an increase in police foot and bicycle patrols, one of the community policing measures that, by all accounts, has proven particularly effective.

Although the crime rate also has gone down in poor neighborhoods, further sizable reductions in crime there may rest on improvements in living conditions. The poverty rate is the third highest in the country, a point stressed by social scientists who allege a direct connection between low living standards and crime. About a third of the city's homicides occur in poor neighborhoods.

In the public housing projects, residents say they have noticed the drop in crime since Morial and Pennington came into office and they are no longer as cynical about the NOPD as they were in previous years. But they also say more needs to be done. Typical of comments you hear from residents in less well-off areas are those of Willie Dixon, a former maintenance employee with the Trailways Bus

Company, who now sells newspapers on a street corner in the central business district.

Dixon, who lives in "Desire," one of the largest of the public housing projects, says, "It's been getting better since they got more police. But it won't improve a lot more unless they get back some of the higher-paid jobs."

"Before you can do that," according to Linder, "you must have public safety; you must have what I call consequential reality on the street—knowing that if you commit a crime the chances of getting caught are high. Then, you can work on improving the schools and bringing more business in." Linder also points out that most crimes occur in poor neighborhoods and that most of the victims are black, so fighting crime helps poor people and black people particularly.

Morial and Pennington, both African American, agree reducing crime is a precondition for improving the lives of African Americans and everyone else in the city. They know that for New Orleans to become widely known as The Comeback City, as they would like, even larger reductions in serious crime will be necessary over a sustained time period.

Pennington is confident that will occur. "We're on the right track to winning the battle against crime," he says. Ebbert agrees: "If we get 1,700 police officers onto the streets, I believe New Orleans will have the greatest reduction in crime of any city in the United States." The city "is not where we want it to be, not yet. But we're moving rapidly in the right direction. I think New Orleans will become a model for innovative crime fighting," says Gianna.

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Overview of the U.S. Judicial System

by

Stuart Gorin

In the U.S. judicial system, a person is considered innocent of a crime until he or she is found guilty by a jury of peers, or common citizens, in a court of law. In this explanation of how the U.S. court system works, managing editor Stuart Gorin notes that the presumption of innocence and a fair and speedy trial by jury are key elements of a democratic society.

Established by the framers of the U.S. Constitution in 1787 as part of the separation of powers, the judicial branch of government involves the administration of justice at every level, from the U.S. Supreme Court to the local justices of the peace and magistrates.

Additionally, the 14th Amendment to the Constitution, ratified in 1868, provides that “No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”

The central figures for all court trials in the United States are the prosecutors, who are responsible for the initiation and conduct of proceedings against alleged criminal acts. The prosecutors review all arrests and complaints that are filed, and are involved in the processes of setting

bail, negotiating plea bargains and recommending sentences for those convicted.

At the federal level, the U.S. attorney general heads the Justice Department, but trial work is carried out by federal prosecuting attorneys who are appointed by the president and confirmed by the U.S. Senate to serve in 94 judicial districts. U.S. attorneys prosecute defendants in federal criminal cases but also handle civil law matters, defending the United States in tort actions or contract disputes, and acting as plaintiff in cases of land condemnation, debt collection and civil fraud.

At the state level, the attorney general is the highest legal officer who deals primarily with civil-law matters. State criminal law is enforced by one of about 2,700 locally selected prosecutors—commonly called district attorneys, state’s attorneys or county attorneys—each serving a county or other local geographic district. In most states, these prosecuting attorneys are elected, typically for a four-year term.

Determining the Type of Case

In the American judicial system, someone accused of a crime has the right to an attorney to help in the defense against charges. If the accused cannot afford to hire an attorney, then one will be appointed at government expense. Regardless of the charges, all defendants are humanely treated and their civil rights observed.

Once charges are filed, a judge informs a defendant of the accusation at an initial court hearing and bail is set according to the type of offense. In misdemeanor cases, defendants have the option of pleading guilty or waiting for a trial date. The great

majority of these cases are resolved through negotiations and guilty pleas, often to lesser offenses.

In more serious felony cases, either a grand jury of between 12 and 23 citizens meeting in closed session or a lower court judge conducts a preliminary hearing to determine probable cause before formal charges can be filed—even though probable cause does not mean guilt.

Jury Selection

A jury trial begins with the *voir dire*, the process of jury selection, during which the judge and the prosecuting and defense attorneys question a pool of prospective jurors who are summoned to court. This group of citizens is selected periodically at random from a cross-section of the community.

If it appears during the questioning that a prospective juror cannot consider the case at hand impartially, he or she may be challenged for cause and excused. In addition to the cause challenges, each side—both defense and prosecution—may use peremptory challenges to excuse prospective jurors without having to state a reason. A trial begins once a jury of 12 citizens is selected. Several alternate jurors also are selected in case a member of the primary jury becomes incapacitated or must be excused for some other reason.

Roles of the Judicial Participants

The role of the judge is to supervise a trial in order to assure its proper conduct and the fair administration of justice, and to refrain from making any comments on the effect of any testimony or the credibility of any witness.

Both prosecuting and defense attorneys make an opening unsworn statement. After that, the prosecutor must introduce evidence to prove the allegations in the complaint beyond a reasonable doubt.

This is usually accomplished by introducing evidence through the testimony of witnesses, who swear to tell the truth. The prosecutor asks questions in a direct examination. Once the prosecutor has finished, the defense attorney cross-examines or reasks questions of the witness in an attempt to rebut previous answers that could damage the defendant's chances of acquittal.

The attorney not involved in questioning may at any time offer an objection to certain testimony elicited by the opposition. The judge then has to decide whether to allow or disregard the objection.

When the prosecutor rests—that is, he or she is finished questioning witnesses—the defense attorney attempts to refute earlier evidence that may be damaging to his or her client. This procedure, depending upon the complexity of the case and the number of witnesses called, could take days, weeks or even months to complete. At any time during this process, the accused has the right to testify under oath in his or her behalf. If it is a criminal case, the accused also has the right to refuse to be questioned under oath and cannot be coerced to testify against his or her own best interest. Such lack of participation will not be considered any indication of guilt.

In closing arguments the two attorneys again stress to the jury the evidence that is most favorable to their respective positions. Then the judge instructs the jury on the specific applicable law and the jury leaves the courtroom to deliberate.

Deliberating a Case

Deliberation can take hours or even days, and any decision reached must be unanimous, that is, all 12 members of the jury must agree on what the decision will be. There are times when a jury cannot reach such a decision. When this occurs, a mistrial is declared, and the prosecuting attorney then decides whether or not to try the case again before a completely new jury.

Guilty or Not

The 5th Amendment to the U.S. Constitution prevents a defendant found not guilty from being tried again for the same crime, even if additional evidence is uncovered at a later date.

If a defendant is found guilty, however, the defense attorney may file an appeal with a higher court to attempt to have the verdict overturned. If the case is heard before a higher court, and the appeal fails, another court hearing is held to determine the sentence to be served. Even in this circumstance, the opportunity exists for the person convicted to appeal the sentence in the hopes of having it reduced.

The presumption of innocence prior to trial and the use of a jury of peers remain basic judicial system tenets. In the view of the late Supreme Court Justice William Brennan, the U.S. Constitution, and particularly the due process clause of the 14th Amendment, exist to guarantee “the essential dignity and worth of each individual.”

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Federal v. State Responsibility for Law Enforcement

Under the federal system in the United States, the states and localities traditionally have held the major responsibility for prevention and control of crime and maintenance of order. For most of the Republic's history, "police powers" in the broad sense were reserved to the states under the 10th Amendment to the Constitution. Many still hold that view, but others see a string of court decisions in recent decades as providing the basis for a far more active federal role.

Perhaps the most significant factor behind the growth of federal police powers has been a broader interpretation of the Constitution's "commerce clause" (Article I, Section 8, Clause 2), which explicitly gives Congress power to regulate interstate and foreign commerce. A series of court decisions in this century has established that the impact of *intrastate* commerce on *interstate* commerce may justify a more inclusive approach. In addition, both Congress and the Supreme Court have shown an apparent willingness to view certain kinds of crime or disorder on a large scale as threats to commerce in and of themselves.

Since the 1960s, the law and order issues that most often have generated debate over the appropriate limits of the federal role are financial assistance for state and local law

enforcement and regulation of firearms. In considering legislation that established the grant program administered by the Law Enforcement Assistance Administration (P.L. 90-351) and its forerunner, the Office of Enforcement Assistance (P.L. 89-197), some members of Congress and analysts expressed concern that the federal "power of the purse" would lead to a national police force.

The lack of significant opposition to local law enforcement assistance provisions in 1986 and 1988 anti-drug measures and the 1990 Crime Control Act and the Violent Crime and Law Enforcement Act of 1994 suggests that such concern has diminished. This change in attitude might be explained by a widespread perception that the illicit traffic in dangerous drugs has become a national problem of overriding concern.

One indication of growth in federal involvement in crime control is the trend in annual spending under the budget category "administration of justice." Since 1965, it has risen from \$535 million to an estimated \$21.3 billion in FY1996. Congress appropriated approximately \$17 billion for Department of Justice programs for FY1997.

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Internet Sites

On Law Enforcement

Please note that USIA assumes no responsibility for the content and availability of those non-USIA resources listed below, which reside solely with the providers:

RELATED SITES FOR ORGANIZATIONS DEVOTED TO LAW ENFORCEMENT

NOTE:Viewers may want to turn off images due to the large number of graphics in the following web pages.

American Bar Association's (ABA) Criminal Justice Homepage

<http://www.abanet.org/crimjust/home.html>

Maintained by the ABA, this site seeks to help "the control and prevention of crime, the improvement of society, and the return to social peace."

American Civil Liberties Union (ACLU) Criminal Justice Homepage

<http://www.aclu.org/issues/criminal/hmcj.html>

ACLU's criminal justice page presents such topics as police reform, criminal justice in a free society, criminal justice cases the ACLU has undertaken and links to other criminal justice sites.

Bureau of Justice Assistance (BJA)

<http://www.ojp.usdoj.gov/BJA/>

A component of the U.S. Department of Justice, the BJA supports innovative programs that strengthen the nation's criminal justice system by assisting state and local governments through funding, evaluation, training, technical assistance, and information support in combating violent crime and drug abuse.

Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)

<http://www.calea.org/>

CALEA was conceived in 1979 by executives of five national police organizations who envisioned a change for law enforcement by uniting toward a common goal that would provide communities with standards for measuring agency performance.

Crime Prevention Coalition of America

<http://www.crimepreventcoalition.org/>

The Crime Prevention Coalition of America is a broad-based, interdisciplinary group whose members represent youth development organizations, municipalities, healthcare providers, law enforcement, and federal and state government agencies.

FBI Laboratory

<http://www.fbi.gov/lab/report/labhome.htm>

One of the largest and most comprehensive forensic laboratories in the world, and the only full-service U.S. federal forensic laboratory, the FBI laboratory examines evidence free-of-charge for federal, state and local law enforcement agencies. Examiners also provide expert witness testimony in U.S. courts regarding the results of forensic examinations.

FBI Uniform Crime Report

<http://www.fbi.gov/pressrel/ucr/ucr.htm>

This document is a press release that the FBI issued in October 1997 for its annual Uniform Crime Report. Here you will find statistics on such subjects as violence, theft, arrests, murders, and numbers of police officers nationwide. To download this and past Crime Reports as well as other FBI publications, go to the FBI Publications page at: <http://www.fbi.gov/publish.htm>

International Law Enforcement Academy (ILEA)

<http://www.usis.hu/ilea.htm>

A consortium of agencies who work together in international fora to build new and strengthen existing mechanisms for law enforcement cooperation. ILEA aggressively enforces laws against international criminal activities, and actively develops legal frameworks for more effective sharing of information and extradition of criminal fugitives from justice.

Judicial Education Reference Information and Technical Transfer Project (JERITT)

<http://jeritt.msu.edu/>

Co-sponsored by the National Association of State Judicial Educators (NASJE) and the School of Criminal Justice at Michigan State University, JERITT is the national clearinghouse for information on continuing judicial education for judges, other judicial officers and court personnel.

Provides state, national and federal-system judicial educators access to the latest information on judicial education programming, educational techniques and methods, and educational materials.

National Center for the Analysis of Violent Crime

<http://www.fbi.gov/vicap/vicap.htm>

Under the auspices of the FBI, the Violent Criminal Apprehension Program (VICAP) is a nationwide data information center designed to collect, collate and analyze crimes of violence, facilitating cooperation, communication and coordination between law enforcement agencies, and providing support in their efforts to investigate, identify, track, apprehend and prosecute violent serial offenders.

National Criminal Justice Reference Service (NCJRS)

<http://www.ncjrs.org/ncjhome.htm>

Part of the Justice Information Center (<http://www.ncjrs.org/>), NCJRS responds to queries from law enforcement and corrections officials, lawmakers, judges and court personnel, and researchers from around the world. Also operates the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (<http://www.ncjrs.org/ojjhome.htm>); the Office for Victims of Crime (OVC) (<http://www.ojp.usdoj.gov/ovc/>); the Bureau of Justice Statistics (BJS) (<http://www.ojp.usdoj.gov/bjs/>); the Bureau of Justice Assistance (BJA) (<http://www.ojp.usdoj.gov/BJA/>); and the Office of National Drug Control Policy (ONDCP) (<http://www.whitehouse.gov/WH/EOP/ondcp/htm>).

National Institute of Justice (NIJ)

<http://www.ncjrs.org/nijhome.htm>

A component of the Office of Justice Programs (<http://www.ncjrs.org/ojpprogs.htm>), NIJ is the research and development agency of the U.S. Department of Justice. NIJ was established to prevent and reduce crime and to improve the criminal justice system.

Office of Community Oriented Policing Services (COPS)

<http://www.usdoj.gov/cops/>

The Office of Community Oriented Policing Services (COPS) in the U.S. Department of Justice is the federal office responsible for putting 100,000 additional police officers on U.S. streets and promoting community policing strategies throughout the United States. COPS works toward these twin goals through among other things, the Community Policing Consortium, a partnership of five of the leading police organizations in the United States.

San Luis Obispo County (California) Sheriff's Office of Crime Prevention Unit Programs and Services

<http://www.fix.net/sloso/prevent.html>

An example of one American county's (local government) efforts at preventing crime. San Luis Obispo uses "neighborhood watch" groups by enlisting the active participation of citizens in cooperation with law enforcement officers to reduce crime.

Training Programs for State, Local and International Law Enforcement

<http://www.ustreas.gov/treasury/bureaus/fletc/catosli.html>

The Federal Law Enforcement Training Center (FLETC) (<http://www.ustreas.gov/treasury/bureaus/fletc/>), a bureau of the U.S. Department of the Treasury, presents an overview of the *Catalog of Training Programs for State, Local, and International Law Enforcement Officials*, which can be downloaded from the site. The catalog is available in two formats: ASCII and WordPerfect 5.2.

Other Links to Law-Enforcement Websites

<http://www.ncjrs.org/lewwww.htm>

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