History and Structure of American Law Enforcement

The Structure of American Law Enforcement
- Local Policing and Its Duties
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The Department of Homeland Security
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Learning Objectives
After completing this chapter, you should be able to:
1. Briefly describe the jurisdictional limitations of American law enforcement.
2. Trace the English origins of American law enforcement.
3. Discuss the early development of American law enforcement.
4. Describe the major developments that have occurred in American policing.
5. Describe the structure of American law enforcement.
7. Discuss the development and growth of private security in the United States.

Chapter Outline

The Limited Authority of American Law Enforcement

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- The Constable-Watch System
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- The London Metropolitan Police

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Chapter 5 History and Structure of American Law Enforcement

CRIME STORY

On January 20, 2011, the Federal Bureau of Investigation (FBI) made the largest single-day Mob bust in U.S. history. The operation targeted New York’s five Mafia families—the Gambinos, Genoveses, Bonnans, Lucheses, and Colomos; the DeCavalcante family in Newark, New Jersey, and the New England mafia family in Providence, Rhode Island. More than 800 local, state, and federal law enforcement officers took part in the early morning sweeps that netted 119 of the 127 mobsters charged with crimes. One suspect was arrested in Italy with the aid of the Italian National Police. Some of the “big fish” snared were Colombo family street boss Andrew Russo, 76; Colombo family acting underboss Benjamin Castellazzo, 73; Colombo family consigliere Richard Fusco, 74; Gambino consigliere Joseph Corozzo, 69; Gambino ruling panel member Bartolomeo Vernace, 61; and New England boss Luigi “Baby Shacks” Manocchio, 83 (pictured). Other mobsters arrested also had colorful nicknames such as “Tony Bagels,” “Junior Lollipops,” “Johnny Pizza,” and “Vinny Carwash.”

The roster of suspects was disclosed when 16 indictments encompassing hundreds of charges were unsealed. The crimes for which the mobsters were arrested included murder, drug trafficking, gambling, extortion, loan-sharking, and prostitution. Some of the crimes had been committed 30 years ago, including a double murder instigated by a barroom fight over a spilled drink. Attorney General Eric Holder, in Brooklyn to announce the arrests, described some of the crimes as “classic mob hits” to get rid of perceived rivals and others as “truly senseless murders.” To make the cases, the FBI used classic investigative techniques, such as telephone wiretaps and wired key informants.

Attorney General Holder stated, “As we’ve seen for decades, Mafia operations can negatively impact our economy—not only through a wide array of fraud schemes but also through the illegal imposition of mob “taxes” at our ports, in our construction industries, and on our small businesses. The violence outlined in these indictments, and perpetrated across decades, shows the lengths to which these individuals are willing to go to control their criminal enterprises and intimidate others.” He noted that the Mob “is probably not nation-wide in its scope and impact as it once was, but it is an ongoing threat.” He declared, “The Department of Justice and our partners determined to eradicate these criminal enterprises once and for all, and to bring their members to justice.” FBI Director Robert S. Mueller III added that it is a myth that organized crime “is a thing of the past. . . . Unfortunately, there are still people who extort, intimidate, and victimize innocent Americans.” FBI Assistant Director Janice Fedarcyk commented that the arrests “made a serious dent” in organized crime’s leadership and strength. However, she cautioned, “Arresting and convicting the hierarchies of the five families several times over has not eradicated the problem. . . . As one generation of Mob leaders is wiped out by arrests or internal battles, a new generation takes over.”

Organized crime evolves. Today, it is involved in cybercrime and health fraud, for example. Experts claim that arresting La Cosa Nostra suspects will do little to curb crimes since Albanian and Russian crime organizations now rule the streets.

Chapter 5 is about the history and structure of law enforcement. Among the issues examined is the FBI’s decades-long struggle against organized crime. How has organized crime been able to survive and flourish for so long? Should organized crime remain a priority of law enforcement? These are important questions not only for lawmakers and law enforcement officials at all levels of government but for concerned citizens as well.

The Limited Authority of American Law Enforcement

The United States has more than 15,700 public law enforcement agencies at the federal, state, and local levels of government. The vast majority of those agencies, however, are local and serve municipalities, townships, villages, and
The authority of each agency—whether it is the FBI, a state highway patrol, or a county sheriff's department—is carefully limited by law. The territory within which an agency may operate is also restricted. The city police, for example, may not patrol or answer calls for service outside the city's boundaries unless cooperative pacts have been developed.

**Jurisdiction**

The right or authority of a justice agency to act in regard to a particular subject matter, territory, or person. Jurisdiction, which is defined as a specific geographical area, also means the right or authority of a justice agency to act with regard to a particular subject matter, territory, or person. It includes the laws a particular police agency is permitted to enforce and the duties it is allowed to perform. The Oklahoma Highway Patrol, for example, has investigative and enforcement responsibilities only in traffic matters, while the Kentucky State Police have a broader jurisdiction that includes the authority to conduct criminal investigations throughout the state. Each of the 70 federal law enforcement agencies, large and small, has a specific jurisdiction, although one criminal event may involve crimes that give several federal agencies concurrent jurisdiction. For example, in a bank robbery, if mail of any sort is taken, both the Postal Inspection Service and the FBI are likely to investigate the case.

Beyond the statutes that create and direct law enforcement agencies, the procedural law derived from U.S. Supreme Court decisions also imposes limitations on the authority of those agencies. Giving arrested suspects the familiar **Miranda** warnings before questioning is a good example of the Court's role in limiting the authority of the police. In addition, police civilian review boards, departmental policies and procedures, and civil liability suits against officers who have abused their authority curtail the power of the police in the United States.

Thus, there is a great difference between law enforcement with limited authority, operating under the rule of law in a democratic nation, and law enforcement in countries where the law is by decree and the police are simply a tool of those in power. Even in comparison with other democratic nations of the world, however, the United States has remarkably more police agencies that operate under far more restrictions on their authority. To understand the origin of those unique qualities of law enforcement in the United States, it is necessary to look first at the history of law enforcement in England, the nation that provided the model for most of American criminal justice.
THINKING CRITICALLY

1. Why do you think it is important that law enforcement agencies have limited authority?

English Roots

If you are the victim of a crime, you might expect that a uniformed patrol officer will respond quickly to your call and that a plainclothes detective will soon follow up on the investigation. Because there are thousands of police departments in local communities across the nation, you might also take for granted that the police handling your case are paid public servants employed by your city or county. Such was not always the case in the United States—or in England, where the basic concepts of American law enforcement and criminal justice originated. The criminal justice system in England took hundreds of years to develop, but eventually the idea arose of a locally controlled uniformed police force with follow-up plainclothes investigators.

THE TITHING SYSTEM

Before the twelfth century in England, justice was primarily a private matter based on revenge and retribution. Victims of a crime had to pursue perpetrators without assistance from the king or his agents. Disputes were often settled by blood feuds in which families would wage war on each other. By the twelfth century, a system of group protection had begun to develop. Often referred to as the tithing system or the frankpledge system, it afforded some improvements over past practices. Ten families, or a tithing, were required to become a group and agree to follow the law, keep the peace in their areas, and bring law violators to justice. Over even larger areas, ten tithings were grouped together to form a hundred, and one or several hundred constituted a shire, which was similar to a modern American county. The shire was under the direction of the shire reeve (later called the sheriff), the forerunner of the American sheriff. The shire reeve received some assistance from elected constables at the town and village levels, who organized able-bodied citizens into posses to chase and apprehend offenders.

County law enforcement agencies in the United States still sometimes use posses to apprehend law violators. The Maricopa County (Arizona) Sheriff’s Department, for example, has a 3,000-member volunteer posse, whose members are trained and often former deputies.

THE CONSTABLE-WATCH SYSTEM

The Statute of Winchester, passed in 1285, formalized the constable-watch system of protection. The statute provided for one man from each parish to be selected as constable, or chief peacekeeper. The statute further granted constables the power to draft citizens as watchmen and require them to guard the city at night. Watchmen were not paid for their efforts and, as a result, were often found sleeping or sitting in a pub rather than performing their duties. In addition, the statute required all male citizens between the ages of 15 and 60 to maintain weapons and to join in the hue and cry, meaning to come to the aid of the constable or the watchman when either called for help. If they did not come when called, the male citizens were subject to criminal penalties for aiding the offender. This system of community law enforcement lasted well into the 1700s.

Two features of this system are worthy of note. First, the people were the police, and second, the organization of the protection system was local. These two ideas were transported to the American colonies centuries later.

tithing system A private self-help protection system in early medieval England, in which a group of 10 families, or a tithing, agreed to follow the law, keep the peace in their areas, and bring law violators to justice.

shire reeve In medieval England, the chief law enforcement officer in a territorial area called a shire, later called the sheriff.

posses Groups of able-bodied citizens of a community, called into service by a sheriff or constable to chase and apprehend offenders.

constable-watch system A system of protection in early England in which citizens, under the direction of a constable, or chief peacekeeper, were required to guard the city and to pursue criminals.

constable The peacekeeper in charge of protection in early English towns.
THE BOW STREET RUNNERS

In 1748, Henry Fielding, a London magistrate, founded a group of professional law enforcement agents to apprehend criminals and recover stolen property in the entertainment district of London, known as Bow Street Covent Garden. This publicly funded detective force, named the Bow Street Runners, was by far the most effective official law enforcement organization of its day. Efforts to duplicate it in other parts of London proved unsuccessful, but Fielding’s work in organizing the first British detective force, and his writing addressing the shortcomings of the criminal justice system, had a great deal of influence. They helped pave the way for a more professional and better-organized response to the crime problems that were dramatically increasing in London by the end of the eighteenth century.4

THE LONDON METROPOLITAN POLICE

Because of the Industrial Revolution, urban populations in cities like London swelled with an influx of people from the countryside looking for work in factories. A major result of this social transformation was that England began experiencing increasing poverty, public disorder, and crime. There was no clear consensus about what to do. Several efforts to establish a central police force for London had been opposed by people who believed that police of any kind were a throwback to the absolute power formerly wielded by English kings. Parliament eventually responded, in 1829, with the London Metropolitan Police Act. It created a 1,000-officer police force with professional standards to replace the patchwork of community law enforcement systems then in use. Members of the London Police became known as bobbies, or peelers, after Robert Peel, the British Home Secretary who had prodded Parliament to create the police force.

To ensure discipline, the London Police were organized according to military rank and structure and were under the command of two magistrates, who were later called commissioners. According to Peel, the main function of the police was to prevent crime, not by force but by preventive patrol of the community. Londoners, who resented such close scrutiny, did not at first welcome this police presence in the community. Eventually, though, the bobbies (the term was originally derogatory) showed that the police could have a positive

The London Metropolitan Police discover another victim of Jack the Ripper. What do you suppose were some of the unique problems encountered by the first bobbies, or peelers?
Table 5.1 Robert Peel’s Principles of Policing

1. The police must be stable, efficient, and organized along military lines.
2. The police must be under governmental control.
3. The absence of crime will best prove the efficiency of police.
4. The distribution of crime news is essential.
5. The deployment of police strength both by time and area is essential.
6. No quality is more indispensable to a policeman than a perfect command of temper; a quiet, determined manner has more effect than violent action.
7. Good appearance commands respect.
8. The securing and training of proper persons is at the root of efficiency.
9. Public security demands that every police officer be given a number.
10. Police headquarters should be centrally located and easily accessible to the people.
11. Policemen should be hired on a probationary basis.
12. Police records are necessary to the correct distribution of police strength.

The Development of American Law Enforcement

The United States has more police departments than any other nation in the world. The major reason for this is that local control is highly regarded in the United States. Thus, like many other services, even small communities that can barely afford police service provide it locally. This practice is primarily responsible for the disparity in the quality of American police personnel and service. The struggle to improve American law enforcement began even before formal police departments came into existence.

EARLY AMERICAN LAW ENFORCEMENT

The chance for a better life free of government intervention was key in the decision of many colonists to cross the Atlantic and settle in the New World. American colonists from England brought with them the constable-watch system with which they were familiar if not completely satisfied. Boston established a night watch as early as 1634. Except for the military’s intervention in major disturbances, the watch system, at least in the cities, was the means of preventing crime and apprehending criminals for the next two centuries. As in England, the people were the police. Citizens could pay for watch replacements, and often the worst of the lot ended up protecting the community. In fact, Boston and other cities frequently deployed the most elderly citizens and occasionally sentenced minor offenders to serve on the watch. Later, in rural and southern areas of the country, the office of sheriff was established and the power of the posse was used to maintain order and apprehend offenders. In essence, two forms of protection began to evolve—the watch in the villages,

THINKING CRITICALLY

1. Do you think any of the early English systems of law enforcement (e.g., tithing) could work today? Why or why not?

Peel’s Principles of Policing

A dozen standards proposed by Robert Peel, the author of the legislation resulting in the formation of the London Metropolitan Police Department. The standards are still applicable to today’s law enforcement.

FYI The “Leatherheads”

In Dutch-influenced New York in the seventeenth century, the first paid officers on the night watch were known as leatherheads because they wore leather helmets similar in appearance to the helmets worn by today’s firefighters. The leatherheads were not known for their attention to duty and often spent entirely too much of their watch schedule inside.

towns, and cities and the sheriff in the rural areas, unincorporated areas, and counties. Communities in the North often had both systems.

**LAW ENFORCEMENT IN THE CITIES**

As had happened in England, the growth of the Industrial Revolution lured people away from the farms to cities. Large groups of newcomers, sometimes immigrants from other countries, settled near factories. Factory workers put in long days, often in unsafe and unhealthy working conditions. Some workers organized strikes, seeking better working conditions, but the strikes were quickly suppressed. As the populations of cities swelled, living conditions in some areas became overcrowded and unhealthy. Major episodes of urban violence occurred in the first half of the nineteenth century because of the social and economic changes transforming American cities. Racial and ethnic tensions often reached a boiling point, resulting in mob disturbances that lasted for days. A particular source of trouble was the drinking establishments located throughout working-class districts of cities. Regular heavy drinking led to fights, brawls, and even full-scale riots.

Unlike London, which organized its police force in 1829, American citizens resisted the formation of police departments, relying instead on the constable-watch system, whose members lit streetlights, patrolled the streets to maintain order, and arrested some suspicious people. Constables often had daytime duties, which included investigating health hazards, carrying out orders of the court, clearing the streets of debris, and apprehending criminals against whom complaints had been filed. Neither the night watch nor the constables tried to prevent or discover crime, nor did they wear any kind of uniform. This weak protection system was unable to contain the increasing level of lawlessness.

**Municipal Police Forces** In 1844, New York City combined its day and night watches to form the first paid, unified police force in the United States. Close ties developed between the police and local political leaders. As with the first police in London, citizens were suspicious of the constant presence of police officers in their neighborhoods. Also, citizens had little respect for the New York police because they thought they were political hacks appointed by local officials who wanted to control the police for their own gain. During the next several years, the struggle to control the police in New York built to a fever pitch.

In 1853, the New York state legislature formed the Municipal Police Department, but within 4 years that force was so corrupt from taking bribes to overlook crime that the legislature decided to abolish it. It was replaced by the Metropolitan Police, which was administered by five commissioners appointed by the governor. The commissioners then selected one superintendent. Each commissioner was to oversee the others, as well as the superintendent, and keep them all honest. In the minds of the legislature, the new structure was an improvement that would prevent corruption in the top level of the department. But when the Metropolitan Police Board called on Mayor Fernando Wood to abolish the Municipal Police, he refused. Even after New York’s highest court upheld a decision to disband the Municipals, the mayor refused. The Metropolitans even tried to arrest Mayor Wood, but that failed attempt resulted in a pitched battle between the two police forces. When the National Guard was called in, Mayor Wood submitted to arrest but was immediately released on bail.
During the summer of 1857, the two police forces often fought over whether to arrest certain criminals. A particularly troubling practice was one police force releasing from custody the criminals arrested by the other force. Lawbreakers operated freely during the dispute between the two police forces. Criminal gangs had a free hand to commit robberies and burglaries during most of that summer. The public became enraged over this neglect of duty and the increased danger on the streets of New York City. Only when another court order upheld the decision to disband the Municipal Police did Mayor Wood finally comply.

Following the course charted by New York City, other large cities in the United States soon established their own police departments. In 1855, Boston combined its day and night watches to form a city police department. By the end of the decade, police departments had been formed in many major cities east of the Mississippi. The officers’ duties did not vary substantially from the duties of those who had served on the watch. After the Civil War, however, peace officers began to take on the trappings of today’s police. They began to wear uniforms and carry nightsticks and even firearms, although many citizens resisted giving this much authority to the police.

**Tangle of Politics and Policing** Until the 1920s in most American cities, party politics prevented the development of professional police departments. Local political leaders understood that controlling the police was a means of maintaining their own political power and of allowing criminal friends and political allies to violate the law with impunity. In fact, in some cities, the police were clearly extensions of the local party machine, which attempted to dominate all activity in a community. If local politicians gave police applicants a job, it became the hired
officers’ job to get out the vote so the politicians could keep their positions. The system was so corrupt in some cities that police officers bought their jobs, their promotions, and their special assignments. In collaboration with local politicians, but often on their own, the police were more than willing to ignore violations of the law if the lawbreakers gave them money, valuables, or privileges.

A Brief History of Blacks in Policing

For most of American history, blacks who have wanted to be police officers have faced blatant discrimination and have generally been denied the opportunity. The first black police officers in the United States were “free men of color.” They were hired around 1805 to serve as members of the New Orleans city watch system. They were hired primarily because other people did not want the job. In addition to serving on the watch, they were responsible for catching runaway slaves and generally policing black slaves in New Orleans.

By 1830, policing had become more important in New Orleans, and the “free men of color” lost their jobs on the city police force to others who wanted them. Not until after the Civil War were black Americans allowed to be police officers again. During Reconstruction, black Americans were elected to political office and hired as police officers throughout the South. This did not last long. By 1877, the backlash to Reconstruction drove black Americans and their white Republican allies from elective offices, and black police officers throughout the South lost their jobs. By 1890, most southern cities had all-white police departments. The few black police officers in the southern cities that retained them generally could not arrest white people and were limited to patrolling only areas and communities where other black Americans lived. By 1910, there were fewer than 600 black police officers in the entire United States, and most of them were employed in northern cities.

The hiring of black police officers did not begin again in most southern cities until the 1940s and 1950s. They were hired primarily to patrol black communities, to prevent crime, and to improve race relations. Still, few black Americans ever rose to command positions in their departments. Indeed, prior to the 1950s, only two black Americans had ever been promoted to the command position of captain: Octave Rey of New Orleans and John Scott of Chicago. Both served relatively short tenures in the position: Rey from 1868 to 1877 and Scott from 1940 to 1946.

LAW ENFORCEMENT IN THE STATES AND ON THE FRONTIER

The development of law enforcement on the state level and in the frontier territories was often peculiar to the individual location. Without large population centers that required the control of disorderly crowds, law enforcement was more likely to respond to specific situations—for example, by rounding up cattle rustlers or capturing escaped slaves. Still, out of this kind of limited law enforcement activity, the basic organizational structure of police units with broader responsibilities was born.

Southern Slave Patrols

In the South, the earliest form of policing was the plantation slave patrols. They have been called “the first distinctively American police system.” The slave patrols were created to enforce the infamous slave codes, the first of which was enacted by the South Carolina legislature in 1712. Eventually all the Southern colonies enacted slave codes. The slave codes protected the slaveholders’ property rights in human beings, while holding slaves responsible for their crimes and other acts that were not crimes if they were committed by free persons. Under some slave codes, enslaved people could not hold meetings, leave the plantation without permission from the master, travel without a pass, learn to read and write, carry a firearm, trade, or gamble. Both the slave codes and the slave patrols were created in part because of a fear of bloody slave revolts, such as had already occurred in Virginia and other parts of the South.

The most publicized slave revolt was the Nat Turner Rebellion of 1831 in Virginia. Turner and five other slaves killed Joseph Travis, Turner’s owner, and
his family. Approximately 70 more rebels joined Turner, whose immediate plan was to capture the county seat, where munitions were stored. Turner was unsuccessful in his plan, but during the siege, he and his rebels killed 57 whites. Turner was tried, convicted, and hanged, along with 16 other rebels. In response to the revolt, white mobs lynched nearly 200 blacks, most of whom were innocent.11

Slave patrols generally consisted of three men on horseback who covered a beat of 15 square miles. They were responsible for catching runaway slaves, preventing slave uprisings, and maintaining discipline among the slaves. To maintain discipline, the patrols often whipped and terrorized black slaves who were caught after dark without passes. The slave patrols also helped enforce the laws prohibiting literacy, trade, and gambling among slaves. Although the law required that all white males perform patrol services, the large plantation owners usually hired poor, landless whites to substitute for them. The slave patrols lasted until the end of the Civil War in 1865. After the Civil War, the Ku Klux Klan served the purpose of controlling blacks just as the slave patrols had before the Civil War.

Frontier Law Enforcement  In the remote and unpopulated areas of the nation, and particularly on the expanding frontier, justice was often in the hands of the people in a more direct way. Vigilantism was often the only way that people could maintain order and defend themselves against renegades and thugs.12 Even when formal law enforcement procedures were provided by the sheriff or a marshal, courts in many communities were held only once or twice a year, leaving many cases unresolved. This idea of self-protection remains very popular in the South and the West, where firearms laws in many states permit people to carry loaded weapons in a vehicle or even on their persons if they have completed a qualification and licensing procedure.

The Texas Rangers, organized in the early 1800s to fight Native Americans, patrol the Mexican border, and track down rustlers, were the first form of state police. Why and how do you think the Rangers have endured for so long?
**State Police Agencies** Self-protection did not prove sufficient as populations and their accompanying problems increased. As early as 1823, mounted militia units in Texas protected American settlers throughout that territory. Called *rangers*, these mounted militia fought Native Americans and Mexican bandits. The Texas Rangers were officially formed in 1835, and the organization remains in existence today as an elite and effective unit of the Texas Department of Public Safety.\(^\text{13}\)

The inefficiency and unwillingness of some sheriffs and constables to control crime, along with an emerging crime problem that exceeded the local community’s ability to deal with it, prompted other states to form state law enforcement agencies. In 1905, Pennsylvania established the first modern state law enforcement organization with the authority to enforce the law statewide, an authority that made it unpopular in some communities where enforcement of state laws had been decidedly lax.\(^\text{14}\) The Pennsylvania state police officially had been created to deal with crime in rural areas, but in its early years it frequently responded to industrial discord. The event that led directly to the formation of the state agency was the 1902 anthracite coal strike, which caused a national crisis and the intervention of President Theodore Roosevelt. Industrialists believed municipal police departments and the state militia were too unreliable during strikes because officers were overly sympathetic to workers with whom they often shared community ties and social origins. Industrialists assumed that a centralized mobile force, recruited statewide with ties to no particular community, would eliminate any sympathy between officers and workers.\(^\text{15}\) The authority of state police agencies was extended with the advent of the automobile and the addition of miles of state highways. Some form of state law enforcement agency existed in every state by the 1930s.

**PROFESSIONALISM AND REFORM**

You will recall that the people themselves were once the police, as they served on the watch. Being an adult citizen was about the only qualification. No training was required, and it was common practice for citizens who did not want to serve to hire replacements, sometimes hiring sentenced offenders. Because of the few services and the little order the watch provided, not much else seems to have been required. Even when organized police forces were developed in the 1840s and 1850s in the United States, qualifications for the job mattered little beyond the right political connections or the ability to purchase one’s position outright.

Not until the latter part of the nineteenth century did qualifications for the position of police officer begin to evolve. In the 1880s, Cincinnati posted two qualifications to be a police officer.\(^\text{16}\) First, an applicant had to be a person of high moral character—an improvement over earlier times. Three citizens had to vouch for the applicant’s character at a city council meeting. If deemed acceptable by the council, the applicant was immediately taken to a gymnasium and tested for the second qualification, foot speed.

Both Cincinnati and New York began police academies in the 1880s, but the curriculum was meager and recruits were not required to pass any examinations to prove their competence. The lack of adequate standards and training for police officers was recognized as a major stumbling block to improved policing. A group of reformers within policing allied themselves with the Progressives, a movement for political, social, and economic change. Among the reformers was August Vollmer, who became chief of police of Berkeley, California, in 1909. During his tenure as chief from 1909 to 1932, Vollmer attempted to create a professional model of policing. With Vollmer and a succession of internal reformers who followed, a new era of professional policing began.

Vollmer and his followers advocated training and education as two of the key ingredients of professionalism in policing. He also believed strongly that the police should stay out of politics and that politics should stay out of policing. Vollmer believed that the major function of the police was fighting crime, and he saw great promise in professionalizing law enforcement by emphasizing
that role. He began to hire college graduates for the Berkeley Police Department, and he held college classes on police administration.

Within a few decades, this professional model, sometimes called the reform model, had taken root in police departments across the country. To eliminate political influences, gain control of officers, and establish crime-fighting priorities, departments made major changes in organization and operation. Those changes included the following:

- Narrowing of the police function from social service and the maintenance of order to law enforcement only.
- Centralization of authority, with the power of precinct captains and commanders checked.
- Creation of specialized, centrally based crime-fighting units, as for burglary.
- A shift from neighborhood foot patrol to motorized patrol.
- Implementation of patrol allocation systems based on such variables as crime rates, calls for service, and response times.
- Reliance on technology, such as police radios, to both control and aid the policing function.
- Recruitment of police officers through psychological screening and civil service testing.
- Specific training in law enforcement techniques.

**Policewomen** It took a long time for policewomen to gain the opportunity to perform the same roles and duties as their male counterparts. From the early 1900s until 1972, when the Equal Employment Opportunity Commission began to assist women police officers in obtaining equal employment status with male officers, policewomen were responsible for protection and crime prevention work with women and juveniles, particularly with girls. The Los Angeles Police Department created the City Mother’s Bureau in 1914 and hired policewomen to work with delinquent and predelinquent children whose mothers did not want formal intervention by a law enforcement agency. Policewomen were also used to monitor, investigate, and punish young girls whose behavior flouted social and sexual conventions of the times.

The first woman to have full police power (1905) was Lola Baldwin of Portland, Oregon. The first uniformed policewoman was Alice Stebbins Wells, who was hired by the Los Angeles Police Department in 1910. By 1916, 16 other police departments had hired policewomen as a result of the success in Los Angeles.

**CONFLICTING ROLES** Throughout their history, Americans have never been sure precisely what role they want their police officers to play. Much of the ambivalence has to do with American heritage, which makes many Americans suspicious of government authority. At one time or another, local police have acted as peacekeepers, social workers, crime fighters, and public servants, completing any task that was requested. Often, the police have been asked to take on all those roles simultaneously.

For most of the nineteenth century, distrust of government was so strong and the need to maintain order in the cities so critical that the police operated almost exclusively as peacekeepers and social service agents, with little or no concern for enforcing the law beyond what was absolutely necessary to maintain tranquility. In this role, the police in many American cities administered the laws that provided for public relief and support of the poor. They fed the hungry and housed the homeless at the request of the politicians who controlled them. Later, other social service agents, such as social workers, began to replace them, and a reform effort developed to remove policing from the direct control of corrupt politicians. As a result, the police began to focus on crime-fighting as early as the 1920s. Having the police enforce the law fairly and objectively was thought to be a major way of professionalizing law enforcement. This approach also fit the professional model of policing advocated by Vollmer and other reformers.
By the end of the 1960s, strong doubts about the role of the police emerged again. The role they had been playing encouraged them to ferret out crime and criminals through such practices as aggressive patrol, undercover operations, and electronic surveillance. In some neighborhoods, the police came to be viewed as armies of occupation. Some confrontations between police and citizens resulted in violence. The civil rights movement produced a series of demonstrations and civil disorders in more than 100 cities across America, beginning in 1964. As in the labor struggles of the late nineteenth and early twentieth centuries, the police were called in to restore order. Some police officers suppressed the demonstrations with brutal tactics. The anti–Vietnam War movement during the 1960s sparked protests all over the country, especially on college campuses. Again, police officers were called on to maintain and sometimes to restore order. Thousands of students were sprayed with tear gas, and some were beaten and even killed by police.

By the end of the 1960s, it was clear that police standards and training had to be improved. To many observers, fast response and proactive patrols did not seem effective in reducing crime, and officers increasingly were seeing their work world through the windshield of a cruiser. The likelihood of establishing rapport with the people they served was remote as officers dashed from one crime scene to another.

Four blue-ribbon commissions studied the police in the United States. The four commissions and the years in which they released their reports are:

- National Advisory Commission on Civil Disorders, 1967
- President’s Commission on Law Enforcement and the Administration of Justice, 1967
- National Advisory Commission on Criminal Justice Standards and Goals, 1973
- American Bar Association’s Standards Relating to Urban Police Function, 1973
All four reports made the same major recommendations: They pointed out the critical role police officers play in American society, called for careful selection of law enforcement officers, and recommended extensive and continuous training. The reports also recommended better police management and supervision as well as internal and external methods of maintaining integrity in police departments.

In an attempt to follow many of the specific recommendations of the reform commissions’ reports, police selection became an expensive and elaborate process. It was designed to identify candidates who had the qualities to be effective law enforcement officers: integrity, intelligence, interpersonal skills, mental stability, adequate physical strength, and agility. Attempts were also made to eliminate discriminatory employment practices that had prevented minorities and women from entering and advancing in law enforcement. Finally, it became more common for police officers to attend college, and some police agencies began to set a minimum number of college credit hours as an employment qualification.

COMMUNITY POLICING

By the 1970s, research began to show that a rapid response to crime does not necessarily lead to more arrests and that having more police officers using methods made popular under the professional or reform model does not significantly reduce crime. What was emerging was the view that unattended disorderly behavior in neighborhoods—such as unruly groups of youths, prostitution, vandalism, drunk and disorderly vagrants, and aggressive street people—is a signal to more serious criminals that residents do not care what goes on in their community and that the criminals can move in and operate with impunity.

The 1970s and 1980s saw some experimentation with community- and neighborhood-based policing projects. Those projects got mixed results, and many were abandoned because of high costs, administrative neglect, and citizen apathy. However, higher crime rates, continued community deterioration, and recognition of the failure to control crime caused law enforcement to again question the role it was playing. The enforcer role still was not working well enough. It appeared senseless simply to respond to calls for service and arrive at scenes of crime and disorder time and time again without resolving the problems or having any lasting effect on the lives of the residents of the community. Out of this failure and frustration came the contemporary concept of community policing.

Under a community policing philosophy, the people of a community and the police form a lasting partnership in which they jointly approach the problems of maintaining order, providing services, and fighting crime. If the police show they care about the minor problems associated with community disorder, two positive changes are likely to occur: Citizens will develop better relations with the police as they turn to them for solutions to the disorder, and criminals will see that residents and the police have a commitment to keeping all crime out of the neighborhood. Once again, the emphasis has shifted from fighting crime to keeping peace and delivering social services. The goal is eradicating the causes of crime in a community, not simply responding to symptoms.

In the early 1990s, many communities across the nation began implementing community policing strategies. Community policing called for a shift from incident-based crime fighting to a problem-oriented approach in which police would be prepared to handle a broad range of troublesome situations in a community’s neighborhoods. There was greater emphasis on foot patrol so that officers could come to know and be known by the residents of a neighborhood. Those citizens would then be more willing to help the police identify and solve problems in the neighborhood. Many other aspects of community policing are discussed more fully in Chapter 6.

COMPSTAT

At about the same time that community policing was becoming popular in many American cities, a new policing strategy was being implemented in New York
CompStat. A technological and management system that aims to make the police better organized and more effective crime fighters. It combines innovative crime analysis and geographic information systems, that is, crime mapping (described in Chapter 6) with the latest management principles.

By the beginning of the new millennium, a third of the nation's largest police departments had adopted it, and another 25% were planning to do so. The new strategy was called CompStat, an abbreviation of “compare stats” or “computer statistics meetings.” CompStat is a technological and management system that aims to make the police better organized and more effective crime fighters. It combines innovative crime analysis and geographic information systems, that is, crime mapping (described in Chapter 6), with the latest management principles.

CompStat is based on four interrelated crime-reduction principles: (1) provide accurate and timely crime data to all levels of the police organization, (2) choose the most effective strategies for specific problems, (3) implement those strategies by the rapid deployment of personnel and resources, and (4) diligently evaluate the results and make adjustments to the strategy as necessary. Problems are identified by crime analysts who collect data, analyze it, and then map it to show trends or trouble spots. Armed with this information, precinct commanders are responsible for formulating a response and solving the problem. Failure to get the job done results in harsh reprimands from top administrators, and repeated failures can lead to removal from command.

Supporters of CompStat claim that it has reduced crime, and FBI statistics show that crime rates have declined in those cities that have implemented it. However, the simultaneous decrease in crime rates reported by the FBI and the implementation of CompStat may be nothing more than a coincidence. In fact, a few studies reveal that crime rates were already declining in cities before CompStat was implemented. Critics contend that CompStat is incompatible with community policing. Whereas community policing is based on the decentralization of decision-making authority and the empowerment of patrol officers to make decisions in their communities, CompStat concentrates decision-making power among command staff who issue orders to the rank and file. Centralized command and control are key features of the traditional model of police organizations, and therein lies the appeal of CompStat to police administrators who are uncomfortable giving up too much control. CompStat allows the chief of police to judge the performance of precinct commanders and allows precinct commanders to hold their officers accountable. CompStat returns the control of everyday policing to police administrators and requires minimal disruption to the traditional police organization. At the same time it allows police administrators to tout their use of innovative technologies and problem-solving techniques. It will be interesting to see whether the future of policing is community policing, CompStat, or some other system.

THINKING CRITICALLY

1. Which of the major changes in the organization and operation of police departments listed on page 147 do you think brought about the most significant change? Why?
2. What do you think are the key benefits of community policing? Why?
3. Which system of policing do you believe will best serve the interests of the American public: community policing or CompStat? Why?

History of Four Federal Law Enforcement Agencies

Since the United States was formed, the American public has held a healthy skepticism about a centralized police system. This is why law enforcement in the United States, unlike in many other countries, is primarily a state and local matter. However, the creation of a federal system of government and laws necessitated a national law enforcement presence. The result has been dozens of federal law enforcement agencies. Although space limitations preclude an examination
of all these agencies’ histories, the histories of four of the more prominent ones—the U.S. Marshals Service, the Secret Service, the Federal Bureau of Investigation, and the Drug Enforcement Administration—are described below.

**U.S. MARSHALS SERVICE**

The first federal law enforcement agents in the United States were the U.S. Marshals, a product of the Judiciary Act of 1789. The act fleshed out details of the new federal judicial system as provided for in the U.S. Constitution. Duties of the federal Marshals and their deputies included protecting the federal courts, supporting their operation, and enforcing federal court decisions and federal laws. In supporting the operation of the federal courts, U.S. Marshals served summonses, subpoenas, writs, warrants and other process (that is, proceedings in any action or prosecution) issued by the courts; arrested people suspected of committing federal crimes; were responsible for all federal prisoners; disbursed funds as ordered by the federal courts; paid the fees and expenses of court clerks, U.S. Attorneys, jurors, and witnesses; rented courtrooms and jail space and hired bailiffs, court criers, and janitors; and made sure that prisoners were present, jurors were available, and witnesses were punctual.

U.S. Marshals also were charged with carrying out the lawful orders of Congress and the president. The position of U.S. Marshal was modeled after the position of county sheriff. In Virginia, between 1619 and about 1634, local sheriffs were called provost marshals or marshals. The same was true in Georgia between 1733 and 1773.

President George Washington personally selected the first 13 Marshals—one for each state. The president still nominates U.S. Marshals who must be confirmed by the Senate. Washington wanted men who would support the federal government without jeopardizing states’ rights. Most of his appointees had a previous association with him, including service under his command during the Revolutionary War. The first Marshals helped to establish the federal judicial system and place the new federal government on sound footing because of their local ties, which made the exercise of federal power a little more palatable to the American public. Throughout their history, U.S. Marshals have been required to live within the districts they served. As civilian law enforcers, the availability of the U.S. Marshals frequently prevented military intervention in state and local affairs.

The U.S. Marshals represented the federal government’s interests at the local level and performed a variety of non–law enforcement duties needed to keep the central government functioning effectively. For example, they conducted the first national census in 1790 and continued to do so until 1870. They also distributed presidential proclamations and collected statistical information on commerce and manufacturing. Until 1861, they reported directly to the Secretary of State; in 1861, Congress assigned their supervision to the Attorney General. Nevertheless, until the 1960s and the establishment of a centrally administered U.S. Marshals Service with control over district budgets and the hiring of deputies, the U.S. Marshals operated with little supervision. Working with federal judges and U.S. Attorneys, prior to 1960, U.S. Marshals were relatively free to determine how they would enforce the law.

One of the Marshals’ first law enforcement duties—one they still perform today—was to conduct executions authorized by the federal courts. U.S. Marshal Henry Dearborn of Maine conducted the first federal execution in 1790. He executed Thomas Bird for a murder committed at sea. Another early duty of the U.S. Marshals was to enforce the Sedition Act of 1798. The act punished unlawful combinations against the government and publishing “false, scandalous, and malicious writing” about the government. Prior to the creation of the U.S. Secret Service in 1865, the Treasury Department used U.S. Marshals and their deputies to investigate and pursue counterfeiters nationwide. U.S. Marshals also were charged with enforcing the Fugitive Slave Act of 1850. The Marshals arrested fugitive slaves and returned them to their Southern masters. During the Civil War, U.S. Marshals confiscated property used to support the Confederacy, and they helped capture Confederate spies.
Following the Civil War, U.S. Marshals and their deputies were instrumental in keeping law and order in the “Wild West.” One of the most infamous incidents involving the Marshals occurred in Tombstone, Arizona, in 1881. The gunfight at the O.K. Corral pitted U.S. Marshal Virgil Earp and his deputies, brothers Wyatt and Morgan Earp, and John “Doc” Holiday, against the Clanton gang. The U.S. Marshals became a part of the newly created Justice Department in 1870. During the Pullman Railroad Strike of 1894, President Grover Cleveland and the federal courts ordered the U.S. Marshals to help United States Army troops break the strike and keep the trains rolling.

In 1896, U.S. Marshals began to receive an annual salary for the first time. They had previously worked under a fee system in which they would collect set amounts for performing specific tasks. Getting paid under the fee system was frequently an ordeal. During World War I, U.S. Marshals helped protect the home front from enemy aliens, spies, and saboteurs. They also arrested draft dodgers and people who tried to disrupt Selective Service operations. With the ratification of the 18th Amendment in 1919, which prohibited the manufacture, sale, and transportation of intoxicating beverages in the United States, the U.S. Marshals Service assumed the primary responsibility for enforcing the Prohibition laws. They continued in that role until 1927, when the Treasury Department gave the responsibility to the newly created Bureau of Prohibition. After that, the Marshals, along with other federal agencies, assisted in Prohibition efforts.

In the 1960s, U.S. Marshals helped enforce desegregation orders. For example, when James Meredith, a black man, enrolled in the University of Mississippi in 1962, deputies protected him 24 hours a day for an entire year. Following passage of the Organized Crime Control Act of 1970, the U.S. Marshals Service was given responsibility for the Witness Security Program. In 1979, the U.S. Attorney General transferred primary jurisdiction for the apprehension of escaped federal prisoners from the FBI to the U.S. Marshals Service. In 1985, U.S. Marshals were given the task of managing and disposing of properties seized and forfeited by federal law enforcement agencies and U.S. Attorneys nationwide. In 1996, following a series of bombings, the U.S. Marshals Service was charged with protecting abortion clinics and doctors.
Throughout their more than 220-year history, U.S. Marshals and their deputies have been “general practitioners within the law enforcement community,” capable of responding quickly to new problems. Unlike other federal law enforcement agencies, the U.S. Marshals have not been restricted by legislation to specific, well-defined duties and jurisdictions. Today, their major responsibilities include:

- Judicial security
- Fugitive investigations
- Witness security
- Prisoner services (for example, detaining pre-sentenced federal prisoners)
- Transporting federal prisoners and criminal aliens
- Managing and disposing of seized and forfeited property
- Serving federal court criminal and some civil process
- Conducting special operations (for instance, providing security assistance when Minuteman and cruise missiles are moved between military facilities)

THE SECRET SERVICE

In 1865, the United States Secret Service was created as a branch of the Treasury Department to combat the counterfeiting of U.S. currency. During the mid-nineteenth century, approximately 1,600 state banks designed and printed their own bills, making it difficult to distinguish between counterfeit bills and the more than 7,000 uniquely designed legitimate bills. Counterfeiting was a serious problem. It was estimated that one-third to one-half of all currency in circulation was counterfeit. By comparison, the counterfeit rate today is a fraction of a percent. To resolve the counterfeiting problem, a national currency was adopted in 1862, but it was soon counterfeited extensively, too. The enforcement of anti-counterfeiting laws was clearly necessary, and the Secret Service was and continues to be effective in suppressing the problem.

In 1867, Secret Service responsibilities were expanded to include “detecting persons perpetrating frauds against the government.” This resulted in investigations into the Ku Klux Klan, nonconforming distillers, smugglers, mail robbers, land frauds, and a number of other federal law violations. In 1984, Congress enacted legislation further expanding the investigative responsibilities of the Secret Service to violations relating to credit and debit card fraud, federal-interest computer fraud, and fraudulent identification documents.

In 1894, the Secret Service began informal part-time protection of President Grover Cleveland, and, in 1902, a year after the assassination of President William McKinley, it was given full-time responsibility for the protection of the U.S. president. In 1951, Congress enacted legislation permanently authorizing Secret Service protection of the president, his or her immediate family, the president-elect, and the vice president, if he or she wishes. Ten years later, Congress authorized Secret Service protection of former presidents for a reasonable period of time. In 1962, Congress expanded Secret Service protection to include the vice president or the next officer to succeed the president and the vice president-elect. Congress passed legislation in 1963 to provide Secret Service protection of Mrs. John F. Kennedy and her minor children for two years. In 1965, Congress authorized Secret Service protection of former presidents and their spouses during their lifetime and minor children until age 16. Following the assassination of Robert F. Kennedy in 1968, Congress expanded Secret Service protection to major presidential and vice presidential candidates and nominees; it also authorized protection of widows of presidents until death or remarriage, and their children until age 16.

In 1922, President Warren Harding requested the creation of the White House Police, which was placed under the supervision of the Secret Service in 1930. The White House Police was renamed the Executive Protection Service in 1970, and the Secret Service Uniformed Division in 1977. The Treasury Police Force was merged into the Secret Service Uniformed Division in 1986. The Secret Service was transferred from the Treasury Department to the Department of
Homeland Security in 2003. Today, “the mission of the United States Secret Service is to safeguard the nation’s financial infrastructure and payment systems to preserve the integrity of the economy, and to protect national leaders, visiting heads of state and government, designated sites and National Special Security Events.”

THE FEDERAL BUREAU OF INVESTIGATION (FBI)

When he assumed the presidency following President McKinley’s assassination in 1901, Theodore Roosevelt, who had served as New York City Police Commissioner from 1895–1897, began his crusades to break up big-business monopolies in the East and to stop land theft in the West. He successfully employed Secret Service agents in that effort. Four years later, Roosevelt appointed Charles Bonaparte as U.S. Attorney General. As head of the Justice Department, Bonaparte had only a few special agents of his own and a group of Examiners, who were trained as accountants and charged with reviewing the federal courts’ financial transactions. Since its establishment in 1870, the Justice Department had to hire private detectives and later investigators from other federal agencies to investigate federal crimes.

By 1907, the Justice Department primarily relied on Secret Service agents to conduct its investigations. These Secret Service agents reported to the Chief of the Secret Service and not to the Attorney General. Bonaparte did not like the arrangement and wanted complete control of investigations under his jurisdiction. In 1908, big business and land interests were successful in getting Congress to pass a law prohibiting the Justice Department and all other executive agencies, except the Treasury Department, from hiring Secret Service agents to conduct investigations. The law was intended to thwart President Roosevelt’s reform agenda. A month after the law was passed, Roosevelt ordered Bonaparte to appoint a force of what turned out to be 34 Special Agents within the Justice Department. Ten of his new appointees were former Secret Service agents. The primary purpose of the new force was to investigate violations of the Sherman Anti-Trust Act, which was passed in 1890, and was intended to prevent business monopolies from artificially raising prices by restriction of trade or supply. On July 26, 1908, Bonaparte ordered his new agents to report to Chief Examiner Stanley W. Finch. This act is considered the beginning of the FBI. The force of 34 agents became a permanent part of the Justice Department in 1909, following the recommendations of both Attorney General Bonaparte and President Roosevelt. Later in 1909, George Wickersham, who succeeded Bonaparte as Attorney General, named the force the Bureau of Investigation and the Chief Examiner as the Chief of the Bureau of Investigation.

When the Bureau was created, there were few federal crimes. Investigations were limited mostly to crimes involving national banking, bankruptcy, naturalization, antitrust, land fraud, and peonage, the system by which debtors or legal prisoners were held in servitude to labor for their creditors or for persons who leased their services from the state. The Bureau began to expand in 1910, after Congress passed the Mann (“White Slave”) Act. The Mann Act made it a crime to transport women across state lines for immoral purposes.

When the U.S. entered World War I in 1917, President Woodrow Wilson enlarged the Bureau’s responsibility to include crimes of espionage and sabotage and violations of the Selective Service Act. The Bureau also assisted the Labor Department in the investigation of enemy aliens. In 1919, William J. Flynn, a former chief of the Secret Service, became the head of the Bureau of...
Investigation and was the first to use the title of Director. Also in 1919, Congress passed the National Motor Vehicle Theft Act, which further expanded the Bureau's investigative responsibilities.

In 1921, President Warren Harding's Attorney General Harry M. Daugherty appointed William J. Burns Director of the Bureau. Burns, like Flynn, had been chief of the Secret Service but gained notoriety by running the William J. Burns International Detective Agency. Because of his involvement in the infamous Teapot Dome Scandal, Attorney General Harlan Fiske Stone asked Burns to resign from the Bureau in 1924. Burns's short-lived career as Director of the Bureau is perhaps best remembered for his appointment of a 26-year-old graduate of George Washington University Law School named John Edgar Hoover to the position of Assistant Director of the Bureau. Hoover had worked for the Justice Department since 1917, where he headed enemy alien operations during World War I and assisted in the investigation of suspected anarchists and communists in the General Intelligence Division under Attorney General A. Mitchell Palmer. Following Burns's resignation in 1924, Attorney General Stone appointed then 29-year-old J. Edgar Hoover as Director of the Bureau of Investigation, a position he would hold for the next 48 years.

Under Hoover's leadership, the Bureau of Investigation became a major factor in policing. A few spectacular and well-publicized crimes in the early 1930s, coupled with the problem of Prohibition and gangland killings in Chicago in the 1920s, fueled a public panic about a national crime emergency. The pivotal event was probably the Lindbergh baby kidnapping in 1932. Because of Charles Lindbergh's fame, the kidnapping received international attention. In response, Congress quickly passed a federal kidnapping statute dubbed the "Lindbergh Law." Prior to 1932, Hoover's only major accomplishment was getting the Bureau designated as the national clearinghouse and publisher of the new Uniform Crime Reports (UCR) in 1930. However, following passage of the Lindbergh Law, the Bureau, at Hoover's direction, mounted a massive publicity campaign that emphasized the threat of crime and the Bureau's role as the guardian of law and order. Through Bureau press releases about the killing of
John Dillinger in 1934, and, in the next few years, the killing or apprehension of Pretty Boy Floyd, Baby Face Nelson, Ma Barker, and Alvin “Creepy” Karpis, a mythology was created about the Bureau’s success in fighting crime. This mythology, which was promoted and exploited by Hoover over his long FBI career, appealed to many Americans, who found the sensationalized crime stories about “G-Men” and “Public Enemies” a titillating diversion from life’s demoralizing daily drudge during the Great Depression.

In the next few years, the FBI expanded in size and prominence and gained increasing influence over local policing. This influence began in 1930, when the Bureau became responsible for the Uniform Crime Reports system. It received added momentum in 1932, when the Bureau established its own crime lab and, in 1935, when it founded the National Police Academy. In the midst of what appeared to be a mounting crime wave, few people objected to the establishment of a “national police force.” As a result, in 1935, under Hoover’s leadership the Bureau of Investigation became the Federal Bureau of Investigation (FBI), and thanks to his aggressive public relations department, Hoover managed to win for himself the image of the nation’s “top cop.” The FBI’s influence over local policing increased further in 1940, when it was given responsibility for coordinating domestic security during World War II.

When the war ended and the Cold War began, the FBI continued its domestic security responsibilities. For example, it was given the job of investigating allegations of disloyalty among federal employees and was relentless in combating the communist threat, which Hoover always equated with U.S. labor union activity. Hoover began to consider himself as internal security czar, who was not subordinate to the Attorney General but rather a coequal consultant and advisor. The Bureau also began devoting a larger portion of its resources to helping state and local law enforcement agencies.

In the 1960s, Congress passed new laws giving the FBI the authority to fight civil rights violations, racketeering, and gambling. However, under Hoover, the FBI “dragged its feet” in the field of civil rights, primarily because Hoover, a virulent racist, maintained, despite evidence to the contrary, that civil rights organizations such as the Southern Christian Leadership Conference (SCLC) had been infiltrated and were being led by Communists. The leader of the SCLC was Martin Luther King Jr. Hoover also was less than enthusiastic about enforcement of the civil rights laws because he did not want to jeopardize mutually beneficial relationships with powerful southern Congressmen and local law enforcement agencies, whose officers were often sympathetic to Ku Klux Klan activities.

As for organized crime, new laws passed by Congress in 1968 enabled the FBI to engage in court-ordered electronic surveillance, and together with increased undercover work, to successfully develop cases against nearly all the heads of the U.S. organized crime families. Ironically, until 1957, Hoover insisted that organized crime in the United States (at least an Italian-dominated national syndicate) did not exist. According to extensive documentation, the reason for Hoover’s denial of organized crime’s existence was that the “Mafia” had evidence of Hoover’s gambling debts and his homosexuality. However, in 1957, the major U.S. organized crime families held a conference in Apalachin, New York, and were detected by New York state police officers. This event proved that organized crime existed in the United States, and Mafia-deniers, including Hoover, were forced to admit as much. In 1961, Attorney General Robert Kennedy created an Organized Crime and Racketeering Section in the Department of Justice to coordinate activities against organized crime by the FBI and other department agencies.

As just shown with regard to civil rights and organized crime, the FBI and its long-time director had a darker, more sinister side. This was epitomized by the FBI’s infamous covert domestic counterintelligence programs (“COINTELPROS”), which were used against dissidents and their organizations from 1956 through 1971. The purpose of COINTELPROS, according to Hoover, was to “expose, disrupt, misdirect, discredit and otherwise neutralize” specific groups and individuals. To impede constitutionally protected political activity against groups and individuals who opposed government domestic and foreign policy,
the FBI used surveillance, infiltration, harassment, intimidation, sabotage, provocation, media manipulation, and other often illegal tactics, including complicity in the alleged assassination of Black Panther leader Fred Hampton. COINTELPROS’ targets included the Communist Party; the Socialist Worker’s Party; the National Association for the Advancement of Colored People (NAACP); the American Civil Liberties Union (ACLU); the National Lawyer’s Guild; the American Friends Service Committee (a Quaker service organization that received the Nobel Peace Prize in 1947); the American Indian Movement; Black Nationalist groups, such as the Black Panther Party; White hate groups, such as the Ku Klux Klan; and many members of the New Left including the Students for a Democratic Society (SDS) and numerous antiwar, antiracist, feminist, lesbian and gay, environmentalist, and other groups. It also targeted individuals such as civil rights leader Martin Luther King Jr., whom the Bureau set out to destroy in 1963, and civil rights leader and labor organizer Cesar Chavez. Some of the aforementioned groups, such as the ACLU, had been under FBI surveillance since the 1920s because of their criticism of the Bureau.

Hoover was able to freely pursue these clandestine and often illegal activities because he was able to successfully insulate himself and the Bureau from executive and legislative control. He did this by amassing secret files on the conduct and associations of presidents and legislators that might prove embarrassing to them if revealed. He also kept extensive investigative files on thousands of other individuals who had been involved in controversial causes and
dissident organizations, including deaf and blind educator Helen Keller; U.S. Supreme Court Justice Felix Frankfurter; football player Joe Namath; actors Marlon Brando, Paul Newman, and Rock Hudson; and boxers Joe Louis and Muhammad Ali. Yet, as an enduring monument to his government service, adoration, and power, the mammoth FBI headquarters in Washington, DC, the preoccupation of his last years, was named the J. Edgar Hoover Building. The building, formally dedicated in 1975, dwarfs the Justice Department headquarters building and dominates the inaugural route between the Capitol and the White House.

The day after Hoover's death in 1972, President Richard Nixon appointed L. Patrick Gray III as the FBI's Acting Director. Gray, who most recently had been the Justice Department's Assistant Attorney General for the Civil Division, allowed the Bureau to become a part of the Watergate cover-up, authorized and approved illegal break-ins and burglaries, and even coached Deputy Attorney General Richard Kleindienst on his testimony before the Senate Judiciary Committee. The Justice Department had been charged with compromising its case against the International Telephone and Telegraph Company (ITT) in exchange for promised campaign contributions and other favors. When Gray's personal involvement in these nefarious activities became public, he resigned and withdrew his name from Senate consideration to be director. Hours after Gray resigned in 1973, William Ruckelshaus, a former Congressman and the first head of the Environmental Protection Agency, was appointed acting director and served in that capacity for three months until Clarence Kelley was appointed director. Kelley, who had been an FBI agent from 1940 to 1961, was Kansas City, Missouri, Police Chief at the time of his appointment. Kelley labored to restore public trust in the FBI; he also established three national priorities for the FBI: foreign counterintelligence, organized crime, and white-collar crime. To accomplish his priorities, Kelley intensified the Bureau's recruitment of accountants, women, and minorities.

In 1978, Kelley resigned as FBI director and was replaced by former federal Judge William H. Webster. Webster made terrorism a fourth FBI national priority in 1982, following a series of worldwide terrorist incidents. Also in 1982, the attorney general gave the FBI concurrent jurisdiction with the Drug Enforcement Administration (DEA) over the War on Drugs. The FBI also served as lead security agency at the 1984 Los Angeles Olympics. In the mid-1980s, the FBI was successful in solving several espionage cases, the most serious of which involved John Walker and his spy ring. Under Webster's leadership, the FBI also attacked public corruption and white-collar crime nationwide. FBI operations led to convictions of members of Congress (ABSCAM), the judiciary (GREYLORD), defense procurement officials (ILLWIND), and state legislators in California and South Carolina. FBI investigations in the 1980s successfully uncovered massive fraud in the Savings and Loan debacle, too. Webster left the Bureau in 1987 to become director of the Central Intelligence Agency (CIA). He was temporarily replaced by FBI Executive Assistant Director John E. Otto, who during his five-month tenure made drug investigations the FBI's fifth national priority.

Later in 1987, federal Judge William S. Sessions was appointed as the eighth FBI director. Following the fall of the Berlin Wall in 1989, and a steep rise in violent crime over the preceding ten years, Sessions designated the investigation of domestic violent crimes as the FBI's sixth national priority. To address the new priority, he reassigned 300 Special Agents from foreign counterintelligence responsibilities to domestic violent crime investigations. By 1991, the FBI had instituted “Operation Safe Streets” in Washington, DC, which involved the coordination of federal, state, and local police task forces in the targeting of fugitives and gangs. With the FBI's assistance, the program would soon be expanded nationwide.

At about the same time, the FBI Crime Laboratory revolutionized violent criminal identification by successfully employing DNA technology. Under Sessions's leadership, the FBI refocused resources to combat a new wave of large-scale insider bank fraud and other financial crimes, complex health care frauds, and newly created environmental crimes. National security priorities were also refocused from the threats of communism and nuclear war to protecting U.S.
information and technologies; the proliferation of biological, chemical, and nuclear weapons; and the theft of economic trade secrets and proprietary information. Also under Sessions’ watch, the FBI’s image was tarnished by the mishandling of two crisis situations: one in 1992, at Ruby Ridge, Idaho, where the wife of fugitive Randall Weaver was accidentally shot and killed by an FBI sniper, and the other in 1993, at Waco, Texas, where 74 members of the Branch Davidian religious sect, including women and children, died as a result of the government’s misguided attack of their compound. During the summer of 1993, President Bill Clinton removed Director Sessions from office when he refused to resign following allegations of ethics violations involving the misuse of government planes and limousines. President Clinton appointed Deputy Director Floyd I. Clarke as acting FBI director.

In the fall of 1993, Louis J. Freeh was sworn in as the ninth director of the FBI. Freeh had been a federal judge at the time of his appointment and a former FBI agent. Freeh’s primary goal was to forge strong international police partnerships to fight evolving crime problems at home and abroad. He was instrumental in the establishment of the first International Law Enforcement Academy in Budapest, Hungary, in 1995. Between 1993 and 1996, the FBI conducted successful investigations into the 1993 World Trade Center bombing in New York City, the 1995 bombing of the Murrah Federal Building in Oklahoma City, the UNABOMBER Theodore Kaczynski in 1996, and the arrests of Russian crime boss Vyacheslav Ivankov in 1995 and Mexican drug-trafficker Juan Garcia-Abrego in 1996. The Bureau under Freeh also created the Critical Incident Response Group (CIRG) in response to the tragedies at Ruby Ridge, Idaho, and Waco, Texas. To deal with crime in cyberspace, the Bureau under Freeh established the Computer Investigations and Infrastructure Threat Assessment Center (CIITAC) and employed its Computer Analysis and Response Teams (CART) to successfully investigate and prevent computer crimes. In 1998, the FBI under Freeh instituted its National Infrastructure Protection Center (NIPC) to monitor the spread of computer viruses, worms, and other malicious programs and to warn government and businesses about these threats to their computers. Freeh resigned from the Bureau in the summer of 2001 amid criticism that the FBI needed stronger leadership—especially after allegations that 25-year FBI agent Robert Hanssen had been a spy for the Soviet Union and Russia since 1985, the FBI bungling of the investigation of Los Alamos National Laboratory scientist Wen Ho Lee, and allegations of incompetence at the FBI crime laboratory.

On September 4, 2001, President George W. Bush appointed U.S. Attorney Robert S. Mueller to succeed Director Freeh. At this writing, Mueller is the FBI’s current director. Mueller’s mandate as FBI director was to refine the Bureau’s information technology infrastructure, to improve its records management system, and to upgrade FBI foreign counterintelligence analysis and security because of the damage done by former Special Agent and convicted spy Robert Hanssen. However, only days after Mueller took office, the terrorist attacks of September 11 occurred, and Mueller’s mandate changed. Today, the mission of the FBI is “to protect and defend the United States against terrorist and foreign intelligence threats, to uphold and enforce the criminal laws of the United States, and to provide leadership and criminal justice services to federal, state, municipal, and international agencies and partners.” Its priorities are these:

1. Protect the United States from terrorist attack.
2. Protect the United States against foreign intelligence operations and espionage.
3. Protect the United States against cyber-based attacks and high-technology crimes.
4. Combat public corruption at all levels.
5. Protect civil rights.
6. Combat transnational/national criminal organizations and enterprises.
7. Combat major white-collar crime.
8. Combat significant violent crime.
9. Support federal, state, local, and international partners.
10. Upgrade technology to successfully perform the FBI’s mission.
THE DRUG ENFORCEMENT ADMINISTRATION (DEA)

President Richard Nixon created the Drug Enforcement Administration by executive order in 1973. His goal was to establish a single unified command to wage “an all-out global war on the drug menace.” The DEA traces its history through several Treasury Department bureaus: the Bureau of Internal Revenue (1915–1927), the Bureau of Prohibition (1927–1930), and the Bureau of Narcotics (1930–1968), and the Justice Department’s Bureau of Narcotics and Dangerous Drugs (1968–1973).

The federal law that inaugurated America’s War on Drugs was the Harrison Narcotics Tax Act of 1914. The Act provided that all persons who produced, imported, manufactured, compounded, dealt in, dispensed, sold, distributed, or gave away opium or coca leaves, their salts, derivatives (such as morphine, heroin, and cocaine), or preparations had to register with the Bureau of Internal Revenue, pay a special tax, and keep records of all transactions. The Act further authorized the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to appoint such agents as necessary to enforce the provisions of the Act. The Act stipulated that any person who violated the law could be fined not more than $2,000 or be imprisoned for not more than five years, or both. On its face the Harrison Act was a tax law and not a prohibition law, but the Treasury Department interpreted the law to mean that it was illegal for a doctor to prescribe any of the aforementioned drugs to an addict to maintain his or her use and comfort. The U.S. Supreme Court made that interpretation official in 1919 in Webb v. U.S. In 1922, the Court in U.S. v. Behrman added that a narcotic prescription for an addict was illegal, even if the drugs were prescribed as part of a cure program. (Cocaine was included although it is not a narcotic.) These decisions made it nearly impossible for addicts to legally obtain their drugs. And despite the Court’s reversing its Behrman decision in Lindner v. U.S. in 1925 (holding that addicts were entitled to medical care), the damage was done because physicians refused to treat addicts under any circumstances. As a result, a well-developed illegal drug marketplace arose to cater to addicts’ needs.

How large the hardcore drug addict problem was before passage of the law is controversial. However, several indicators suggest that the use of the drugs among Americans was relatively widespread. First, in the eighteenth, nineteenth, and early twentieth centuries, a booming so-called patent medicine
they were not patented) and elixir industry flourished. The active ingredient in many of these medicines and elixirs was the prohibited drugs. In 1804, about 90 brands of elixirs were advertised; by 1905, the list had increased to more than 28,000. As for advertising, following the Civil War, the patent medicine industry was the leader in national advertising, with some individual proprietors spending more than $1 million a year. A second indicator of the widespread use of the drugs is an ad in the 1897 Sears Roebuck catalog that offered “hypodermic kits, which included a syringe, two needles, two vials, and a carrying case for as little as $1.50, with extra needles available at 25 cents each or $2.75 per dozen.” A third indicator is the law, itself. It is unlikely Congress would have passed a tax act unless it believed that revenue from the tax would be substantial. Finally, a fourth indicator comes from an editorial in American Medicine, published six months after the Harrison Act was signed into law. The editorial also sounded a warning about the legislation: “Narcotic drug addiction is one of the gravest and most important questions confronting the medical profession today. Instead of improving conditions the laws recently passed have made the problem more complex.” The complex problems to which the editorial referred were made explicit in an editorial published in the New York Medical Journal just six weeks after the Harrison Act went into effect:

As was expected . . . the immediate effects of the Harrison antinarcotic law were seen in the flocking of drug habitues to hospitals and sanatoriums. Sporadic crimes of violence were reported too, due usually to desperate efforts by addicts to obtain drugs, but occasionally to a delirious state induced by sudden withdrawal. . . . The really serious results of this legislation, however, will only appear gradually and will not always be recognized as such. These will be the failures of promising careers, the disrupting of happy families, the commission of crimes which will never be traced to their real cause, and the influx into hospitals to the mentally disordered of many who would otherwise live socially competent lives.

The Bureau of Prohibition originated in 1920 as the Prohibition Unit of the Bureau of Internal Revenue. The purpose of the Prohibition Unit was to enforce the National Prohibition Act of 1919 (also known as the Volstead Act). The Act was passed to support the U.S. Constitution’s newly ratified Eighteenth Amendment, which prohibited the manufacture, sale, and transportation of alcoholic beverages. In 1927, Congress passed the Bureau of Prohibition Act, which created the Bureau of Prohibition and the Bureau of Customs as independent agencies within the Treasury Department. The Bureau of Prohibition’s most famous agent was Eliot Ness of The Untouchables fame. In 1930, the largely ineffective and corrupt Bureau was transferred from the Treasury Department to the Justice Department. With the ratification of the Twenty-First Amendment in 1933, the failed national experiment with alcohol prohibition was abandoned and with it, its primary enforcement agency. Commenting on the experiment’s demise, early supporter of Prohibition John D. Rockefeller Jr., had this to say:

When Prohibition was introduced, I hoped that it would be widely supported by public opinion and the day would soon come when the evil effects of alcohol would be recognized. I have slowly and reluctantly come to believe that this has not been the result. Instead, drinking has generally increased; the speakeasy has replaced the saloon; a vast army of lawbreakers has appeared; many of our best citizens have openly ignored Prohibition; respect for the law has been greatly lessened; and crime has increased to a level never seen before.
In 1930, Congress created the Federal Bureau of Narcotics (FBN) in the Treasury Department following the collapse of the Department's Narcotics Division the year before amid evidence of corruption. The first and only commissioner of the FBN was Harry J. Anslinger, who held the post for 32 years. Before his appointment to the FBN, Anslinger was the assistant commissioner in the Bureau of Prohibition. Anslinger is considered the United States' first “drug czar” and is best known for his sensational campaign to demonize marijuana, which he used to elevate himself to national prominence. To fuel his national anti-marijuana campaign, Anslinger maintained a “gore file” of reefer madness exploitation stories that linked the drug to heinous offenses featuring ax murderers and crazed black men sexually assaulting white women. Anslinger’s campaign resulted in the Marijuana Tax Act passed by Congress in 1937.

Like the Harrison Narcotics Tax Act of 1914, the Marijuana Tax Act of 1937, on its face, was not intended to prohibit the popular and therapeutic use of marijuana. The ostensible purpose of the legislation was to levy a token tax on anyone who imported, manufactured, produced, compounded, sold, dealt, dispensed, prescribed, administered, or gave away marijuana or any of its derivatives. The Act granted Commissioner Anslinger and his Bureau absolute administrative, regulatory, and enforcement authority. For most individuals, the tax was either one or three dollars a year or a fraction thereof; for importers, manufacturers, and compounders, the tax was $24 a year or fraction thereof. Those people who provided the drug, including physicians, also were required to maintain detailed records of their transactions (names, addresses, dates, amounts, and so on) that had to be made available on request to Bureau agents for inspection.

Also like the Harrison Act, the ostensible purpose of the Marijuana Tax Act was belied by the punishment provisions of the law: five years’ imprisonment, a $2,000 fine, or both. The penalties are curiously severe for failing to pay a tax that, even if collected, would produce only a tiny amount of revenue for the government. (A later version of the Act made it possible to impose a life sentence for selling just one marijuana cigarette to a minor.) Another telltale sign of the Act’s “real” purpose was the onerous record-keeping requirement that had a chilling effect on anyone who wanted to legally provide the drug. Finally, the Act erroneously classified marijuana as a narcotic, thus placing it in the same category and under the same controls as opium and coca products. (Marijuana is still included in the same category as heroin today.)

Although Anslinger is best known for criminalizing marijuana, he also was instrumental in strengthening the Harrison Narcotics Tax Act of 1914 and lobbying for severe penalties for illegal drug usage generally. For example, in the 1950s, federal laws were passed that set mandatory sentences for drug-related offenses, including marijuana. A first-offense for possession of marijuana, for instance, carried a minimum sentence of 2 to 10 years with a fine of up to $20,000. Still, the main focus of the FBN during Anslinger’s long tenure was combating opium and heroin smuggling. To that end, he opened offices in France, Italy, Turkey, Lebanon, Thailand, and other countries involved in the illegal drug trade. However, Anslinger’s efforts in this area were handicapped by U.S. foreign policy considerations that shielded U.S. allies. For example, during the Vietnam War, investigations of large-scale smuggling operations in allied countries such as Thailand were never completed.
In 1968, the Justice Department’s Bureau of Narcotics and Dangerous Drugs (BNDD) was formed by combining the Treasury Department’s Bureau of Narcotics with the Food and Drug Administration’s Bureau of Drug Abuse Control. The Food and Drug Administration was under the Department of Health, Education, and Welfare. The Bureau of Narcotics was responsible for the control of marijuana and narcotics such as heroin, while the Bureau of Drug Abuse Control was charged with the control of other dangerous drugs, including depressants, stimulants, and hallucinogens, such as LSD. The only director of the BNDD was John E. Ingersoll, who had been the police chief of Charlotte, North Carolina, immediately before his appointment. Under Ingersoll’s leadership, the BNDD became the primary U.S. drug law enforcement agency. The Bureau’s goals were fourfold: (1) to consolidate the authority and preserve the experience and manpower of the Bureau of Narcotics and Bureau of Drug Abuse Control; (2) to work with state and local governments in their crackdown on illegal trade in drugs and narcotics, and help to train local agents and investigators; (3) to maintain worldwide operations, working closely with other nations, to suppress the trade in illicit narcotics and marijuana; and (4) to conduct an extensive campaign of research and a nationwide public education program on drug abuse and its tragic effects.

In 1970, under the BNDD, the first joint narcotics task force, comprising federal, state, and local law enforcement officers, was formed in New York to conduct complex drug investigations into the heroin trade. In 1971, the BNDD was given authority to enforce what became the Diversion Control Program, which investigated the large-scale diversion of such legitimate drugs as amphetamines and barbiturates to illicit markets. The BNDD also was responsible for the successful 1972 French Connection heroin investigation.

In 1973, the short-lived BNDD became a part of the newly created Drug Enforcement Administration (DEA) within the Justice Department. In addition to the BNDD, the DEA combined the Justice Department’s Office of National Narcotics Intelligence and the Office of Drug Abuse Law Enforcement, the
What causes interagency rivalries, and how can they be reduced?

The official rationale for combining the various drug enforcement agencies was (1) the growing availability of illegal drugs in most areas of the United States, (2) the lack of coordination and the perceived lack of cooperation between U.S. Customs and the BNDD, and (3) the need for better intelligence gathering on drug-trafficking organizations. The anticipated benefits of the new DEA included:

1. Putting an end to the interagency rivalries that have undermined federal drug law enforcement, especially the rivalry between the BNDD and the U.S. Customs Service.
2. Giving the FBI its first significant role in drug enforcement by requiring that the DEA draw on the FBI’s expertise in combating organized crime’s role in the trafficking of illicit drugs.
3. Providing a focal point for coordinating federal drug enforcement efforts with those of state and local authorities, as well as with foreign police forces.
4. Placing a single administrator in charge of federal drug law enforcement in order to make the new DEA more accountable than its component parts had ever been, thereby safeguarding against corruption and enforcement abuses.
5. Consolidating drug enforcement operations in the DEA and establishing the Narcotics Division in Justice to maximize coordination between federal investigation and prosecution efforts and eliminate rivalries within each sphere.
6. Establishing the DEA as a superagency to provide the momentum needed to coordinate all federal efforts related to drug enforcement outside the Justice Department, especially the gathering of intelligence on international narcotics smuggling.

The official version of the DEA’s origins omits the DEA’s link to the Watergate scandal that ultimately led to President Nixon’s humiliating resignation from office. Many of the key participants in the DEA’s creation were key conspirators in the Watergate affair. The Nixon White House wanted to establish its own domestic-intelligence system and private police force so it could control and eliminate Nixon administration enemies. The war on heroin provided the needed cover, and the Offices of National Narcotics Intelligence (ONNI) and Drug Abuse Law Enforcement (ODALE) became the vehicles. (No information could be found on the Narcotics Advance Management Research Team.) The new offices, which were created in 1972 by executive order, were placed in the Justice Department instead of the White House to satisfy concerns of BNDD Director Ingersoll and Deputy Attorney General Richard Kleindienst. ONNI and ODALE agents installed illegal “national security” wiretaps and committed burglaries, warrantless raids, and other crimes on the orders of John Ehrlichman, who was counsel and Assistant to the President for Domestic Affairs, and other high-ranking Nixon administration officials.

Besides the Watergate break-in, one of the more notorious operations of ONNI agents, called “plumbers,” was the burglary of Daniel Ellsberg’s psychiatrist’s office. The “plumbers” were a special investigative unit charged with fixing “leaks” to the press, something with which the Nixon White House was obsessed. Ellsberg was a former military analyst, who “leaked” to the New York
Times and other newspapers the Pentagon Papers, a top-secret Pentagon study that revealed faulty government decision making about the Vietnam War that was embarrassing to the Kennedy, Johnson, and Nixon administrations. The plumbers were seeking information to discredit Ellsberg, who had also been the subject of illegal wiretapping.

Today, the mission of the Drug Enforcement Administration (DEA) is:

to enforce the controlled substances laws and regulations of the United States and bring to the criminal and civil justice system of the United States, or any other competent jurisdiction, those organizations and principal members of organizations, involved in the growing, manufacture, or distribution of controlled substances appearing in or destined for illicit traffic in the United States; and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

In carrying out its mission, the agency’s primary responsibilities include:

• Investigation and preparation for the prosecution of major violators of controlled substance laws operating at interstate and international levels.
• Investigation and preparation for prosecution of criminals and drug gangs who perpetrate violence in our communities and terrorize citizens through fear and intimidation.
• Management of a national drug intelligence program in cooperation with federal, state, local, and foreign officials to collect, analyze, and disseminate strategic and operational drug intelligence information.
• Seizure and forfeiture of assets derived from, traceable to, or intended to be used for illicit drug trafficking.
• Enforcement of the provisions of the Controlled Substances Act as they pertain to the manufacture, distribution, and dispensing of legally produced controlled substances.
• Coordination and cooperation with federal, state, and local law enforcement officials on mutual drug enforcement efforts and enhancement of such efforts through exploitation of potential interstate and international investigations beyond local or limited federal jurisdictions and resources.
• Coordination and cooperation with federal, state, and local agencies, and with foreign governments, in programs designed to reduce the availability of illicit abuse-type drugs on the United States market through non-enforcement methods such as crop eradication, crop substitution, and training of foreign officials.
• Responsibility, under the policy guidance of the secretary of state and U.S. ambassadors, for all programs associated with drug law enforcement counterparts in foreign countries.
• Liaison with the United Nations, Interpol, and other organizations on matters relating to international drug control programs.

A detailed critique of America’s War on Drugs is presented in Chapter 6.

THINKING CRITICALLY

1. Which of the four federal law enforcement agencies described in this section—the U.S. Marshals Service, the Secret Service, the FBI, and the DEA—is the most important, and why?
2. Do you think it is a good idea for any individual to head a federal law enforcement agency as long as J. Edgar Hoover or Harry J. Anslinger did? Why or why not?
3. Why do you suppose the DEA continues to include marijuana in the same category as heroin?
The Structure of American Law Enforcement

Describing American law enforcement and its structure is especially difficult today because of its ongoing restructuring and transformation, from community policing at the local level to the new Department of Homeland Security at the federal level and increasing privatization at all levels. It is also difficult to describe because law enforcement agencies are so diverse. To begin with, you must decide which law enforcement agency you are talking about.

For example, Oklahoma Highway Patrol officers cruise the highways and back roads, enforcing traffic laws, investigating accidents, and assisting motorists over seemingly endless miles of paved and unpaved routes. They do not ordinarily investigate criminal violations unless the violations are on state property. In contrast, a sheriff and two deputies in rural Decatur County, Kansas, conduct criminal investigations, serve subpoenas, and investigate accidents. In the towns of Homer, Kincaid, and Leland, Illinois, only one employee, the chief of police, works in each department, and that person is responsible for all law enforcement, public order, and service duties. About 60 sworn law enforcement officers at the University of Texas in Austin are also a part of American law enforcement.28

Altogether, tens of thousands of law enforcement officers at the federal, state, county, and municipal levels protect life and property and serve their respective publics. They are employed by government, private enterprise, and quasi-governmental entities. Their responsibilities are specific and sometimes unique to the kind of organization that employs them. Examples of these organizations are airports, transit authorities, hospitals, and parks.

At the state level, there are highway patrols, bureaus of investigation, park rangers, watercraft officers, and other law enforcement agencies and personnel with limited jurisdictions. Colleges and universities employ police officers, and some of those forces are comparable to many medium-sized police departments in the United States.

At the federal level, there are 70 law enforcement agencies if all of the small agencies with very specific jurisdictions are included. The FBI, the U.S. Secret Service, and the DEA are three of the better-known agencies. The U.S. Marshals Service, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and

Before entering some schools, students have their bags checked every day by special law enforcement officers with limited jurisdiction. Is this practice necessary? Why or why not?
the U.S. Immigration and Customs Enforcement (ICE) are other federal law enforcement agencies, as are the Criminal Investigation Division of the Internal Revenue Service, the United States Postal Inspection Service, the U.S. Customs and Border Protection (CBP), and several dozen other agencies. As of 2010, federal law enforcement agencies employed more than 188,000 law enforcement personnel.28

As the aforementioned list of law enforcement agencies suggests, explaining the law enforcement mandate and its execution in the United States is difficult. The structure of American police services is different from those of other countries. Japan and many other nations have only one police department. The United States has more than 15,700 public law enforcement agencies, and probably more when all the special police jurisdictions in the public sector are counted—including game protection agencies, water conservancies, and mental health institutions. Figure 5.1 summarizes the various law enforcement agencies in the United States.

You have already learned that law enforcement in America is fragmented, locally controlled, and limited in authority; to that, you can also add the terms structurally and functionally different. Virtually no two police agencies in America are structured alike or function in the same way. Police officers themselves are young and old; well-trained and ill-prepared; educated and uninformed; full-time and part-time; rural, urban, and suburban; generalists and specialists; paid and volunteer; and public and private. These differences lead to the following generalizations about law enforcement in the United States:

1. The quality of police services varies greatly among states and localities across the nation.
2. There is no consensus on professional standards for police personnel, equipment, and practices.
3. Expenditures for police services vary greatly among communities.
4. Obtaining police services from the appropriate agency is often confusing for crime victims and other clients.

**LOCAL POLICING AND ITS DUTIES**

If a person knows a law enforcement agent at all, it is probably a local police officer. The officer may have given the person a traffic ticket or investigated an automobile accident. The officer may have conducted a crime prevention survey. Children meet local police officers through Drug Abuse Resistance Education (D.A.R.E.) in public or private schools. Almost everyone has seen the beat cop drive by in a patrol car. Some people have reported thefts or burglaries, but it is doubtful that even they understand what local police officers in America really do, besides what they see on television and in movies.

**Municipal Police Departments** The estimated 12,575 municipal police departments in the United States come in all sizes, but most of them are small in the number of officers employed. The overwhelming majority of police departments in America employ fewer than 50 sworn officers. Figure 5.2 shows the number of sworn officers in local police agencies in the United States. As shown, nearly one-half of all local police departments in the United States employ fewer than 10 officers, and fewer than 1% employ more than 1,000 sworn personnel.

What are some of the characteristics of the sworn personnel who occupy the ranks of municipal police agencies in the United States? Most police officers are white males. In 2007 (the latest year for which data were available), about 75% of full-time sworn officers were white and about 88% were men. By comparison, in 1987, about 90% of full-time sworn officers were white and slightly more than 92% were men. Generally, the larger the police agency, the more likely it is to employ minority officers. Women represented 11.9% of all sworn officers in the nation’s local police departments in 2007, which is up...
from 7.6% of officers in 1987. Figure 5.3 provides a breakdown of police employment in local agencies by gender, race, and ethnicity.

Local Police Duties The local police are the workhorses of the law enforcement system in America. They have many duties and tasks that will never be included in police detective novels or in movies about law enforcement. Their duties have been categorized in several different ways. One general grouping lists these four categories of local police duties:

1. **Law Enforcement**—examples are investigating a burglary, arresting a car thief, serving a warrant, or testifying in court.
2. **Order Maintenance or Peacekeeping**—examples are breaking up a fight, holding back a crowd at a sporting event, or intervening in a domestic dispute before it gets violent.
3. **Service**—examples are taking people to the hospital, escorting funeral processions, delivering mail for city officials, or chasing bats out of a caller’s house.
4. **Information Gathering**—examples are determining neighborhood reactions to a proposed liquor license in the community, investigating a missing child case, or investigating and reporting on a dangerous road condition.

Some police academies teach recruits the duties of a police officer through the use of the acronym **PEPPAS**:

P—Protect life and property (patrol a business district at night, keep citizens from a fire scene, recover and return lost property).
Figure 5.3
Characteristics of Local Full-Time Police Officers, 2007


E—Enforce the law (ensure traffic laws are obeyed, warn jaywalkers of the inherent danger, make out criminal complaints, seize illegal weapons).

P—Prevent crime (give home security advice, patrol high crime areas, work as a D.A.R.E. officer in schools).

P—Preserve the peace (disband disorderly groups, have a visible presence at sporting events, intervene in neighbor conflicts).

A—Arrest violators (apprehend fleeing suspects, give citations to alcohol permit-holders who sell to minors, conduct drug raids).

S—Serve the public (give directions to travelers, deliver emergency messages, administer first aid).

**MYTH**
The police spend most of their time and resources apprehending law violators and combating crime.

**FACT**
Only about 10% of police time and resources are devoted to apprehending law violators and combating crime. Most of their time and resources are spent “keeping the peace,” which means maintaining a police presence in the community, for example, by routine patrolling.

Local police departments, which make up the bulk of law enforcement agencies in America, are responsible for law enforcement, order maintenance, service, and information gathering. How important is public relations for local police departments? Why?
There are literally dozens of other duties that the police of a city, town, or village carry out, and much of the work falls into the category of helping out when no one else seems to be available. Because the police are on duty 24 hours a day in nearly every community, they are often called on to perform services that have nothing to do with law enforcement. That round-the-clock availability also significantly affects the structure, work life, and activity of a police agency.

Organizational Structure  How a police agency is structured depends on the size of the agency, the degree of specialization, the philosophy the leadership has chosen (such as community policing), the political context of the department (the form of municipal government), and the history and preferences of a particular community. Most medium- to large-staffed police agencies are subdivided into patrol, criminal investigation, traffic, juvenile, and technical and support services. Subspecialties include robbery, gangs, training, bombs, property, victims’ services, jail, and mounted patrol. Table 5.2 lists the specialty units of the Seattle (Washington) Police Department (SPD). The SPD has approximately 1,250 sworn officers and about 500 civilian employees. The SPD usually requires officers to work at least their first 3 years in uniformed patrol assignments. Many officers choose to remain in patrol much longer or return to patrol after assignments in other units. Others choose to vary their assignments within the Department. Some assignments outside of uniformed patrol are officer positions and some are detective positions. After 3 years in patrol, officers are eligible to attend a week-long detective school. Upon completion of the course, officers are placed on the Detective Eligibility List and are then available for assignment to a detective position. This is considered a lateral move, not a promotion.

To be promoted within the SPD, officers are required to take a civil service test, which is administered every other year. Tests are given for the rank of sergeant, lieutenant, and captain. The chief appoints assistant chiefs from the rank of captain. Officers may be promoted to sergeant after 5 years of experience with the SPD and passing the sergeant’s test. Lieutenants must have at least 3 years experience as sergeants, and captains must have at least 3 years experience as lieutenants. A bachelor’s degree may substitute for one year of experience with the SPD and passing the sergeant’s test, which is administered every other year. Tests are given for the rank of detective after 5 years of experience in patrol, criminal investigation, traffic, juvenile, and technical and support services.

The Dallas (Texas) Police Department has about 3,600 sworn officers and 600 civilian employees and, like the SPD, is large, sophisticated, and very specialized. For example, it has a separate detective unit for each major category of crime. Evidence technicians collect and preserve evidence during the preliminary investigation of a crime. An entire contingent of officers is assigned to traffic regulation and enforcement duties. Bicycle patrol officers work the popular West End entertainment and restaurant section downtown. The Dallas police

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<th>Specialty Units of the Seattle Police Department</th>
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<td><strong>K-9</strong></td>
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<td><strong>Auto Theft</strong></td>
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<td><strong>DUI Squad</strong></td>
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<td><strong>Gang Unit</strong></td>
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<td><strong>Robbery</strong></td>
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<td><strong>Community Police</strong></td>
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<td><strong>Vice</strong></td>
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<td><strong>Media Relations</strong></td>
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<td><strong>Harbor (boats, divers)</strong></td>
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<td><strong>Checks &amp; Forgersy</strong></td>
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<td><strong>Recruitment</strong></td>
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<td><strong>Pawn Shop Detail</strong></td>
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<td><strong>Traffic Collision Unit (T.C.I.)</strong></td>
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<td><strong>Mounted (horses)</strong></td>
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<td><strong>Domestic Violence</strong></td>
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<td><strong>Sexual Assault</strong></td>
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<td><strong>Burglary/Theft</strong></td>
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<td><strong>Crime Analysis</strong></td>
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<td><strong>Motorcycle</strong></td>
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<td><strong>SWAT</strong></td>
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<td><strong>Homeland Security</strong></td>
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<td><strong>Fugitive Warrants</strong></td>
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<td><strong>Cold Cases—Homicide</strong></td>
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<td><strong>Crisis Intervention Team</strong></td>
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Source: www.cityofseattle.net/police/jobs/work/speciality.htm/.
even have sworn officers who serve as crime analysts and collect, analyze, map, and report crime data to enable better prevention and repression of crime by means of scientific deployment of officers and other strategies. Figure 5.4 presents the organizational structure of the Dallas Police Department.

Most police agencies in the United States do not have or need elaborate organizational structures. Police officers on the beat are generalists, and when special circumstances arise, such as a homicide or a complex financial investigation, they can usually rely on state bureaus of investigation to assist them. Moreover, local cooperation pacts among departments in a particular region often provide for sharing resources and specialized assistance when needed.

The infrequent need for homicide investigation skills in communities under 30,000 people, for example, makes it impractical to train one or more officers in the methods of conducting a thorough death investigation. An officer so trained might have to wait an entire career to put into practice the acquired skills, and it is most likely that by the time they were needed, the officer would have forgotten them. The lack of a trained specialist for the infrequent complex investigation, however, is one of the major reasons criminal investigation services in small communities are not equal to those in larger police departments.

The question has been raised whether larger, regional police departments would be more efficient providers of police services. However, as you have already discovered, policing in America is a local concern, and that is not likely to change.
The police are organized militarily with regard to accountability, discipline, rank, dress, and decorum. Many people believe that the military structure of a chain of command may be dysfunctional because police work is so varied. Some people believe that a military structure is best suited for situations where the objectives are simple and few, which is not the case in municipal policing. Some commentators think the military structure impedes the flow of communication and the development of good community relations because people are suspicious of the police or even fear them in some neighborhoods. Despite these criticisms, most police departments retain this organizational structure, which originated in the hiring of military leaders as the first police chiefs. Attempts to change the military structure of policing have generally failed. One reason is that police officers have often resisted any type of reorganization.

**The Political Context of Policing**

A police department of any size is part of a larger government entity. Municipalities generally operate under one of four forms of municipal government:

- **Strong Mayor-Council** — Voters elect the mayor and the city council; the mayor appoints heads of departments.
- **Weak Mayor-Council** — Voters elect the mayor and the city council; the city council appoints heads of departments.
- **City Manager** — Voters elect the city council and, in some cities, a mayor; the city council selects the city manager, who appoints heads of departments.
- **Commission** — Voters elect a board of commissioners, who become the heads of departments; the commission or the voters may choose one commissioner to be mayor.

As you can see, the forms of municipal government vary in the amount of control citizens have over the municipality’s leaders, the source of the executive authority of the chief of police, and the degree of insulation a chief of police has from interference by the executive head of the city (mayor or city manager) or the city council. Each form has advantages and disadvantages. At one time it was thought that city manager government was the system under which the police were most likely to develop professionally, be free of political meddling from city lawmakers, and be insulated from local corruption. Although many progressive and effective police departments operate under a city manager form of government, other municipal forms of government have records of both success and failure in local police effectiveness and integrity.

You have probably noticed from reading newspapers, listening to radio, and watching television that chief executives of local police agencies have different titles, depending on the locale. Popular titles are chief of police (Kansas City), director of police (Dayton, Ohio), and commissioner (New York City).

**COUNTY LAW ENFORCEMENT**

A substantial portion of law enforcement work in the United States is carried out by sheriffs’ departments. In 2007 (the latest year for which data were available), the nation had 3,012 sheriffs’ departments, employing 346,337 full-time personnel. About 50% of the personnel were sworn peace officers. Sheriffs frequently employ part-time personnel who work as special deputies assisting with posses, disasters, county fairs, traffic control, and other duties. Sheriffs’ departments represent about 19% of all the law enforcement departments in the United States.

Sheriffs’ personnel are 81.1% white, 9.0% black, 8.0% Hispanic, 1.1% American Indian or Alaska Native, 0.4% Asian or Pacific Islander, and 0.3% multi-race. Women make up 12% of the sworn personnel working for sheriffs’ departments. (See Figure 5.5.) Like most municipal police departments, most...
History and Structure of American Law Enforcement

Sherrif's departments in America are small. Figure 5.6 shows the number of departments and their respective sizes. More than one-half of all sherrif’s departments employ fewer than 25 sworn personnel.

Sheriffs’ departments often have employment qualifications similar to those of municipal police agencies. (Employment qualifications for police departments are described in Chapter 7.) A high school diploma or higher educational achievement was required by 89% of sheriffs’ departments in 2007 (down from 99% in 2003). Three percent of sheriffs’ departments in 2007 required some college courses (down from 4% in 2003), and 7% of the departments required recruits to have a 2-year college degree (up from 5% in 2003). Fewer than one-half of 1% of departments required new recruits to have a 4-year college degree (the same as in 2003).

In 2007, entry-level deputy sherrif’s average salaries ranged from a minimum of $32,800 to a maximum of $41,400. Entry-level salaries in departments serving populations of one million or more ranged from $45,600 to $60,600, while entry-level salaries in departments serving populations of under 10,000 ranged from $27,800 to $30,400.

County Law Enforcement Functions

The sheriff and department personnel perform functions that range from investigation to supervision of sentenced offenders. Even in the smallest departments, sheriffs are responsible for investigating crimes and enforcing the criminal and traffic laws of the state. They also perform many civil process services for the court, such as serving summonses, warrants, and various writs. In addition, they provide courtroom security and confine and transport prisoners. The larger the sheriff’s department, the more confinement and corrections responsibilities it has. Sheriffs’ departments frequently operate the county jail, which houses hundreds and even thousands of prisoners, depending on the particular county. In some counties, the sheriff’s department shares law enforcement duties with a separate police department.

Politics and County Law Enforcement

Most sheriffs are directly elected and depend on an elected board of county commissioners or supervisors for their funding and some oversight of their operations. Sheriffs generally have a freer hand in running their agencies than police chiefs do. In many counties, local politics govern the operation of the sheriff’s department, and the sheriff must operate as a partisan politician to remain in office. The authority to appoint...

Female Sheriffs

Before 1992, no woman had ever been elected to the position of sheriff in the United States. The first two were elected in 1992: The first was Jackie Barrett in Fulton County, Georgia, and the second was Judy Pridgen in Saline County, Arkansas.


Figure 5.5
Characteristics of Sheriffs’ Personnel, 2007

Gender

- Male: 88%
- Female: 12%

Race/Ethnicity

- White: 81.1%
- African American: 9.0%
- Hispanic: 8.0%
- Other: 1.1%
  - American Indian, Alaska Native: 1.1%
  - Asian, Pacific Islander: 0.4%
  - Multi-race: 0.3%

Source: Bureau of Justice Statistics, 2007 Law Enforcement and Administrative Statistics Survey. (Data generously provided by Brian Reaves, January 28, 2011.)
special deputies and to award patronage jobs contributes to the sheriff’s power and influence in a county.

**STATE LAW ENFORCEMENT**

Filling the complement of law enforcement agencies in a particular state are one or more state law enforcement agencies, which provide criminal and traffic law enforcement, as well as other services peculiar to the needs of that state government. In 2007 (the latest year for which data were available), the 49 primary state law enforcement agencies (Hawaii has no state police agency) had 93,364 employees, of which 60,958, or 65%, were full-time sworn officers. The California Highway Patrol is the largest state law enforcement agency with more than 10,000 personnel, of which 69% are sworn officers.

For the most part, each state has chosen one of two models for providing law enforcement services at the state level. The first model is the **state police model** in which the agency and its officers have essentially the same enforcement powers as local police in the state and can work cases and enforce the law anywhere within the state’s boundaries. One of the best-known state police agencies is the Texas Rangers, part of the Texas Department of Public Safety, which also employs state troopers to enforce criminal and traffic laws. The Rangers usually focus on special and complex investigations, such as the

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**Figure 5.6**

Number of Sworn Personnel in Sheriffs’ Departments, 2007

<table>
<thead>
<tr>
<th>Personnel Range</th>
<th>Percentage</th>
<th>Number of Departments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 or more personnel</td>
<td>0.6%</td>
<td>18 departments</td>
</tr>
<tr>
<td>500–999 personnel</td>
<td>0.7%</td>
<td>22 departments</td>
</tr>
<tr>
<td>250–499 personnel</td>
<td>2.8%</td>
<td>83 departments</td>
</tr>
<tr>
<td>100–249 personnel</td>
<td>7.6%</td>
<td>229 departments</td>
</tr>
<tr>
<td>50–99 personnel</td>
<td>12.4%</td>
<td>372 departments</td>
</tr>
<tr>
<td>25–49 personnel</td>
<td>19.2%</td>
<td>580 departments</td>
</tr>
<tr>
<td>10–24 personnel</td>
<td>31.0%</td>
<td>933 departments</td>
</tr>
<tr>
<td>5–9 personnel</td>
<td>17.6%</td>
<td>531 departments</td>
</tr>
<tr>
<td>2–4 personnel</td>
<td>7.3%</td>
<td>220 departments</td>
</tr>
<tr>
<td>1 person</td>
<td>0.8%</td>
<td>24 departments</td>
</tr>
</tbody>
</table>

Source: Bureau of Justice Statistics, *2007 Law Enforcement and Administrative Statistics Survey*. (Data generously provided by Brian Reaves, January 28, 2011.)

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**state police model** A model of state law enforcement services in which the agency and its officers have the same law enforcement powers as local police but can exercise them anywhere within the state.
Branch Davidian case in Waco in 1993. A number of states have placed some restrictions on state police activities to avoid clashes with local politicians and local police agencies.

The second model for state law enforcement services is the **highway patrol** model in which officers focus almost exclusively on highway traffic safety, enforcement of the state’s traffic laws, and investigation of accidents on the state’s roads and highways. Even highway patrols, however, may retain responsibility for investigating criminal violations on state property and in state institutions or for conducting drug interdictions.

States that employ the highway patrol model often have other state law enforcement agencies with narrow service mandates, such as these:

- Bureaus of criminal investigation (to investigate white-collar and organized crime, narcotics, and so on)
- State criminal identification services
- Forest, game, and watercraft protection services
- Alcoholic beverage control and enforcement
- Crime laboratory and criminalistics services
- Driver’s license examinations
- Drug interdiction activities
- Peace officer training and certification

Both state police and highway patrol agencies help regulate commercial traffic, conduct bomb investigations, protect the governor and the capitol grounds and buildings, and administer computer-based information networks for the state, which link up with the National Crime Information Center (NCIC) run by the FBI.

Some tension always seems to exist between state police agencies and local law enforcement over legal jurisdiction and recognition for conducting investigations and making arrests. Recall that policing in America and the political system that governs it are local. Much of the resentment by locals over state interference is similar to the suspicions and doubts concerning federal involvement at the local level.

A significant function performed by a special category of state law enforcement officers is university or campus policing. Some of the large state and
CAREERS IN CRIMINAL JUSTICE

Kentucky Department of Fish and Wildlife Officer

My name is Myra Minton. I am a captain with the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division. As a captain, I am responsible for the oversight of a Law Enforcement District and the officers that patrol there. A conservation officer is responsible for patrolling the fields, forests, lakes, and streams. During patrol an officer looks for license and safety violations, and enforces regulations that are in place to protect Kentucky’s natural resources. An officer is also charged with enforcing boating regulations to maintain safety on the waterways of the Commonwealth in addition to other general peace officer duties. I graduated from Ohio Northern University with a Bachelor of Science degree in environmental studies before being hired by the Kentucky Department of Fish and Wildlife Resources Law Enforcement Division.

The requirements for becoming a Kentucky conservation officer include having either a four year degree, four years of law enforcement experience, or four years of experience in a fish and wildlife-related field. Candidates must be able to pass a written exam, a physical fitness test, a psychological exam, and a polygraph examination. Upon hiring, a recruit spends the next 30 weeks in two separate training programs. The Kentucky Department of Criminal Justice Training provides law enforcement agencies with a Basic Law Enforcement Training Program that spans 18 weeks. Upon successful completion of the Basic Law Enforcement Training Program, a conservation officer recruit attends a 12-week Fish and Wildlife Law Enforcement Academy. During this phase of training the recruits learn fish and wildlife laws, boating laws, boat operation, all-terrain vehicle (ATV) operation, wildlife identification, wildlife forensics, water survival, defensive tactics, and federal laws that pertain to their job.

As in most professions there are high points and low points. A drawback with regard to the job as a conservation officer is that you work when most people are off. The busiest time is normally on a weekend or holiday, which can affect your personal life. But the realization that every day when you go to work there is something new makes and keeps the job interesting. You just never know what you are going to find.

If you are interested in a job in fish and wildlife law enforcement, contact the agency that you are interested in working for. Meet the people, ask to ride with an officer, establish a relationship, and find out what their requirements are.

FEDERAL LAW ENFORCEMENT

Everyone has heard of a few of the better-known federal law enforcement agencies. The FBI, the U.S. Secret Service, and even the T-men and T-women of the Treasury Department have had their own television shows, creating wider public recognition of those agencies. The unrelenting war on drugs has brought to the attention of the American public the activities of the DEA. There are also other, lesser-known federal police agencies. Their law enforcement jurisdictions are narrowly defined by specific statutes, and their work is unlikely to come to the attention of most American citizens.

Three major differences exist between federal law enforcement and the local and state police agencies with which we are likely to be more familiar. First, federal agencies such as the FBI operate across the entire nation and even have agents serving abroad. Second, federal police agencies do not, as a rule, have the peacekeeping or order maintenance duties typical in local policing. Finally, some federal law enforcement agencies have extremely narrow jurisdictions. (The U.S. Supreme Court Police, for example, provide protective and investigative services for the Supreme Court only.)

As noted previously, in 2010, the 70 federal law enforcement agencies employed about 188,000 personnel, an increase of about 79% since 2004. Combined, those 70 agencies cost taxpayers nearly $22 billion in 2007 (the latest year for which data were available), which represents an increase of approximately 7% since 2003.
Table 5.3 shows some of the largest federal law enforcement agencies. U.S. Customs and Border Protection (CBP), a component of the U.S. Department of Homeland Security, is the largest of the agencies with more than 50,000 employees, including approximately 18,000 border patrol agents (as of year-end 2008). CBP is responsible for protecting more than 5,000 miles of border with Canada, 1,900 miles of border with Mexico, and 95,000 miles of shoreline. In 2008, CBP collected more than $34.5 billion in revenue; processed 409 million pedestrians and passengers, 121 million vehicles, and 94 million aircraft passengers; seized 3.1 million pounds of illegal drugs, including 178,770 pounds of cocaine, 2,178 pounds of heroin, 2,471,931 pounds of marijuana, and 2,770 pounds of methamphetamine; and apprehended 723,825 illegal aliens between ports of entry and interdicted 224,804 inadmissible aliens at ports of entry.

Also in 2008, CBP reported “making tremendous progress in its effort to deploy approximately 670 miles of pedestrian and vehicle fencing in priority areas along the southern border to disrupt the flow of illegal immigrants and drugs into the country.” In 2005, the Department of Homeland Security gave CBP the responsibility of managing the Bush administration’s Secure Border Initiative (SBI) and developing a comprehensive border protection system. The multiyear, multibillion-dollar project was to have two major components: SBI-net, which would employ a “virtual fence” consisting of “radars, sensors, and cameras to detect, identify, and classify the threat level associated with an illegal entry into the United States,” and SBI tactical infrastructure (TI) consisting of “fencing, roads, and lighting intended to enhance U.S. Border Patrol agents’ ability to respond to the area of the illegal entry and bring the situation to a law enforcement resolution (i.e., arrest).”

However, January 14, 2011, the Obama administration canceled the SBInet part of SBI because, as Homeland Security Secretary Janet Napolitano put it, SBInet “cannot meet its original objective of providing a single, integrated border security technology solution.” The “virtual fence” was supposed to be operative in 2011, but, instead, taxpayers will receive about 53 miles of problem-plagued “virtual fence” in Arizona at a cost of at least $15 million a mile. Secretary Napolitano also announced “a new path forward for security technology along the border that is tailored to the needs of each region and provides faster deployment of technology, better coverage, and a more effective balance between cost and capability.” Her new plan will use mobile surveillance systems, drones, thermal imaging devices, and tower-based remote video surveillance. She added,
Table 5.3 Largest Federal Law Enforcement Agencies, Department of Government, and Number of Personnel

<table>
<thead>
<tr>
<th>Agency</th>
<th>Department</th>
<th>Number of Personnel</th>
<th>Year of Data</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Customs and Border Protection</td>
<td>Homeland Security</td>
<td>51,552, including approximately 18,000 Border Patrol Agents</td>
<td>2008</td>
</tr>
<tr>
<td>Federal Bureau of Prisons</td>
<td>Justice</td>
<td>37,544</td>
<td>2010</td>
</tr>
<tr>
<td>Federal Bureau of Investigation</td>
<td>Justice</td>
<td>35,506, including 13,807 Special Agents</td>
<td>2010</td>
</tr>
<tr>
<td>U.S. Immigration and Customs</td>
<td>Homeland Security</td>
<td>more than 20,000</td>
<td>2010</td>
</tr>
<tr>
<td>U.S. Secret Service</td>
<td>Homeland Security</td>
<td>6,644, including 3,483 Special Agents and 1,344 Uniformed Division Officers</td>
<td>2009</td>
</tr>
<tr>
<td>Drug Enforcement Administration</td>
<td>Justice</td>
<td>5,235 Special Agents</td>
<td>2010</td>
</tr>
<tr>
<td>Bureau of Alcohol, Tobacco,</td>
<td>Justice</td>
<td>5,006, including 2,450 Special Agents and 789 Industry Operations Investigators</td>
<td>2009</td>
</tr>
<tr>
<td>Firearms &amp; Explosives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Marshals Service</td>
<td>Justice</td>
<td>4,942, including 94 U.S. Marshals and 3,346 Deputy U.S. Marshals</td>
<td>2010</td>
</tr>
<tr>
<td>National Park Service</td>
<td>Interior</td>
<td>4,441, including 3,861 Park Rangers and 580 Park Police</td>
<td>2010</td>
</tr>
<tr>
<td>Internal Revenue Service,</td>
<td>Treasury</td>
<td>4,100, including 2,700 Special Agents</td>
<td>2010</td>
</tr>
<tr>
<td>Criminal Investigation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>U.S. Postal Inspection Service</td>
<td>Independent Agency</td>
<td>2,700, including 1,400 Postal Inspectors and 700 Postal Police Officers</td>
<td>2010</td>
</tr>
</tbody>
</table>


“Where appropriate, this plan will also incorporate already existing elements of the former SBlnet program that have proven successful, such as stationary radar, and infrared and optical sensor towers.”

Some of the other federal law enforcement agencies already have been discussed in this chapter or will be discussed in later chapters.

Training Federal Law Enforcement Officers The Federal Law Enforcement Training Center (FLETC) is the largest law enforcement-training establishment in the United States. It provides some or all of the training for a majority of federal law enforcement agencies, as well as for many state, local, and international law enforcement agencies. Notable exceptions are the FBI and DEA, which train their special agents at their respective academies in Quantico, Virginia. Until 2003, when it became a part of the Department of Homeland Security, FLETC was a bureau of the Treasury Department with an annual budget of about $200 million.

The FLETC got its start in the late 1960s, when a federal government study disclosed that the training of most federal law enforcement personnel was inadequate at worst and substandard at best. With only a few exceptions, part-time instructors, on an irregular basis, conducted most training in inferior facilities. Much of the training duplicated the training of other federal agencies or was inconsistent with it. A government task force recommended that a federal law enforcement training center be established to provide the training for most federal law enforcement personnel. The center would have a professionally trained, full-time staff that offered consistent and high-quality programs in state-of-the-art facilities.

FLETC first opened in Washington, DC, in 1970. That year it graduated 848 students. In 1975, its first full year of operation at its current headquarters
location on a 1,500-acre campus in Glenn County (“Glynco”), Georgia (near Brunswick, Georgia), it graduated more than 5,000 students. At year-end 2005, more than 19,000 students graduated from the FLETC at Glynco, including 566 state and local officers. Another 4,910 students graduated from the FLETC Office of Artesia Operations (OAO) in New Mexico, which opened in 1989 to provide training for the Bureau of Indian Affairs and agencies with a large number of officers in the western United States. It also hosts the new U.S. Border Patrol Academy. A temporary satellite training campus was opened in Charleston, South Carolina, in 1995, to train an increasing number of Immigration and Naturalization Service (INS) and border patrol agents. In 2003, the Charleston facility became the third FLETC residential campus and, in 2004, all of the border patrol training operations were moved to FLETC-Artesia. Besides some of the same training programs offered at FLETC-Glynco and FLETC-Artesia, the FLETC-Charleston facility specializes in maritime law enforcement training. In 2005, the facility graduated nearly 1,850 officers. A fourth training facility that was developed in 2002 in Cheltenham, Maryland, is used primarily for in-service and requalification training for officers and agents in the Washington, DC, area. It also serves as the new home for the U.S. Capitol Police Training Academy. In 2005, it graduated 15,591 students. FLETC also provides training at other temporary sites in the United States and in foreign countries.

Because basic training requirements for federal officers vary by agency and by position within agencies, FLETC provides more than 150 different agency-specific training programs. About half the instructors are permanent employees, and the other half are federal officers on short-term assignment from their respective agencies. Depending on the agency, classroom instruction ranges from about 8 to 22 weeks for criminal investigators and from 4 to 26 weeks for patrol officers. Field training requirements range from 2 weeks to 6 months for patrol officers and up to 2 years for investigators.

1. What do you think are the pros and cons of working at the local, state, and federal levels of law enforcement?
2. Do you think that any one of the three major areas of law enforcement (local, state, federal) is most prestigious? Why?

The Department of Homeland Security

The U.S. Congress responded to the terrorist attacks of September 11, 2001 (described in Chapter 6), by enacting the Homeland Security Act of 2002. Among other provisions, such as allowing commercial pilots to carry guns in cockpits, the Act established the Department of Homeland Security (DHS). According to the legislation, this new executive department was created to:

1. Prevent terrorist attacks within the United States.
2. Reduce the vulnerability of the United States to terrorism.
3. Minimize the damage, and assist in the recovery, from terrorist attacks that do occur within the United States.
4. Carry out all functions of entities transferred to the Department, including by acting as a focal point regarding natural and manmade crises and emergency planning.
5. Ensure that the functions of the agencies and subdivisions within the Department that are not related directly to securing the homeland are not diminished or neglected except by an explicit act of Congress.
6. Ensure that the overall economic security of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.

7. Monitor connections between illegal drug trafficking and terrorism, coordinate efforts to sever such connections, and otherwise contribute to efforts to interdict illegal drug trafficking.

The act also stipulates that “primary responsibility for investigating and prosecuting acts of terrorism shall be vested not in the Department, but rather in Federal, State, and local law enforcement agencies with jurisdiction over the acts in question.”

The creation of the DHS represents the most dramatic transformation of the U.S. government since 1947, when President Harry S. Truman combined the various branches of the U.S. military into the Department of Defense (DOD). On an even grander scale, President George W. Bush combined 22 previously separate domestic agencies into the new department to protect the country from future threats. To head the new department, President Bush selected former Pennsylvania Governor Tom Ridge. On February 15, 2005, Michael Chertoff, former U.S. Court of Appeals judge, was sworn in as the second Secretary of DHS; on January 21, 2009, former Arizona Governor Janet Napolitano became the third Secretary of DHS.

DEPARTMENT COMPONENTS

The new department, which has been reorganized since its inception, comprises the following major components.

1. **The Directorate for Management** is responsible for Department budgets and appropriations, expenditure of funds, accounting and finance, procurement, human resources, information technology systems, facilities and equipment, and the identification and tracking of performance measurements.
2. The **Directorate for Science and Technology** is the primary research and development arm of the Department. It provides federal, state, and local officials with the technology and capabilities to protect the homeland.

3. The **Directorate for National Protection and Programs** works to advance the Department’s risk-reduction mission. Reducing risk requires an integrated approach that encompasses both physical and virtual threats and their associated human elements.

4. The **Office of Policy** is the primary policy formulation and coordination component for the DHS. It provides a centralized, coordinated focus to the development of Department-wide, long-range planning to protect the United States.

5. The **Office of Health Affairs** coordinates all medical activities of the DHS to ensure appropriate preparation for and response to incidents having medical significance.

6. The **Office of Intelligence and Analysis** is responsible for using information and intelligence from multiple sources to identify current and future threats to the United States.

7. The **Office of Operations Coordination and Planning** is responsible for monitoring the security of the United States on a daily basis and coordinating activities within the Department and with governors, homeland security advisors, law enforcement partners, and critical infrastructure operators in all 50 states and more than 50 major urban areas nationwide.

8. The **Federal Law Enforcement Training Center** provides career-long training to law enforcement professionals to help them fulfill their responsibilities safely and proficiently.

9. The **Domestic Nuclear Detection Office** works to enhance the nuclear detection efforts of federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.

10. The **Transportation Security Administration (TSA)** protects the nation’s transportation systems to ensure freedom of movement for people and commerce.

11. The **United States Customs and Border Protection (CBP)** is responsible for protecting our nation’s borders in order to prevent terrorists and terrorist weapons from entering the United States, while facilitating the flow of legitimate trade and travel.

12. The **United States Citizenship and Immigration Services** is responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities.

13. The **United States Immigration and Customs Enforcement (ICE)**, the largest investigative arm of the DHS, is responsible for identifying and shutting down vulnerabilities in the nation’s border, economic, transportation, and infrastructure security.

14. The **United States Coast Guard** protects the public, the environment, and U.S. economic interests—in the nation’s ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.

15. The **Federal Emergency Management Agency (FEMA)** prepares the nation for hazards, manages federal response and recovery efforts following any national incident, and administers the National Flood Insurance Program.

16. The **United States Secret Service** protects the president and other high-level officials and investigates counterfeiting and other financial crimes, including financial institution fraud, identity theft, computer fraud; and computer-based attacks on our nation’s financial, banking, and telecommunications infrastructure.

**Office of the Secretary**  The **Office of the Secretary** of the DHS oversees activities with other federal, state, local, and private entities as part of a collaborative
CAREERS IN CRIMINAL JUSTICE

U.S. Immigration and Customs Special Agent

My name is Jose Pagan, and I became a U.S. Customs Special Agent/Criminal Investigator in 1987 (before the creation of the Department of Homeland Security). During my career, I have served as a federal law enforcement officer in the U.S. Virgin Islands, Puerto Rico, and Orlando, Florida, where I have been assigned since December 2000.

I have had the opportunity to conduct and participate in numerous narcotic interdiction investigations, as well as become a liaison officer between behavior that could assist me in assessing the subject's veracity.

By utilizing proven criminal investigation procedures in conjunction with the officer's experience, crime investigation becomes a scientific, measurable, and reliable method of protecting the public. Even in the investigation of the most heinous crimes, a reliable investigation, based on facts properly discovered and presented in an orderly, organized, and logical fashion, will always portray a fair, just, and clear case for the jury.

I have participated in operations such as the marine interdiction of narcotics and illegal aliens, as well as serving dozens of search warrants, all of which have demanded a great deal of physical exertion (added to the emotional stress that an assertive law enforcement action creates on the officers). Cases such as joint multinational investigations of narcotic smuggling have given me the opportunity to learn other countries' law enforcement techniques, customs, and points of view. At the same time, counterfeiting cases offer the opportunity to learn about the U.S. and international trade systems, as well as to teach the true impact that unfair trade practices have on the U.S. economy.

There are no typical days at the office in this career. On any given day, I could be on a vessel, sailing to prevent narcotic smuggling into the United States, or interviewing the operation manager of a large company whose product has been counterfeited.

What parts of the U.S. Immigration and Customs Special Agent's role do you find most and least appealing? Why?
6. **Office of the General Counsel** integrates approximately 1,700 lawyers from throughout the DHS into an effective, client-oriented, full-service legal team and comprises a headquarters office with subsidiary divisions and the legal programs for eight Department components.

7. **Office of Public Affairs** coordinates the public affairs activities of all of the DHS components and offices, and serves as the federal government’s lead public information office during a national emergency or disaster. Led by the assistant secretary for public affairs, it comprises the press office, incident and strategic communications, speechwriting, Web content management, employee communications, and the Department’s Ready Campaign designed to help Americans prepare for and respond to emergencies.

8. **Office of Counternarcotics Enforcement** coordinates policy and operations to stop the entry of illegal drugs into the United States and to track and sever the connections between illegal drug trafficking and terrorism.

9. The **Office of the Executive Secretariat (ESEC)** provides all manner of direct support to the secretary and deputy secretary, as well as related support to leadership and management across the DHS. This support takes many forms, the most well-known of which is accurate and timely dissemination of information and written communications from throughout the DHS and our homeland security partners to the secretary and deputy secretary.

10. **Military Advisor’s Office** advises on facilitating, coordinating and executing policy, procedures, preparedness activities and operations between the DHS and the Department of Defense.

11. **Office of Intergovernmental Affairs (IGA)** has the mission of promoting an integrated national approach to homeland security by ensuring, coordinating, and advancing federal interaction with state, local, tribal, and territorial governments.

**Advisory Panels and Committees**

- The **Homeland Security Advisory Council** provides advice and recommendations to the secretary on matters related to homeland security. The Council comprises leaders from state and local government, first responder communities, the private sector, and academia.

- The **National Infrastructure Advisory Council** provides advice to the secretary of homeland security and the president on the security of information systems for the public and private institutions that constitute the critical infrastructure of our nation’s economy.

- The **Homeland Security Science and Technology Advisory Committee** serves as a source of independent, scientific, and technical planning advice for the under secretary for science and technology.

- The **Critical Infrastructure Partnership Advisory Council** was established to facilitate effective coordination between federal infrastructure protection programs with the infrastructure protection activities of the private sector and of state, local, territorial, and tribal governments.

- The **Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities** was established to ensure that the federal government appropriately supports safety and security for individuals with disabilities in disaster situations.

- The **Task Force on New Americans** is an inter-agency effort to help immigrants learn English, embrace the common core of American civic culture, and become fully American.

- The **DHS Labor-Management Forum** was established to support cooperative and productive labor-management relations.

The organization chart of the Department of Homeland Security is shown in Figure 5.7.
HOMELAND SECURITY AND THE FBI

Before the creation of the Department of Homeland Security, the FBI had primary responsibility for locating terrorist groups and preventing terrorist acts in the United States. It had many successes. According to FBI data, for example, the agency prevented 130 terrorist acts between 1980 and 1999. However, following the al-Qaeda attacks on New York and Washington, the FBI was heavily criticized for missing clues and for intelligence failures. For example, Senator John Edwards of North Carolina, who had oversight responsibility for the FBI as a member of both the Intelligence and Judiciary committees, remarked, “The FBI is clearly broken, and we can accept no further delay in the effort to fix it.” He added, “The FBI should do what it does best: law enforcement [rather than] collecting information, fitting it into a bigger picture and sharing that information with people who can act on it.” To root out terrorists within the United States, legislators on Capitol Hill called for the creation of a new domestic intelligence-gathering agency similar to the MI-5 in Great Britain.

FBI Director Robert Mueller defended his agency. He responded, “Establishing a new domestic intelligence agency would constitute a step backward in
the war on terror, not a step forward.” He maintained that rather than “create a new agency from whole cloth, the public would be better served by improving what the FBI is already doing.”

Director Mueller won a reprieve for the FBI and quickly began implementing fundamental changes. First, he shifted the top priority of the FBI from being a federal police agency to being an intelligence and counterterrorism agency. In doing so, he no longer allows local field offices to establish their own distinct agendas. As a result, by 2006, the FBI had referred 40% fewer criminal investigations to the Justice Department than it did two decades ago.

Second, he restructured the management hierarchy at FBI headquarters in Washington to support counterterrorism efforts. Figure 5.8 shows the FBI’s post-9/11 organization chart with the new emphasis on counterterrorism.

Third, he reassigned about one-quarter of the FBI’s then 11,000 agents to work on counterterrorism. That represents a doubling of the number of agents handling terrorism cases, a quadrupling of the number of strategic analysts at FBI headquarters, but a decrease of about one-third of all agents in criminal programs. Consequently, although the FBI official in charge of criminal investigations correctly predicted the recent mortgage crisis in 2004 and believed the FBI could prevent it from spiraling out of control, by 2007, the FBI had only about 100 agents pursuing mortgage fraud. By comparison, during the Savings and Loan debacle of the 1980s and 1990s, the FBI had about 1,000 agents investigating banking fraud.46 (In response to the recent financial collapse, the FBI is planning to double the number of agents working financial

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CAREERS IN CRIMINAL JUSTICE

FBI Special Agent

My name is Michelle L. Rankin, and I am an FBI special agent in the Washington, DC field office, Public Corruption Unit (PCU). The Washington, DC, field office is the second largest field office in the FBI. I thoroughly enjoy my career with the FBI.

The PCU investigates allegations of bribery involving public officials, including extortion or using the mail to defraud the public. Examples include the issuance of licenses, permits, contracts, or zoning variances; judicial case fixing; and law enforcement corruption.

The PCU’s responsibilities are divided into two squads. My squad focuses on the District of Columbia government. The other squad concentrates on the executive branch of the federal government in the Washington, DC, area. Twelve agents are assigned to my squad, along with nonagent support specialists.

Prior to transferring to the PCU, I worked on a special inquiry squad, conducting background investigations for White House staff and presidential appointees. It was in this capacity that I had the opportunity to interview Attorney General Janet Reno as well as other prominent politicians.

People often ask about training at the FBI Academy. The program is 16 weeks of rigorous and intellectually challenging work. You have to study 12–15 major subject areas, you often have 3 hours of homework for the next day’s classes, and you may also have an exam in another course the next day. Some agents realize that the FBI is not what they thought it was. Others find it difficult to be away from family and friends.

I have a Bachelor of Arts degree in Criminal Justice from California State University at San Bernardino. While working on a Certificate in Crime and Intelligence Analysis through the California State University system and the California Department of Justice, I began to volunteer with the Riverside County Sheriff’s Department. I eventually obtained a full-time position as an analyst there.

Later I went to the Santa Clara Police Department as a Certified Crime and Intelligence Analyst. I designed and directed their crime analysis unit for 4 years. I left Santa Clara in 1999 to become an FBI agent.

To become an FBI Special Agent, applicants must be between the ages of 23 and 37. The FBI prefers to hire people who are already successful in some other field. Prior work experience need not be in law enforcement. The FBI hires agents from four career categories: law, accounting, foreign languages, and “diversified”—which includes criminal justice. You need to have a minimum of 3 years of work experience in your chosen field before applying to be an agent. When hired, new FBI Special Agents start at a GS-10, step 1 pay grade, which is now (2011) nearly $46,000 per year before overtime. My advice to someone who wants to become an FBI agent is to maintain the highest standards of conduct in your life. Your first job out of college does not have to be in criminal justice, but be sure to be successful in whatever you do.

After reading this account, what do you think is a key quality of a good FBI agent?
crimes, but it is unclear where those agents will come from and whether there will be enough of them. Since 2004, the Bush administration had refused to approve new agents to investigate financial crimes.

Fourth, he established a National Joint Terrorism Task Force at FBI headquarters that includes staffers from federal, state, and local agencies. They are responsible for coordinating the flow of information with task forces in each of the FBI's 56 field offices.

Fifth, to more directly address the global threat of al-Qaeda and other terrorist groups, he planned on opening FBI offices in Kabul, Afghanistan; Sarajevo, Bosnia; Jakarta, Indonesia; Tashkent, Uzbekistan; and Belgrade, Serbia. As of 2010, he had opened FBI offices in Kabul, Sarajevo, and Jakarta but not in Tashkent or Belgrade. He also planned on expanding FBI offices in Ottawa, Canada; Seoul, South Korea; London, Berlin, and Moscow. Since the tragic events of 9/11, about 500 FBI agents and 200 support personnel have

Figure 5.8
Federal Bureau of Investigation Organization Chart

been working outside the United States on terrorism investigation. Already working outside the United States in 75 key cities worldwide were FBI agents known as permanent legal attaches, or “legats.” The job of legats is to feed information gathered from interviews back to the United States for further investigation. Unlike CIA agents, legats, who will work more closely with the CIA, do not operate covertly and are involved more with investigations than with gathering intelligence.

In 2005, in response to a presidential directive to establish a “National Security Service” that combined the missions, capabilities, and resources of the FBI’s counterterrorism, counterintelligence, and intelligence units, the FBI created a National Security Branch (NSB). In 2006, the Weapons of Mass Destruction (WMD) Directorate was established within the NSB to integrate WMD units that previously had been spread throughout the FBI. The NSB also includes the Terrorist Screening Center, whose role is to provide actionable intelligence to
state and local law enforcement. In creating the NSB, the FBI has moved beyond case-focused intelligence to building a Bureau-wide intelligence collection, analysis, and dissemination program that combines intelligence from across the Bureau. The FBI now uses intelligence not just to pursue investigations but to have greater awareness of national security threats and the total threat environment. The FBI now looks at information for its predictive value and shares that information—except that which it is legally proscribed from releasing—with its partners in law enforcement and the Intelligence Community.

An integral part of the FBI’s information-sharing capabilities is the Guardian Terrorist Threat and Suspicious Incident Tracking System, which was introduced in 2002. However, according to a November 2008 Justice Department inspector general report, although Guardian is an improvement over the FBI’s former program, the FBI could be more effectively using the new computer system and central database. For example, between July 2004 and November 2007, the FBI collected information on 108,000 potential threats, suspicious incidents, and encounters with people on a terrorist suspect watch list. The information triggered 600 investigations from October 2006 to December 2007. The FBI failed to enter into the Guardian system about half of those investigations, and supervisors had not reviewed 12% of the threat information among 218 incidents included in the audit. The report noted that the FBI did a good job following up on high-priority threats but generally failed to follow up low-priority threats within its 30-day goal.

In sum, through the efforts of Director Mueller, the FBI remains an independent agency, albeit with a new top priority, and retains its traditional responsibility of intelligence gathering and analysis. However, it now closely coordinates its antiterrorism activities with personnel from the Office of the Director of National Intelligence (ODNI), the CIA, DOD, and DHS at the new National Counterterrorism Center (NCTC) and with state, local, and tribal partners in task forces around the country. Today, the FBI shares intelligence gathered in the United States and overseas to provide a coordinated strategic and tactical response to threats.

THE WAR ON TERRORISM: AN EVALUATION

Advocates of the Department of Homeland Security are confident that the DHS will have the financial, intelligence, and tactical resources necessary to prevent and control domestic terrorism. At this writing, the DHS is assessing the threats against the United States and coordinating the resources of law enforcement and other kinds of agencies that are necessary to defeat terrorism at home. One of its first efforts was the creation of a color-coded warning system to alert citizens to the likelihood of a terrorist attack. The hope was that as the warning level was raised, the vigilance of Americans would increase and information would be discovered that would prevent a terrorist act. However, on January 27, 2011, Homeland Security Secretary Janet Napolitano announced the end to the color-coded warning system. Critics of the system argued that “each and every time the threat level was raised, very rarely did the public know the reason, how to proceed, or for how long to be on alert.” The old system will be replaced with a new, more targeted National Terror Advisory System that will provide law enforcement and potential targets critical information without unnecessarily alarming or confusing the public. According to Secretary Napolitano, the new alerts “may recommend certain actions or suggest looking for specific suspicious behavior. And they will have a specified end date.” One of the more obvious changes will occur at airports where public service recordings announcing the alert level will no longer be made.

The aviation threat has been orange, or “high” alert, since 2006.

The war on terrorism is an ongoing battle with no end in sight. Nevertheless, there already have been some successes. For example, since September 11, 2001, as a result of cooperation among law enforcement agencies, thousands of al-Qaeda members or their associates have been captured and detained in more than 100 countries. In addition, most of al-Qaeda’s top leadership,
including Osama bin Laden on May 1, 2011, has been killed or captured. The financial resources of terrorist groups have also been successfully attacked. Leaders of 173 countries have ordered the freezing of more than $136 million terrorist-related financial assets. In the United States, under the authority of Executive Order 13224, which was issued by President Bush on September 23, 2001, about 460 terrorist groups and entities have been listed as possible targets for the freezing of their U.S.-based assets (as of the end of 2007). Further, any American citizen who contributes money or other aid to any of the 460 organizations and entities automatically becomes suspect. Most important, the United States, as of May 14, 2011, has not experienced a repeat of the 9/11 tragedy.

THINKING CRITICALLY

1. Do you think the United States has too many law enforcement agencies? Why or why not?
2. With the creation of the DHS, is the FBI needed any longer? Defend your answer.

American Private Security

Private security is a huge enterprise that complements public law enforcement in the United States. About twice as many people work in private security as in public law enforcement. In 2008, for example, 1.1 million people worked as security guards or gaming surveillance officers (who work in the gambling industry). About 55 percent of the security guard jobs were in investigation and security services, including guard and armored car services. A recent study found that in major American cities, the ratio is three or four private security officers to each police officer. Until recently, substantially more money was being spent on private security than on public policing, but that gap has been narrowing somewhat because of the increases in spending on public law enforcement during the 1990s and the federalizing of airport security (through the Transportation Security Administration) in the wake of the 9/11 terrorist assault.

A common way to categorize private security employment is to classify the agencies and personnel as either contract or proprietary. Contract security companies offer protective services for a fee to people, agencies, and companies that do not employ their own security personnel or that need extra protection. A state university, for example, may employ private security officers to work at a football game. Contract security employees are not peace officers. Proprietary security agents and personnel provide protective services for the entity that employs them. They are also not classified as sworn peace officers. For example, the Ford Motor Company employs its own security forces at its large manufacturing plants. Primarily for cost reasons, the number of contract security jobs is likely to increase faster than the number of proprietary security jobs. The Department of Labor’s Bureau of Labor Statistics projects employment of security guards to grow by 14% between 2008 and 2018, which is faster than the average for all occupations; the Bureau projects employment of gaming surveillance officers and gaming investigators to grow by 12% between 2008 and 2018, as fast as the average for all occupations.

PRIVATE SECURITY OFFICERS

Private security officers, or guards, are hired to provide protection. Their duties vary and depend on the employers’ particular needs. Private security officers generally specialize in one of the following areas:

- Protecting people, records, merchandise, money, and equipment in department stores; also working with undercover store detectives to prevent theft.
by customers or store employees and helping in the apprehension of shoplifting suspects before the police arrive.

- Patrolling the parking lots of shopping centers and theaters, sometimes on horseback or bicycles, to deter car theft and robberies.
- Maintaining order and protecting property, staff, and customers in office buildings, banks, and hospitals.
- Protecting people, freight, property, and equipment at air, sea, and rail terminals as well as other transportation facilities; also screening passengers and visitors for weapons and explosives using metal detectors and high-tech equipment, ensuring that nothing is stolen while being loaded or unloaded, and watching for fires and criminals.
- Protecting paintings and exhibits by inspecting people and packages entering and leaving public buildings such as museums or art galleries.
- Protecting information, products, computer codes, and defense secrets and checking the credentials of people and vehicles entering or leaving the premises of factories, laboratories, government buildings, data-processing centers, and military bases.
- Performing crowd control, supervising parking and seating, and directing traffic at universities, parks, and sports stadiums.
- Preventing access by minors, collecting cover charges at the door, maintaining order among customers, and protecting property and patrons while stationed at the entrance to bars and places of adult entertainment such as nightclubs.
- Protecting money and valuables during transit in armored cars; also protecting individuals responsible for making commercial bank deposits from theft or bodily injuries.
- Observing casino operations for irregular activities, such as cheating or theft, by employees or patrons.

Security guards typically work 8-hour shifts, 5 days a week. In 2008, the average salary for a private security officer was $23,460. The middle 50% earned between $19,150 and $30,100. The lowest 10% earned less than $16,680, and the highest 10% earned more than $39,360. Median annual wages in the industries employing the largest numbers of security guards were as follows: general medical and surgical hospitals, $29,020; elementary and secondary schools, $27,980; local government, $27,660; traveler accommodation, $25,660; and investigation and security services, $22,170. Gaming surveillance officers and gaming investigators had median annual wages of $28,850 in 2008. The middle 50% earned between $23,000 and $37,690. The lowest 10% earned less than $19,290, and the highest 10% earned more than $48,310. Managers and corporate officers made more. Because of relatively low wages, private security officers frequently work part-time or have another “primary” job and use their security job wages to supplement their incomes.

**REASONS FOR GROWTH**

A number of factors have stimulated the phenomenal growth of private security since the 1970s.

**Declining Revenues for Public Policing** In virtually all major cities and in state governments in the United States, the competition for limited funds to
operate public services is fierce. Public police agencies have experienced their share of across-the-board government belt-tightening, and that has caused limitations and even freezes on the hiring of additional police officers. As a result, police departments have curtailed services no longer deemed critical. Often, businesses have filled the service gap by employing private security personnel.

**The Private Nature of Crimes in the Workplace**  A business depends on a positive reputation to remain competitive. Widespread employee theft, embezzlement scandals, and substance abuse harm an organization’s public image and may cause potential customers to question the quality of a company’s products and services. By employing private security personnel to prevent and repress crime in their facilities, businesses can either hide the crimes that occur or minimize the negative publicity.

**Better Control and Attention to the Problem**  By employing in-house security personnel or by contracting with an outside firm, the management of a business can direct security personnel to do precisely what is needed to prevent crime, minimize substance abuse, and discipline wayward employees. Public police would have to combine the concerns of a business with the priorities of the citizens of the community.

**Fewer Constitutional Limitations**  Some of the constitutional restrictions that would limit the actions of public police officers working undercover to curtail drug trafficking in an industrial plant, for example, would not restrict private security personnel employed directly by that industry. U.S. Supreme Court prohibitions that restrict a public police officer’s right to search and seize property, for instance, would not limit the actions of a private security agent.

**ISSUES INVOLVING PRIVATE SECURITY**

A number of unresolved problems and issues impinge on the potential for development of the private security industry. Some of them put the industry at odds with public law enforcement.

**Legal Status and Authority**  Private security officers’ legal status and authority derive from the rights of the owner who employs them to protect property on the premises. These rights are essentially the same ones you have to protect your life and property at home.

If this view prevails, private security personnel face few constitutional limitations in investigating crime, obtaining evidence, employing reasonable force, searching personal property stored in corporate spaces, and interrogating suspects. Although this is not a unanimous view among courts, it is the most prevalent one. However, private security officers and their employers face the possibility of being held civilly or criminally liable for violating an individual’s civil rights or for false arrest.

**Public Policing in a Private Capacity**  Although some police departments prohibit moonlighting, thousands of police officers still work in a private capacity during their off-duty hours. Some police agencies even cooperate with private agencies in scheduling their officers for off-duty assignments. With regard to their legal status and authority, are these officers considered public police or private security personnel? The private organization that employs them believes that off-duty police officers are better qualified, have more authority to arrest, and will have a greater deterrent effect on the crimes and disturbances of the peace the employer is trying to prevent.

An equally important question is, Who is liable should moonlighting officers abuse their authority or make a mistake? At present, it seems police agencies that take an active role in scheduling off-duty assignments accept greater liability...
than the police departments that do not. Many agencies limit the assignments officers are allowed to accept and the number of hours they are permitted to work.

Qualifications and Training Many superbly qualified people work in private security at all levels throughout the United States, but those people are not the norm. Although the minimum qualifications for private security personnel at all levels of employment are increasing, they lag far behind those of the public police. Few states enforce any educational, physical, or background integrity qualifications for private security personnel. In most states, the training required to become a private security officer is less than a week long. However, private security officers at nuclear power plants, for example, receive months of training before they are placed on the job under close supervision. In some states, armed security officers must attend a firearms course, including a section on the laws applicable to the use of deadly force, and they must successfully complete a practical firearms qualification test. In nearly all states, public police officers who work off duty in a private policing capacity are exempt from any private security training, even if the nature of their private police work is substantially different from their police department functions.

The qualifications of proprietary security officers are generally higher than those of contract security officers, demonstrating corporate demand for high-quality security services even when they cost more.

Diminished Public Responsibility The current mixture of public and private protection is a matter of concern to many. What does it say about a government’s ability to govern and provide for the general welfare—let alone what it says about American society—that ever more frequently it is shifting responsibility for protecting life and property to private security enterprises? To some, it seems to mean that public police officers and the governments that employ them have defaulted on a major portion of the social contract.

Private Security’s Role in the Fight Against Terrorism Private security officers are often the first line of defense against terrorism in the United States and other nations. They guard government buildings, utilities, schools, courts, corporate headquarters, office complexes, laboratories, and transportation facilities, to name only a few. Security experts believe that 15% to 20% of the private officers in the United States protect sites designated by the government as “critical infrastructure.” Unfortunately, with relatively few exceptions, most of the nation’s more than one million security officers are unlicensed, untrained, and do not undergo background checks (see the FYI, “Laws Governing Private Security”).

The private security industry and its officers have been given more protection responsibilities as the threat of domestic terrorism in the United States has increased. Public law enforcement alone cannot begin to meet the protection responsibilities necessary to prevent terrorism. This means that the private security industry, comprising about 11,000 companies throughout America, will have to begin improving its selection standards and training if the nation’s people, visitors, and assets are to be protected. As unbelievable as it is, hundreds of security guards employed to protect the Statue of Liberty were found in 2002 to have no licenses, and their ranks included ex-convicts. According to a recent report, tens of thousands of security guard applicants were found to have criminal backgrounds.

Because it is so difficult to find enough capable private security officers, the proprietary security firms, motivated by large profits, have been employing hundreds if not thousands of unqualified and unmotivated applicants. For many of the guards, the position is a second or low-paying job that they can easily quit if they find a better-paying job or simply choose to do so. More troublesome is that foreign and domestic terrorists could easily obtain a private security position and inflict physical and emotional havoc on the nation by initiating some terrorist activity inside a vulnerable site.
Seldom is throwing money at a problem a solution in and of itself; yet, if the private security industry is to fulfill its obligation to protect the homeland, it is going to need more financial resources. It may be necessary, for example, to provide government subsidies for training and background checks and a significant increase in the amount of cooperation between the public police and the private security industry. That sort of investment and training can bring positive results. Following the 1993 World Trade Center bombing, the security officers at the World Trade Center were provided in-depth and regular follow-up training on such topics as emergency evacuation procedures and building layout. On September 11, 2001, security officers helped thousands of building workers safely out of the World Trade Center before the twin towers fell.

**THINKING CRITICALLY**

1. What do you think are some of the benefits and drawbacks of being a private security officer?
2. Do you think that stricter qualification standards should be established for private security personnel? Why or why not?
Part Two Law Enforcement

Summary

1. Briefly describe the jurisdictional limitations of American law enforcement.

The authority of public law enforcement agencies in the United States, whether they are local, state, or federal agencies, is carefully limited by law. The territory within which each may operate is also restricted.

2. Trace the English origins of American law enforcement.

Many institutions of American law enforcement evolved from the English tradition. The medieval tithing system and the constable-watch system were early methods of community protection that led to the development of the positions of sheriff and constable. The Bow Street Runners in the city of London in the 1750s were an early group of crime fighters who patrolled neighborhoods and pursued lawbreakers. The London Metropolitan Police, founded in 1829, became the model for municipal police departments in the United States.

3. Discuss the early development of American law enforcement.

Americans at first adopted the British system of community protection. When the constable-watch system proved inadequate in meeting the peacekeeping needs of the nation’s major cities, municipal police forces were established in the mid-1800s. They soon became entangled with local politics. In the states and on the frontier, law enforcement reflected regional differences. In the South, the earliest policing was the plantation slave patrols. On the frontier, vigilantism and later, local sheriffs or U.S. Marshals dealt with lawbreakers. In some states, state police agencies, such as the Texas Rangers, were established to enforce laws statewide.

4. Describe the major developments that have occurred in American policing.

During the period of professionalism and reform that lasted from about 1920 to 1970, the police became professional crime fighters, relying on the centralization of authority, motorized patrols, specialization, and technological aids. In the 1960s, the crime-fighting role of the police came into conflict with the social and political upheavals of the time, causing critics to call for improved standards and training. By the early 1990s, some police agencies began to turn to community policing, attempting to eliminate crime problems in neighborhoods and return to their role as peacekeepers. At the start of the twenty-first century, the prevention and repression of domestic terrorism has also become a major priority of police in America.

5. Describe the structure of American law enforcement.

Law enforcement agencies are found at all levels of government in the United States. Most law enforcement officers work for local governments and are responsible for enforcing laws, maintaining order, providing service, and gathering information. In rural areas, the county sheriff’s department is responsible for law enforcement. Every state except Hawaii has a state law enforcement agency. The law enforcement agencies of the federal government are concerned primarily with violations of federal laws, especially violations that cross state boundaries; maintaining homeland security; and preventing domestic terrorism.


Since 9/11, the FBI has undergone fundamental changes. The biggest change is that it has shifted its top priority from being a federal police agency to being an intelligence and counterterrorism agency. Although it remains an independent agency in the Justice Department, it will now closely coordinate its antiterrorism activities with the CIA and the DHS.

7. Discuss the development and growth of private security in the United States.

The private security industry has grown rapidly over the past 35 years for a number of reasons: Revenues for public policing have declined (until recently); crimes in the workplace are often private, costly, and embarrassing; employers have better control of private security officers; and fewer constitutional limits restrict private security officers.

Key Terms

- jurisdiction 138
- tithing system 139
- shire reeve 139
- posse 139
- constable-watch system 139
- constable 139
- Peal’s Principles of Policing 141
- slave patrols 144
- community policing 147
- CompStat 150
- state police model 174
- highway patrol model 175
- contract security 189
- proprietary security 189

Review Questions

1. What is meant by jurisdiction?
2. What was the tithing system?
3. Who were the Bow Street Runners?
4. In what year was the London Metropolitan Police founded?
5. Who was Robert Peal?
6. What system of English policing did the colonists bring to America?
7. What were the slave codes?
8. What group is considered to be the first state police agency?
9. How did August Vollmer change policing?
10. How did police response to the demonstrations and civil disorders of the 1960s affect policing?
11. What is community policing?
12. What is CompStat?
13. Why were the U.S. Marshals Service, the Secret Service, the FBI, and the DEA created?
14. What are the four main functions of local police?
15. Why do county sheriffs have more political clout than police chiefs?
16. What is the difference between a state police model and a highway patrol model of state law enforcement?
17. Name some federal law enforcement agencies.

**In the Field**

1. **Your Local Law Enforcement** Identify all the local law enforcement agencies in your area. Divide up the list among your classmates, and arrange to visit your assigned agency. On the day that you visit, find out how many calls the department received and/or how many crimes the agency personnel investigated in the 24-hour period prior to your visit, what types of calls were received or crimes were investigated, and how the agency handled the situation. Categorize the actions of the agency personnel into law enforcement, order maintenance, service, or information gathering. Identify the category with the most action. Share your findings with others in the class. What conclusions can you draw about the operation of the local law enforcement agencies in your area?

2. **Local and Private Police** Describe the possibilities you see for local police departments and private security agencies to work together more closely. To prepare for this activity, interview a local police official and a private security manager, either by telephone or in person, asking them what obstacles prevent closer cooperation between local policing and private security.

**On the Net**

1. **Local Police Jobs** Go to the following links for sites dedicated to law enforcement careers. Select two municipal police departments, one large and one small, and one county sheriff's department that list each agency’s employment qualifications on its Web page:
   - www.911hotjobs.com
   - www.jobs4police.com
   - www.lawenforcementjobs.com
   - www.policecareer.com
   - www.golawenforcement.com

   Then find the qualifications for a private security officer through other applicable career sites provided at www.securityjobs.net or www.bls.gov/oco/ocos159.htm. Make a list of the similarities and differences between police and deputy sheriff qualifications and private security officer qualifications. Given your background and abilities, for which type of work would you be best suited? Why? Compile your findings in a two-page report and present it to the class.


**Critical Thinking Exercises**

**NEIGHBORHOOD WATCH**

1. You live in a middle-class community of single-family homes close to the center of a midsize city. Over the past 5 years, everyone in your neighborhood has noted the rise in burglaries, and many people feel that it is not safe to walk around the neighborhood after dark. You think that setting up a neighborhood watch would help lower the burglary rate and make people feel safer. Prepare an oral presentation of your ideas for a community meeting. Use the following questions as a guide.
   a. How would you go about organizing a night watch?
   b. How would you select volunteers?
   c. What training, if any, would volunteers have to have?
   d. How would you maintain interest and participation in the watch?

2. An off-duty police officer was seated in a restaurant when two men entered, drew guns, and robbed the cashier. The officer made no attempt to prevent the robbery or apprehend the robbers. Later the officer justified the conduct by stating that an officer, when off duty, is a private citizen with the same duties and rights as all private citizens. Do you agree? Explain.

To access more information and resources, including study questions, chapter summaries, and links, go to www.mhhe.com/bohm7e.