

THIRD EDITION



IN AMERICA

STEVEN G. BRANDL

POLICE IN AMERICA

Third Edition

Steven G. Brandl

University of Wisconsin–Milwaukee



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PREFACE

Policing is extraordinarily controversial. Often, the controversy of the police is discussed in relation to the use of force, especially the misuse of deadly force. But the controversies that surround the police go beyond this critical issue. There is much disagreement and debate about the appropriateness, necessity, fairness, and effectiveness of *many* police activities. Much of this controversy is fueled by misunderstanding, and unfortunately, there are a lot of misunderstandings when it comes to the police. A lot of what we believe about policing is based on false or unsubstantiated assumptions, or misleading representations of it. These uninformed (and unresolved) debates are a barrier to good policing. Ultimately, if we wish to improve policing, we need, at least as a starting point, an accurate understanding of it. We need to be able to differentiate fact from fiction in matters relating to the police. *Police in America* addresses this issue by providing a real-world fact-based discussion of policing in the United States.

If an accurate understanding of the police in America is the objective, then a discussion of the research that has been conducted on policing is necessary to reach that objective. Research findings can identify and dispel the many myths, misconceptions, and false assumptions of policing. Research also can also help identify best practices in policing as well as those practices in need of improvement, which is exactly the aim of the now-popular strategy of evidence-based policing. *Police in America* emphasizes police research. This emphasis does not mean that the book is complicated or difficult to read, however. In fact, the opposite is true: The text is easy to read and accessible to students. It is written in a straightforward and conversational manner.

Police in America provides a realistic portrayal of the police. It provides a multitude of examples of how policing is conducted in

agencies across the country. It emphasizes positive aspects of policing but does so without ignoring or sugarcoating the problematic aspects of policing. The media tend to focus on negative incidents by highlighting the bad or questionable conduct of a few officers. Although there are certainly lessons to be learned from such incidents, these images and stories can provide an inaccurate overall picture of the police. The reality is that exemplary police work is being performed by police officers and law enforcement agencies throughout the country. *Police in America* highlights some of this work.

Police in America also incorporates several other themes, including the following:

Ethical policing: Because of the nature of the work and how the decisions of officers may affect citizens and the community, it is essential that students consider what constitutes not only a legally good decision but also a *morally* good one.

Critical thinking: Students should be able to think critically about the complex problems and issues involved with policing.

The impact of technology: The technological tools of policing have changed dramatically over the years, and it is important to understand how technology has fundamentally altered the nature of it.

Diversity: To understand policing today, one must appreciate the modern-day and historical roles of race and diversity. Some of the most challenging issues of policing today are at least partly based on race.

The contributions of police research, positive aspects of policing, ethics, critical thinking, the role of technology in police work, and diversity issues are emphasized throughout *Police in America*. The

text offers several features in each chapter to help establish an accurate understanding of the police in America. These features allow students and instructors to explore significant issues and questions relating to the police. The features consist of the following:

Fact or Fiction: These features provide students an opportunity to assess what they know about the chapter topic before reading the chapter.

Police Spotlight: These features introduce each chapter and discuss a particular police policy, program, or other issue that relates to the topic of that chapter.

A Research Question: These features highlight an interesting and important research study relevant to the topic of each chapter.

Good Policing: Each of these features includes an example of a police program, policy, or issue that relates to effective, efficient, equitable, innovative, or ethical policing.

A Question of Ethics: The questions presented in these features relate to the topic of the chapter and require students to think critically about that particular moral or ethical issue.

A Question to Consider: Each of these features offers a question related to the topic at hand for students to consider, answer, and/or discuss.

Technology on the Job: These features highlight and examine a particular technology used by the police while on the job.

With regard to the unique content of *Police in America* and the issues discussed in the book, especially noteworthy are the separate chapters on police discretion and ethics (Chapter 8), the law

(Chapter 9), health and safety issues in police work (Chapter 10), police use of force (Chapter 11), crime detection and investigation (Chapter 7), and intelligence-led and evidence-based policing (Chapter 14). Each of these chapters is extremely important in developing a solid understanding of the police in America, and it is through their inclusion, along with comprehensive and timely coverage of other critical topics, that *Police in America* clearly differentiates itself from other texts.

With regard to the overall content and organization of the text, the first four chapters provide a foundation for the study of the police (the history of the police, role and function of the police, characteristics of police organizations). The second section of the book includes five chapters that examine the nature of police work (police recruitment, selection, and training; police patrol; criminal investigation; discretion and ethics; and the law). The third section is devoted to the hazards of police work and provides a discussion of health and safety issues, police use of force, and police misconduct. The last section includes three chapters on the most recent strategies of policing (problem-oriented policing, evidence-based policing) as well as a discussion of the future of policing.

Police in America provides students with a substantial understanding of the role and function of police in the United States.

NEW TO THIS EDITION

All figures and statistics have been updated, and every chapter incorporates the most recent media and scholarly articles on the topics discussed in the chapter. Over 100 new publications are discussed and/or cited in this edition. New sections on critical topics have been added and other discussions have been revised for purposes of elaboration, clarification, or succinctness. All of the features contained in the second edition remain in this third edition, although many have been revised. Listed below are the most

significant changes that have been made for the third edition of the book.

Chapter 1

New information on police—citizen contacts

New information on body-worn cameras (BWCs)

A new section on the police and politics and the debate about “defunding” and “refunding” the police

A new discussion of the police murder of George Floyd in 2020 and how it affected policing

Chapter 2

New information about racial conflict during the 1960s and how it affected citizens and the future of policing

New information on the current state of the community problem-solving era of policing

Chapter 3

New information about variation in police officer salaries and possible consequences

New information on police agencies as quasi-military organizations and possible consequences

New discussion of police as “warriors” and possible consequences

New information about police department size and the representation of female officers

Chapter 4

New information on the practice of “Scoop and Run” in the Philadelphia Police Department

A new section on how events of the early 2020s (namely, the COVID-19 pandemic, the demonstrations and riots against the police, the calls for defunding the police, and the dramatic increase in violent crime) have affected the role of the police

A discussion of new research on the nature of calls to the police

New information on the use and controversy of pedestrian stops and pretext traffic stops

Chapter 5

A new “Police Spotlight” feature (“30 30 Initiative,” an effort to increase female representation in policing)

A new section about why diversity in police departments is critical

New information on the challenges of recruiting police officers and what police agencies are doing to overcome these challenges

New information about the representation of women and people of color in police departments

Chapter 6

New information on the use of foot patrol in police departments

New information on hot spot policing

New information on the value of traffic stops and pedestrian stops as crime control strategies

Chapter 7

A new “Police Spotlight” feature (University of Idaho murders)

New information on the indirect transfer of DNA, DNA phenotyping, and familial DNA searching

New information about proper eyewitness identification procedures

New information about approaches to interrogations and their possible consequences

New information on the value of digital evidence in criminal investigations

Chapter 8

New information on BWC policies

New information on how the characteristics of officers and suspects may affect officers' discretion

New information on BWCs and de-policing

New information on ethics and discretion

Chapter 9

A new “Police Spotlight” feature (*Riley v. California*)

New discussion of meaning of arrest, custody, and handcuffing

Many revised discussions to shorten the chapter

New section on “no knock” warrants

Chapter 10

A new “Police Spotlight” feature (police officer wellness)

Reorganized section on police officer stress

New discussion of police officer suicide

New information on strategies to mitigate police officer stress

New discussion of infectious diseases as a hazard of police work

New information on PIT (precision immobilization technique) moves and spike strips to terminate vehicle pursuits

Chapter 11

New information on police use of de-escalation strategies and their effectiveness

New information on police use of deadly force law and policy

New section on police use of chokeholds and carotid restraints

New section on deaths in police custody

New section on the accidental use of force

Chapter 12

New discussion of “duty to intervene” policies in police departments

New section on criminal prosecution of the police as a way of controlling misconduct of the police

New section on civil lawsuits and abolishing qualified immunity as methods of controlling misconduct of the police

New section on requiring professional liability insurance for officers as a way of controlling misconduct of the police

New discussion of citizen’s confidence in the police

Chapter 13

New information about police department's definitions of community policing

New examples of community policing in various police departments

New examples of problem-oriented policing in police departments

Chapter 14

New information about the history of smart policing in Chicago

New information about predictive policing and crime analysis

New information and examples about the how crime analysis can be used

New information about the potential and the limitations of intelligence-led policing

Chapter 15

New chapter title (“Crime, Technology, and the Future of American Policing”)

A new “Police Spotlight” feature (The Robb Elementary School Shooting)

New section on how the current crime situation may shape the future of policing

New sections on extremism and hate crimes, as well as school and other mass shootings

New information on the demand for increased police accountability

New predictions about the future of policing in this country

New information about on the future technologies of policing

ACKNOWLEDGMENTS

I am very appreciative for the people who assisted me in writing the three editions of this book. The influence of Gary Cordner (Emeritus Professor, Kutztown University) can be traced back to the very beginnings of this book, and his assistance is well reflected in this edition as well. Thanks, Gary. I also acknowledge Jerry Westby, former publisher at SAGE, whose good decisions and persuasive talk led to the creation of the first edition of this book. The success of this book is due in large part to the dedication of the entire SAGE team. Sarah Oehlerking was a pleasure to work with. Earlier editions of the book benefited from the expertise of Jessica Miller and Adeline Grout, and the current edition thrived under the leadership of Zach Valladon. I also would like to acknowledge the hard work of Astha Jaiswal. These individuals also helped make this an outstanding text.

I would like to thank numerous law enforcement professionals who have assisted me either directly or indirectly with this book. In particular, I would like to acknowledge the assistance of Chief of Police Peter Nimmer of the Brown Deer (Wisconsin) Police Department, Chief of Police William Jessup of the South Milwaukee (Wisconsin) Police Department, Chief of Police Edward Flynn (retired), Inspector Jutiki Jackson (retired), and Captain Thomas Casper (deceased) of the Milwaukee Police Department; Chief of Police Kenneth Meuler (retired) of the West Bend (Wisconsin) Police Department; and Chief of Police Peter Hoell (retired) of the Germantown (Wisconsin) Police Department. Also important in developing my understanding of the police are the hundreds of police officers that I have worked with and studied over the years. The stories and experiences are unforgettable. Thank you.

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To the thousands of students I've had the honor of instructing, thank you. The feedback you provide each semester about the book is invaluable and your thoughts about policing are well reflected in this book.

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Teaching Resources

This text includes an array of instructor teaching materials designed to save you time and to help you keep students engaged. To learn more, visit sagepub.com or contact your SAGE representative at sagepub.com/findmyrep.

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(PhD, Michigan State University, 1991) is a professor emeritus in the Department of Criminal Justice and Criminology at the University of Wisconsin–Milwaukee where he continues to teach. Professor Brandl worked in local and federal law enforcement prior to obtaining his PhD. At UW-Milwaukee, he has taught undergraduate and graduate courses, including Introduction to Policing, Criminal Investigation, and Issues in Police Practice and Policy, among others. His research interests include police use of force, criminal investigation, and health and safety issues in police work.

Professor Brandl has conducted numerous research studies and consulted with numerous national and local police departments and other state agencies on law enforcement issues. In addition to this textbook, he is the author of *Criminal Investigation* (Sage) and many articles in professional journals. He is coeditor of *The Police in America: Classic and Contemporary Readings* and *Voices From the Field: Readings in Criminal Justice Research*.

PART I FOUNDATIONS FOR THE STUDY OF THE POLICE

1 AN INTRODUCTION TO THE POLICE IN AMERICA



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Learning Objectives

After reading this chapter you will be able to:

- 1.1 Identify the sources of knowledge about the police and their limitations.
- 1.2 Explain the challenges associated with policing a free society.
- 1.3 Discuss the tension between police accountability and police power.
- 1.4 Identify and discuss the controversies and difficulties of policing.
- 1.5 Discuss how police use of discretion and police use of force can make the police controversial.