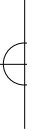
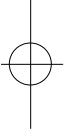
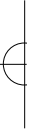
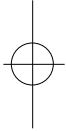
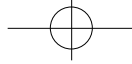
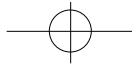


Patrol Officer Problem Solving and Solutions





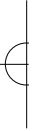
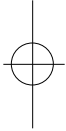
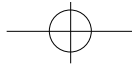


Patrol Officer Problem Solving and Solutions

Editors

**John M. Memory
Chief Randall Aragon**

CAROLINA ACADEMIC PRESS
DURHAM, NORTH CAROLINA

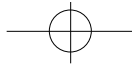


Copyright © 2001
John M. Memory
Randall Aragon
All rights reserved.

ISBN 0-89089-857-X
LCCN 00-109539

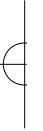
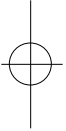
Carolina Academic Press
700 Kent Street
Durham, North Carolina 27701
Telephone: (919) 489-7486
Fax: (919) 493-5668
email: cap@cap-press.com
www.cap-press.com

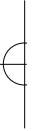
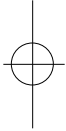
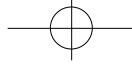
Printed in the United States of America.

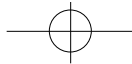


The senior editor dedicates this book to his wife, Peggy, without whose understanding, emotional support, companionship, and homemaking, this book in its final form could not have been completed.

Both editors further dedicate this book to the fine patrol officers, male and female, who ably, ethically, fairly, courageously, and energetically perform their very difficult and taxing work.







Contents

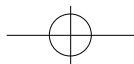
Preface		xii
Acknowledgments		xiv
Foreword	<i>Chief Reuben Greenberg</i>	xvi
Chapter 1	Introduction <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	1
	Part One: The Importance of Problem Solutions	
Chapter 2	Problem Solutions in Culture and Society <i>Margaret Houston, PhD</i> <i>John Memory, JD, PhD</i>	13
Appendix 2A	Areas of Human Activity and Problem Solutions Therein	22
Chapter 3	Importance of Proven Problem Solutions in Policing <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	29
	Part Two: Sources of Patrol Officer Methods	
Chapter 4	Illegal, Unethical, and Discriminatory Purported Problem Solutions <i>John Memory, JD, PhD</i> <i>Retired Officer Benjamin Morris</i>	41
Chapter 5	Learning the Skills of Policing <i>David H. Bayley, PhD</i> <i>Egon Bittner, PhD</i>	49
	Part Three: The Psychology and Techniques of Problem Solving	
Chapter 6	Decision Making and Common Obstacles to Problem Solving <i>Carol Yoder, PhD</i>	73
Chapter 7	Patrol Officer Problem Solving Techniques <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	85
Appendix 7A	The Walled-Off Ghetto Scenario <i>John Memory, JD, PhD</i>	100



viii Contents

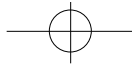
Appendix 7B	The Ideal Patrol Officer Computer <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	102
Appendix 7C	Factors Related to Work-Related Stress of Line Police Officers <i>John Memory, JD, PhD</i>	103
Part Four: Laws Patrol Officers Enforce		
Chapter 8	Criminal Law as Problem Solutions <i>Diane Daane, MS, JD</i>	107
Chapter 9	Ordinances and Police Practice <i>Joseph C. Sroka, JD</i> <i>John Memory, JD, PhD</i>	123
Chapter 10	Civil Enforcement Measures <i>Damon D. Camp, JD, PhD</i>	133
Part Five: Exercise of Enforcement Discretion		
Chapter 11	Selective Nonenforcement and Selective Enforcement Solutions <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	149
Appendix 11A	Model Policy: Civil Disturbances <i>IACP</i>	165
Chapter 12	Problem Solutions Concerning Juveniles <i>Joyce Reed, JD, LLM</i>	169
Appendix 12A	Model Policy: Juvenile Enforcement and Custody <i>IACP</i>	176
Appendix 12B	Model Policy: Juvenile Curfew Enforcement <i>IACP</i>	185
Chapter 13	Urban Street Gang Enforcement <i>Bureau of Justice Assistance</i>	193
Chapter 14	Law Enforcement Response to Child Abuse <i>Office of Juvenile Justice and Delinquency Prevention</i>	215
Part Six: Problems and Solutions in Reactive and Proactive Enforcement		
Chapter 15	Problem Solution During Preliminary Investigations <i>Tod W. Burke, PhD</i>	235
Appendix 15A	Model Policy: Evidence Control <i>IACP</i>	247
Appendix 15B	Model Policy: Major Crime Scenes <i>IACP</i>	250

Appendix 15C	Model Policy: Preliminary Death Investigation <i>IACP</i>	253
Appendix 15D	Model Policy: Interrogations and Confessions <i>IACP</i>	257
Appendix 15E	Model Policy: Investigating Sexual Assaults <i>IACP</i>	260
Chapter 16	Fourth Amendment Actions as Problem Solutions <i>David Lynch, JD, PhD</i>	263
Appendix 16A	Model Policy: Field Interviews and Pat-Down Searches <i>IACP</i>	273
Appendix 16B	Model Policy: Strip and Body Cavity Searches <i>IACP</i>	277
Appendix 16C	Model Policy: Motor Vehicle Stops <i>IACP</i>	280
Appendix 16D	Model Policy: Motor Vehicle Searches <i>IACP</i>	284
Appendix 16E	N.C. Statute on Arrest Authority	288
Appendix 16F	Model Policy: Off-Duty Conduct: Powers of Arrest <i>IACP</i>	290
Appendix 16G	Model Policy: Transportation of Prisoners <i>IACP</i>	292
Appendix 16H	Model Policy: Showups, Photographic Identification and Lineups <i>IACP</i>	295
Appendix 16I	Model Policy: Obtaining a Search Warrant <i>IACP</i>	298
Appendix 16J	Model Policy: Executing a Search Warrant <i>IACP</i>	302
Chapter 17	Ten Practical Strategies for Avoiding Civil Liability <i>Carl Milazzo, JD</i>	305
Appendix 17A	Overview of Police Civil Liability <i>John Memory, JD, PhD</i>	311
Appendix 17B	Allegations of Patterns of Racially Biased Officer Action <i>John Krimmel, PhD</i>	313
Part Seven: High Risk Problem Solving		
Chapter 18	Police Pursuit Policies: Problems and Innovations <i>Richard Kania, PhD</i>	319
Appendix 18A	Model Policy: Vehicular Pursuit <i>IACP</i>	330

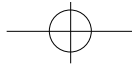


x Contents

Chapter 19	Training to Reduce Police-Civilian Violence <i>James J. Fyfe, PhD</i>	335
Chapter 20	Use of Force <i>International Association of Chiefs of Police</i>	343
Appendix 20A	Model Policy: Use of Force <i>IACP</i>	357
Appendix 20B	Model Policy: Pepper Aerosol Restraint Spray <i>IACP</i>	359
Appendix 20C	Evaluation of Pepper Spray <i>National Institute of Justice</i>	362
Appendix 20D	Model Policy: Prevention of Bloodborne Diseases <i>IACP</i>	364
Chapter 21	Domestic Violence <i>International Association of Chiefs of Police</i>	371
Appendix 21A	Model Policy: Domestic Violence <i>IACP</i>	382
Chapter 22	Conflict Management and Crisis Intervention <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	385
Appendix 22A	Model Policy: Hostage/Barricaded Subject Incidents <i>IACP</i>	390
Appendix 22B	Suggested Procedures for Resolving Barricaded Suspect/Hostage Situations <i>National Tactical Officers Association</i>	393
Part Eight: Crime Prevention Approaches		
Chapter 23	Making Patrol Effective <i>John Krimmel, PhD</i> <i>George Eichenberg, MS</i>	397
Chapter 24	The Systems Approach to Crime and Drug Prevention <i>Bureau of Justice Assistance</i>	411
Appendix 24A	Crime Prevention through Environmental Design <i>J. Andrew Curliss</i>	419
Chapter 25	Police Strategies to Reduce Gun Violence <i>David I. Sheppard, PhD</i> <i>Jeffery Slowikowski, MPA</i>	423
Part Nine: Dealing with a Diverse Population		
Chapter 26	Dealing with the Public <i>Ronald Hunter, PhD</i>	445



Appendix 26A	Model Policy: Police Victim Assistance <i>IACP</i>	462
Appendix 26B	Cooperating with Agencies and Organizations in Handling of Troublesome and Vulnerable Subjects <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	464
Chapter 27	Multicultural Law Enforcement <i>Robert M. Shusta, MA</i> <i>Deena R. Levine, MA</i> <i>Philip R. Harris, PhD</i> <i>Herbert Z. Wong, PhD</i>	469
Chapter 28	Dealing with the Mentally Ill <i>International Association of Chiefs of Police</i>	479
Appendix 28A	Model Policy: Dealing with the Mentally Ill <i>IACP</i>	489
Part Ten: Cooperative Problem Solving		
Chapter 29	Community Policing: A Solution in Itself? <i>Mark L. Dantzker, PhD</i> <i>Ronald Hunter, PhD</i>	495
Chapter 30	Proven Problem-Oriented Policing Approaches <i>Ann C. Grant, MA</i> <i>Police Executive Research Forum</i>	515
Appendix 30A	Project Contact Information	525
Chapter 31	Crime Prevention and Community Policing: A Vital Partnership <i>Bureau of Justice Assistance</i>	527
Part Eleven: Ethical and Professional Patrol Policing		
Chapter 32	Avoiding Unethical and Illegal Decision Making in Law Enforcement <i>George Eichenberg, MS</i>	541
Appendix 32A	Model Policy: Corruption Prevention <i>IACP</i>	552
Chapter 33	Making Patrol Policing Professional <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	555
Appendix 33A	Internet Websites Related to Law Enforcement <i>John Memory, JD, PhD</i> <i>Chief Randall Aragon, MA</i>	562
Appendix 33B	Reference List and Bibliography	570
About the Authors		577



Preface

Patrol Officer Problem Solving and Solutions can be and is intended to be used as the only student book in a new course in criminal justice curriculums, “Patrol Officer Problem Solving and Solutions” or “Police Problem Solutions.” The senior author has taught that course with a very positive student response at the University of North Carolina at Pembroke. We believe that criminal justice students, many of whom plan to enter policing as patrol officers, need this course much more than “Police Administration” or “Police-Community Relations,” which is covered extensively in this book.

This book is, more than anything else, a collection of chapters and chapter appendices presenting problem solutions available to non-supervisory police patrol officers doing preventive patrol, incident-based policing, proactive policing, law enforcement, order maintenance, crime prevention, traffic control and enforcement, preliminary investigation, community policing, and problem-oriented policing. Patrol officers include, of course, officers in police departments and deputy sheriffs. We strongly believe that the subjects of this book’s chapters are appropriate subjects for social and behavioral science and/or legal scholarship.

Instructors, students, and police officers must remember that problem solutions available to police officers differ significantly from state to state and, to a lesser extent, from city to city within a state. Because of this variation, many of the chapters in this book can at best inform readers concerning what solutions *may be available* to officers in their states.

The chapters are intended to answer the question, “Is the work of a police patrol officer at least potentially a high-skill, professional activity?” Each reader can develop his or her own answer.

Several of the chapters written by the editors argue that police departments shouldn’t expect patrol officers to “reinvent the wheel.” In other words, police departments should ensure that patrol officers receive sufficient training, updating, and policy direction on available effective problem solutions and not expect officers to routinely develop new problem solutions.

Chapter 4 presents a listing of what the senior editor and a retired former patrol officer believe are the usually unacknowledged tricks of the patrol officer trade, which patrol officers often believe to be effective problem solutions. These methods are not acknowledgeable because they are generally unethical, illegal, or discriminatory. They are also unprofessional. Accompanying most of these tricks of the trade is an argument that the trick of the trade is usually not as effective or feasible as some officers assume. This chapter is included because we believe that police officers who routinely use unethical, illegal, or discriminatory methods are unlikely to enthusiastically and professionally undertake learning and using sometimes difficult but effective legitimate problem solutions.

Because problem solving is a crucial and difficult skill for patrol officers, problem solving is addressed in Chapter 7.



Though this book is intended to include a high percentage of the important non-obvious problem solutions available to patrol officers, there are no chapters describing high-tech or low-tech tools, devices, or weapons or physical methods, such as ways to gain physical control of persons, used by patrol officers. We believe that those subjects, except use of computers by patrol officers, are best left to law enforcement training programs.

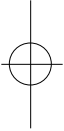
The sources cited in chapters co-authored by the senior author, except Chapter 2 and Chapter 27, can be found in a “Reference List and Bibliography” found as Appendix 33B near the end of the book.

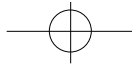
We hope that this book will provide meaningful assistance to patrol officers in doing their jobs safely, effectively, lawfully, and ethically. Just as strongly, we hope that, as a consequence of this, public safety, crime control, the rule of law, and constitutional protections will be strengthened in at least some modest way.

Readers are encouraged to communicate suggestions for improvement of this book to Dr. Memory by e-mail at johnmemory@mindspring.com.

John M. Memory
Pinehurst, North Carolina

Chief Randall Aragon
Lumberton, North Carolina





Acknowledgments

Many individuals and organizations have made important contributions to this book:

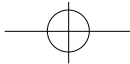
Probably the most important contribution was made by the International Association of Chiefs of Police, which has generously, at no expense, allowed publication herein of several model policies and issues and concept papers developed by the IACP National Law Enforcement Policy Center. The contact person in that center is Tabatha Chapman, who can be called at 800, theiacp (843-4227), extension 319. The following quote provides explanation regarding the project which resulted in the IACP model policies and issues and concept papers and applies to all of the IACP documents included in this book except the policy on pursuit driving.

This project was supported by Grant No. 95-DD-BX-K014 awarded by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program offices and bureaus: The Bureau of Justice Assistance, the Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice or the IACP.

Every effort has been made by the IACP National Law Enforcement Policy Center staff and advisory board to ensure that this model policy incorporates the most current information and contemporary professional judgment on this issue. However, law enforcement administrators should be cautioned that no "model" policy can meet all the needs of any given law enforcement agency. Each law enforcement agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent law enforcement strategies and philosophies; and the impact of varied agency resource capabilities among other factors.

A publication of the IACP National Law Enforcement Policy Center
515 N. Washington St., Alexandria, VA 22314-2357

This document is the result of work performed by the IACP National Law Enforcement Policy Center. The views and opinions expressed in this document are sanctioned by the center's advisory board and do not necessarily represent the official position or policies of the International Association of Chiefs of Police.



The Office of Juvenile Justice and Delinquency Prevention, within the U.S. Department of Justice, arranged for a contractual consulting firm, COSMOS Corporation, to prepare a specially written paper presenting selected findings from the OJJDP report, *Promising Strategies to Reduce Gun Violence*. Jeff Slowikowski was the co-author within OJJDP, and David Sheppard was the co-author in COSMOS.

While she was employed by the Police Executive Research Forum, Anne C. Grant wrote a chapter presenting successful problem-oriented policing approaches. PERF allowed, at a nominal charge, publication of Dr. James Fyfe's book chapter, "Training to Reduce Police-Civilian Violence."

The editors believe that criminal justice professionals can obtain valuable documents from federal government agencies through the National Criminal Justice Reference Service. Six such public-domain documents are included in this reader.

The journal, *Law and Contemporary Problems*, located at the Duke Law School, allowed publication at no charge of the classic 1984 article, "Learning the Skills of Policing," by Dr. David Bayley and Dr. Egon Bittner.

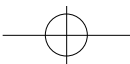
Prentice Hall allowed at no charge the publication of excerpts from their important book, *Multicultural Law Enforcement: Strategies for Peacekeeping in a Diverse Society*.

The professors who authored or co-authored chapters were approached by the senior editor during the last three years and asked to write papers on specific subjects for inclusion in this reader. They generously, and with no compensation, wrote excellent chapters and provided them on schedule.

The senior editor's Criminal Justice students in two pioneering offerings of "Patrol Officer Problem Solving and Solutions" participated enthusiastically in class discussions and provided valuable feedback.

Chapter 9 contains headings that have been reprinted with permission from West Publishing.

"Ingenuity Replaces Guns" by Andrew Curliss is reprinted by permission of *The News and Observer* of Raleigh, North Carolina.



Foreword

Police Officers as Problem Solvers

One of the important recommendations of the Report of the President's Commission on Law Enforcement and Administrations of Justice issued in 1967 was to work toward requiring a four year college degree for all of our country's police officers. The commission was appointed by President Johnson after the disastrous series of riots that occurred throughout the country after the assassination of Dr. Martin Luther King, Jr. It was the commission's apparent belief that the police needed to be professionalized if they were going to provide effective police services in our nation's cities. A formal education was seen as a key aspect of the move toward professionalization of the police. The Law Enforcement Assistance Administration was tasked, among other things, to provide support and funding to accomplish this goal. Many thousands of police officers took advantage of the LEAA educational program and obtained their college degrees. Many colleges and universities developed police science and criminal justice programs to service these new students. Most of those students were active police officers working full time while attending college part time.

With the demise of the LEAA and the funding that the administration provided, the vast majority of criminal justice education in the United States became that primarily to full-time students. For reasons of low pay, as well as a lack of interest by employing police agencies in recruiting college-educated persons as police officers, few such persons were drawn into policing. Indeed, colleges and universities were seen by most police agencies as hostile environments for most police officers, including pre-service students. Nonetheless, there has been a slow, but steady increase in the number of police agencies recruiting only college-educated police officers or providing incentive pay to those who obtain college degrees. The first significant change was the then novel idea that a college degree should be a minimum requirement for selection as a Chief of Police, or other agency head. With this beachhead established, the interest in senior command officers being selected in part based upon their formal education took hold. Today, approximately 20% of working police officers have earned at least a two-year college degree.

The ground for policing to be considered work worthy of being designated as professional is rapidly being formed. A professional is not simply someone who performs certain acts for a sum of money. Society expects workers who are called professionals to be able to solve or at least relieve problems. They are expected to be able to address specific problems and do something about those problems. They are in short, expected to intervene to make things better through an application of knowledge gained through formal study, experience, judgment and consultation. Professionals are expected to be pro-active as well as reactive in their prospectives. Professionals are not expected to stand around waiting for some-



thing to happen and then applying a standard, conditioned, and predictable response. It is for these reasons that nurses, teachers, accountants, engineers, doctors and lawyers are commonly considered to be professionals.

Society further expects professionals to adhere to a recognized and defined code of ethical behavior, and to successfully complete an agreed upon course of study which includes an earned degree. Professionals are also able to carry the attributes of their acquired expertise with them as they move about from place to place.

Law enforcement, especially as it operates on the local and state levels, for the most part, lacks the indicators that could result in identifying itself as a professional activity. Law enforcement, or more specifically, policing, possesses only two of these four requirements. Policing has a recognized body of knowledge and a generally accepted code of ethics. However, it requires no formal degree nor is its knowledge treated as if it is transportable from one location to another. A person who has demonstrated excellence in the investigation of credit card fraud while working in one agency environment will not be accepted in a similar capacity with a similar police agency even in the same county. Imagine, a doctor, a member of the American College of Physicians and Surgeons, becoming a medical intern all over again simply because he transfers from one hospital to a similar one across the street, or a seasoned teacher becoming a teacher's aide as a result of moving from one public high school to another a few miles away, in the same state. This, however, occurs commonly in policing.

Why is this so? Both of these obvious shortcomings have the same origin. Policing has been viewed by most Western societies as a task that could and should be accomplished by everyone. When the hue and cry was uttered, the entire community was expected to drop whatever it was engaged in and immediately respond to the emergency alert to "catch that thief", murderer, or other villain. Policing was not a specialty, or even an occupation, but a civic responsibility. As organized police forces were instituted, these new policemen were looked upon as merely being paid to do what other persons otherwise engaged were expected to do for free. It was thought that no special expertise was required nor any special equipment necessary. Policing concerns were superficial and short-lived. There existed little follow-up of even the most serious crimes or offenses if the matter at hand could not be resolved immediately. Moreover, those persons selected as policemen were selected based more upon their ability and propensity to use force to achieve the short term objectives assigned to them. Often, these persons were themselves recruited from the ranks of their fellow miscreants. Rather than being patterned after professionals, policing became patterned after the other workers of the industrial age, railroadmen, mechanics, factory, and other laborers. Because policing was seen as requiring little expertise, there was no reason to pay an attractive wage. Most police officers could not read or write and almost all came from lower class origins. Due to the tendency of miscreants themselves being attracted to this occupation, full time policing was not viewed as a task for honorable men.

Today, policing has, in many ways, changed greatly. Not only does modern policing require the use of advanced scientific expertise, but also requires the formal study to obtain such knowledge as well as understanding when and how to apply it. However, unlike other professions recognizing individual and institutional expertise, policing has kept true to its blue collar origins. Even today, most policing organizations do not permit lateral entry into the occupation-where a successful practitioner is able to move from one agency to another and carry his

xviii Foreword

earned status and knowledge with him. He must, instead, begin anew in policing as if his background had no antecedents whatever. He is placed as an equal alongside the raw recruit who has no experience and no knowledge at all.

In most police agencies today, the only way into their ranks is either at the very top—most often through political appointment or at the very bottom of the organization at the raw recruit level. Experienced police officers are required to restudy the exact same basic curriculum that they had mastered decades ago. Their past exploits may be celebrated but these exploits counted for nothing if the police officer who has achieved them lacked seniority. American policing with its emphasis on adhering to blue collar notions of job protection and job progression discourages the search for expertise or the desire for knowledge. Only the continuous quantity of time spent on a specific job at a specific location counts. Similar barriers are erected to impede re-entry into policing should one leave the work place for even the briefest period.

For policing to become a recognized professional occupation, it must exhibit the attributes similar to those of other recognized professions. There already exists within policing many tasks that can be truly described as tasks requiring professional expertise. That these tasks have come to be recognized as professional tasks has occurred despite rather than because of the dominant trends in American policing today.

For policing to be successful in the future, indeed for it to be considered to be a profession, it must not only liberate itself from its own shortsightedness regarding the use and availability of its own acquired knowledge base; it must also recognize that the skills of other social science professionals can have a direct bearing upon the police successfully accomplishing their mission. Within the realm of police organizations today virtually the only recognized professionals are those working in physical and life science based disciplines. The failure to appreciate and generally accept the contributions of the social sciences toward problem solving by the police is a direct result of the failure of policing to expose and adapt itself to the direct and indirect knowledge garnered elsewhere.

This book explores policing not only from a perspective of what it is today, but more interestingly, from a perspective of what it could be. The various viewpoints expressed are indicative of what policing has not been at the level of the practitioner, a line of work that is introspective and critical of itself.

Reuben M. Greenberg
Chief of Police
Charleston Police Department
180 Lockwood Boulevard
Charleston, South Carolina 29403
(843) 720-2401

