

Jurisdictions and Responsibilities of American Law

- Law enforcement in the US is very diverse
- 3 levels of policing: local, state, and federal
- Often misunderstandings of their relationships with each other and respective duties of each
- Jurisdiction plays a key role in determining who handles what and who has the authority to act in that area
- Why not one unified police for the whole country?
- Citizens are not fond with a national anything and only one national police force would give too much power to the central government
- Since the US operates under Federalism with a central government and sovereign states, there needs to be separate police in each state because of different laws per state
- Different states have different criminal laws
- The geographic area within a state defines the jurisdiction of the police within that area to enforce the law
- One primary distinction between state/local agencies and federal ones lies in the **number of laws enforced** and **geographic area** their authority extends to
- State and Local Police provide public services other than enforcing laws
 - Public order maintenance, crime prevention, and community relations
- At the state level, many law enforcement activities are also tied to functions provided by state agencies
 - Correctional systems issues, public assistance fraud, regulation of industry/business conducted within the state, child support, Parks and Wildlife, etc.
 - Also assistance to local police

Duties of Federal Agencies

- Initial authority from Commerce Clause of US Constitution
- Enforce laws as set forth by Congressional legislation
- Congress creates law and determines which agency in federal government will be responsible for enforcing it
- No single federal agency is responsible for enforcing all federal laws
- Compared to state/local polices, federal agencies **enforce a relatively small number of laws**, but do so **over a much larger geographic area**
- Advances in technology and travel now make crime an international concern
 - Terrorism has emphasized this point
 - Criminals don't respect political borders, but governments must
- Federal government role extends to facilitating investigations of crime with aspects in countries outside the United States

- Lack of jurisdiction outside United States highlights need for international cooperation
- Many federal agencies have a liaison role in foreign countries
 - Facilitate US investigations abroad
 - Reciprocate on behalf of foreign partners

FBI

- Origins of Agency
 - Instituted in 1908
 - Became FBI in 1935
- Need to address crime on a national scale
 - WWII and Cold War added national security to role
- Innovations in law enforcement
 - National system of criminal identification
 - Fingerprint Files
 - CODIS
 - Crime Laboratory
 - FBI National Academy
- Primary Duties Today
 - Counter-Terrorism
 - Cybercrime
 - Violent and White Collared Crime
 - Organized Crime
 - Public Corruption
 - Civil Rights Violations
 - Counter-Intelligence
- 56 field offices located in major cities across the United States
- Maintains international presence through 64 Legal Attaches around world
- Despite size and scope of duties FBI is not a national police force
 - Reports to Department of Justice
 - Only one of four law enforcement agencies under Department of Justice
 - Director of FBI reports to the Attorney General who reports to the President
- Challenges in the modern era
 - Preventing terror attacks
 - Intelligence collection and civil liberties
 - Proposed split into two agencies

Final Observations

- There is no top person of all of security for the US (no “top cop”)
- No level of government is above the others
- The relationships among agencies are generally characterized by cooperation

Private Sector Organizations

- Numerous groups in private/corporate
- Insurance companies
- Healthcare sectors
- Corporate security
- Financial organizations
- Frequently interact with public law enforcement

Early English Policing

- Largely conducted by volunteers
 - Participants often held in low regard or subject to corrupt practices
 - Initial public efforts to finance police activity included the Bow Street Runners and Thames River Police
 - Neither was a comprehensive police agency
 - Suspicious of a central police being a civilian version of the military
 - Need existed to maintain order by means other than military
 - Robert Peel criticized policing in London
 - Created the Metropolitan Police
 - Nine Points of the Law: (just a few)
1. Basic mission which the police exist is to prevent crime and disorder
 2. The authority and ability for police to perform their duties is dependent upon public approval
 3. Police are the public and the public are the police

Policing in America

- Initially similar to early English
- Maintenance of order was an individual and local issue
- Growth of cities created need for English-type night watch system for announcing crime or fires
- Not held in high regard
- Constables worked for the courts and made money from recovering property and arresting offenders
- NYPD regarded as the first formal urban police force in US- formed in 1844
 - Philadelphia and Boston also lay claim to this
- Between 1850 and 1880, most major US cities formed police forces
- Police became viewed as part of city government rather than for the courts
- Wearing uniforms made the police more visible and accessible to the public
- Police made steady salaries
- Crime victims no longer had to pay for the prosecution of offenders
- Also made police jobs a more valuable political commodity
- The lack of position like Home Secretary in England led to a lack of uniformity and standardization in terms of how policing evolved in the United States
- Slave patrols were the earliest form of policing activity in the South
- Unwillingness to give up old ways even after the end of the Civil War

- Required considerable federal oversight to address situation
- Distrust of federal government persists today
- Slave patrols, enforcement of the "Black Codes" "Jim Crow Laws" and complicity in opposing civil rights reform are all part of the legacy of racial mistrust toward law enforcement

Organizational Structures

- All police organizations, regardless of size, must perform a variety of tasks to operate:
 - Planning
 - Organization
 - Staffing
 - Direction
 - Coordination
 - Reporting
 - Budgeting
- Each of these functions are part of the influence of **classical management theory**, which heavily influenced how police agencies were structured through the "Reform Era"
 - "One right way"
 - Good for running a factory, not police departments
- An organization is just a group of people that come together to serve a common purpose
 - Purpose plays a large role in defining structure
 - Relatively simple to very complex
- Personnel quantity
 - Dictates number of "levels" to the structure
- Centralized vs. multiple facilities
 - One headquarters, multiple precincts, districts etc.

Police Hierarchies

- Hierarchical Organization
 - Defined levels of authority
 - "Vertical" vs. "flat"
- Pyramid-like staff structures
 - Amount of "police work" a person performs is usually inversely related to his or her position in the organization
 - "Line" vs. "staff" functions
 - Line officers at bottom of pyramid
- Unity of Command
 - Everyone reports to an immediate superior
- Rank Structure
 - Identifies line of authority