

LAW ENFORCEMENT MANAGEMENT INSTITUTE

IDENTIFICATION AND COMPARATIVE ANALYSIS OF LAW ENFORCEMENT  
DUTIES

A LEARNING CONTRACT  
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By  
HAROLD ROSEBERRY

GREENVILLE POLICE DEPARTMENT

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The police department, as we know it today, did not develop into a modern day organization overnight. In the beginning, the police officers had directed goals in what they were to achieve. Sir Robert Peel (1829) is accredited with starting the first modern day police department in England. At first, there were only constables - which means the head of the horses in French. Today we have team policing, crime stoppers, crime prevention, and a whole host of other technology that we call the modern, professional police department. Sir Robert Peel had twelve points that he considered important and felt should be implemented in police work. These twelve points still exist, but a whole new array of items must be dealt with to accommodate the citizens.

From the Anglo-Saxon period (prior to 1066) through the eighteenth century, the shared responsibility for law enforcement in England took four forms. The tithing system was the earliest type policing and was based on the principle of self-help. Each citizen could be responsible for any action they observed that was in violation of the laws in this time period.

The creation of the office of constable was the next significant development in law enforcement. The constable replaced tithing as the primary source of law enforcement. He was recognized by the king as the principal officer who was responsible for maintaining the peace of the kingdom at the local level. The office of constable still exists today.

In 1361, the Justices of the Peace Act was passed. Keepers of the peace for each shire (county) had been established by an act passed in 1327. This statute gave these keepers formal recognition as justices. This act emphasized the duty of every citizen to keep the peace by permitting them to arrest offenders. It also mandated the constable to present those accused of crimes before the local court.

As law enforcement developed in American cities, the people adopted the British constabulary, known as the nightwatch system. As early as 1636, Boston had night watchmen. New York and Philadelphia soon developed the nightwatch system also. The New York night watchmen were known as the "Rattlewatch" because they carried rattles on their rounds as a constant reminder of their presence.

Colonists in the 17th and 18th centuries brought to America the law enforcement structure they were familiar with in England. The transfer of the offices of constable and sheriff from England to America was accomplished with little change in structure. The constable was made responsible for law enforcement in towns, while the sheriff took charge of policing the counties. The offices were bestowed on large landowners who were loyal to the king. After the revolution, however, sheriffs and constables were selected by popular elections.

While serving as Home Secretary during the 1820's, Sir Robert Peel introduced a bill in Parliament calling for the

creation of a Metropolitan Police Force. His bill became law on June 17, 1829 with scarcely any debate. The force became recognized throughout many parts of the world as the first modern police force. By the turn of the century there were 197 police forces scattered across Britain.<sup>1</sup>

Historically, the role of law enforcement has been to maintain the status quo. However, this does not mean that in the future the role of law enforcement should remain the same. Reliance on current practices will not prepare law enforcement for the future. Therefore, to be able to progress, law enforcement must understand and be willing to accept the process of change.<sup>2</sup>

As American towns grew in size and population during the first half of the 19th century, the constables were not able to satisfactorily perform their jobs. Lawlessness became more prevalent and New York was alleged to be the most crime-ridden city in the world, with Philadelphia, Baltimore, and Cincinnati not far behind.

People started to demand that something be done about rising crime and many cities began to develop organized metropolitan police forces. The city of Philadelphia was one of the first to have a well equipped police department. This was made possible when in 1833, a wealthy philanthropist left a will that provided for the financing of a complete police force for the City.

In 1838, Boston created a daytime police force to supplement the nightwatch, and other cities soon followed.

In 1844, New York passed a law that authorized creation of the first unified day and night police, thus abolishing its nightwatch system. By the 1870's, the nation's largest cities had full-time police forces. By early 1900, there were few cities that did not have a unified police force. One of the most notable police advancements of the 1900's, was the advent of police training schools. In the early 1900's, before the development of formal training programs, the new officer learned chiefly in the school of experience.

Although a state police force, known as the "Texas Rangers," was organized in 1835 to supplement the Texas military forces, modern state police organizations did not emerge until the turn of the century. In 1905, the State of Pennsylvania created this first state police force. The majority of other state departments were established shortly after World War I.<sup>3</sup>

One writer, James Q. Wilson, defined three styles of community policing. The first is the "watchman" style. This type of police department is one which places a stronger emphasis on order maintenance than on law enforcement.<sup>4</sup> The second style is referred to as a "legalistic" police department. In this style, the emphasis is on law enforcement more than order maintenance.<sup>5</sup> Wilson's third style is the "service" style of police department. In this category, the police take seriously all requests for either law enforcement or order maintenance (unlike police with a watchman style) but are less likely to respond by making an



arrest, or otherwise imposing formal sanctions (unlike police with a legalistic style).<sup>6</sup>

Text books and course outlines on patrol techniques and principles list almost endless duties and responsibilities of the police officer on patrol in his district. As the real backbone of the organization, the patrol officer actually performs all of the primary and basic functions required of the police department. His objectives are synonymous with the objectives of the police department, and include crime prevention, repression, maintenance of order and the public peace, protection of lives and property, identification and apprehension of criminal and traffic law violators, and the recovery of property.

In spite of the apparent mandate of the police to enforce laws, some writers have contended that the policeman's role is defined more by his responsibility for maintaining order than by his responsibility for enforcement of the law. Skolnick has modified this position somewhat in his statement, "Police in a democratic society are required to maintain order and to do so under the rule of law."<sup>7</sup>

The question of whether the police are to be concerned with peacekeeping or crime fighting has been asked many times. Are we social workers with guns, or gunmen in social work? Actually, the police are expected to do all things and perform in such a way that satisfies all the citizens. The public has developed such high expectations of its police that those expectations moved beyond reality to fantasy. As

the public began to believe in a "super-cop," the officers began to believe they could become "super-cops," and could do all things. The historical definition of the police role in society eventually led to the belief that if the police were present and visible twenty-four hours a day, the department could function as a gigantic surrogate service agency. Thus, being able to handle all the needs of the people all the time.

The police officer of today is expected by the public to be a person with an ability to perform all functions and correct all wrongs. At the same time, he or she is to maintain a life style that sets a example for all others.

The position of police officer has been expanded. In most cases it has turned away from the regular norm that used to be followed. It has been said that the officer on the street now spends approximately ten-percent of his or her time on the actual duties of crime fighting. Although an officer is still expected to arrest criminals, prevent crime, and recover stolen property; the officer now is also expected to perform an array of duties that are of a civil nature. Recently, some cities in the state of Texas have started equipping police vehicles with items necessary to work on automobiles that are disabled.

The creditability of policies regulating the officer in his new role often falls short in protecting the officer and the department. Between a simple thing like opening car doors to life saving attempts made by the officer, many

things can go wrong. How many times have windows been broken, or electric locks disabled because of the use of the door opener? Does the release that is signed by the citizen really separate that officer from the liability that may occur?

Another problem that has recently been created is the push-bar. Of course, the push-bar has been around for many years, air-bags have not. Officers are finding that the 1990 police vehicles are equipped with air-bags. Any type of pressure or impact over 10 miles an hour will activate the air-bags, and push bars can do it. Again, more problems to further confuse the officer.

Policies have been changed and changed again regarding pursuits. With an area such as the Dallas/Fort Worth Metroplex, a pursuit can cross many police jurisdictions. Most of the departments in the Metroplex have agreed on a pursuit policy that limits the number of police vehicles in a chase. However, lawsuits continue to be filed in many instances when a citizen is injured because of negligence on the officer's part during a chase. One tends to wonder if a pursuit policy will ever be adopted that will remove the liability from the officer or the department.

The present guidelines for police work in a number of departments only cover the actions of officers when actions are proper. It has long been said that an educated police officer without common sense cannot be an effective police officer. Using common sense on a call and making a wise

decision is based on both the training and the ability of the officer. However, any policy works only if the policy is followed verbatim. Depending on the procedure followed by the officer, action taken may or may not have the expected outcome. An officer could make a decision that he or she has made numerous times before, yet suddenly it does not coincide with the public's feelings. The officer may have followed departmental policy, but could face possible disciplinary action. No rules, regulations, policies or procedures can ever be written to cover all the actions and decisions an officer must make in the field.

A recent study of Greenville Police Department service calls for the year 1989, revealed the following information. A total of 300 calls were dispatched to deliver paper work. This was either in the form of mail, court records, or some other paper work that needed to be transported to another location. In addition, there were 67 calls for delivery of some type of property. A total of 159 calls were dispatched for some type of civil disturbance between neighbors, a tenant and landlord, a customer and store manager, or a husband and wife. Four hundred and eight calls were issued on family disturbances alone. This is the most dreaded call by an officer; a husband and wife are usually fighting, although it can be other members of the family.

In addition, there were 137 civil standby calls dispatched. Two hundred and sixteen checks were made on welfare concerns. This type of call usually consists of

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older people who will not answer their door or phone, and neighbors, or family members, get concerned about the person's welfare. Motorist assists accounted for 2,175 calls. Motorist assists are by far the largest number of calls issued in the category of calls that are not directly related to crime fighting. Citizens assists accounted for 39 requests for help. There were 134 private property accidents reported, and 701 minor accidents on which reports were made.

The Greenville Police Department handled 835 escorts in 1989. The escorts ranged from funeral escorts, over size load escorts, and business to bank escorts. This represented 5,171 calls that some, or most, officers do not feel should be part of their job description. These calls account for approximately 16 percent of all calls answered by the Greenville Police Department in 1989.

A survey was conducted to obtain information as to what Greenville police thought should be the elements of a patrol officer's job. Officers were asked to indicate if they agreed or disagreed with the following tasks as part of patrol job descriptions.

1. Assisting elderly people in their homes who have fallen or need assistance.
2. Assisting motorist with disabled vehicles.
3. Opening car doors.
4. Escorting businesses to banks.
5. Escorting funerals.
6. Investigating minor traffic accidents.

7. Civil Standby. (except where assault is imminent)
8. Delivery of mail, papers, money, et cetera.

The results of the survey indicated that most officers feel they should not be involved in actions they consider not police related. With the exception of duties one and two above, the officers generally agreed the other duties were inappropriate. Sixty six percent thought they should assist elderly people. Approximately 40 percent indicated that they should help motorists when their vehicles become disabled, and 26 percent said the police should be involved in civil standbys. Slightly over 13 percent felt it appropriate to escort businesses who take money to banks, and 20 percent considered funeral escorts appropriate. About 6 percent indicated that they should open locked car doors, investigate minor traffic accidents, or deliver mail or other items.

The accuracy of individual responses to a survey of this nature will often be affected by the way the last call went in these call categories. A call that went badly will surely leave an officer not wanting to go on another call of that same type. This may even be the case for escort calls. An officer ready for a lunch break may not be pleased to be dispatched as an escort.

The Greenville Police Department ceased to handle any civil standbys years ago. On May 1, 1990 officers stopped providing service for escorts. Also, no more locked doors on

automobiles will be opened, except in extenuating circumstances. The investigation of minor traffic accidents was recently discontinued as well.

Some feel law enforcement, for the most part, is not working now. Possibly it is not just law enforcement, but the entire criminal justice system that is experiencing major difficulties. Whether these problems can be corrected in the future remains to be seen. The future criminal justice system will probably differ greatly from the one we have at the present. With change responding to the continuing influx of criminals, the system may improve in future years.

Recently, due in part to changes in social climate and to police patrol techniques, many police departments have become isolated from the community. Team policing is one answer to this problem. Team policing is an attempt to reduce isolation and promote community support. Team policing may mean different things in different departments; however it can mean assigning police responsibility to a team of police officers. With this approach the team members learn their neighborhood, its people, and its problems. The concept can be associated with the traditional "cop on the beat" which the nation has known in earlier times. Many feel this approach can lessen the danger of police corruption. As a result, team policing has become one of the most popular types of police reorganization. The problem of police isolation from the community is addressed because it places the police officer in an environment that encourages

cooperation with the public. It brings the police organization down to the community level.

The future of the police officer can only be planned, guided, and diverted by well trained career officers. The citizens' expectations however, will determine the real role of the future officer. If something like "Robo Cop" ever exists it will be because citizens demand it. More of the officers time will be spent on citizens' service needs, rather than on crime fighting. Future officers will be highly specialized in these assignments. One can already see various branches, or divisions, developing in police forces. Future officers will almost certainly be expected to wear many hats and perform increasingly difficult tasks. However, the future cop will just be a person, be it in uniform or plain clothes. They will have more training than the average person receives for the civilian tasks they perform. Officers will still have families, and more than likely still wonder why they have chosen the law enforcement profession.

Can the police ever provide the services necessary to curb the tide of crime and give the public the service they demand? The answer appears to be no. The increase in drug activity and expanding public demands has overtaxed police departments. There is only so much money that can be channeled into police budgets, and it will only go so far. Only in a centralized, militaristic state might stronger enforcement be realized. However, U.S. citizens have



traditionally rejected a "big brother" society. How then, shall police officers continue to do what is expected of them? Shall the state continue to build more prisons, develop more courts, and hire more police officers to combat societal problems? Perhaps only time will tell.

Society, in the field of public order, has advanced from the day of the constable to the present day complex police force. It is difficult to really know how effective the old type of justice was in the early days of law enforcement, but from the review of materials written on the matter, there always seems to have been problems. Problems continue at present, and in all likelihood, will exist in the future as social problems grow increasingly complex.

END NOTES

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