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Criminal Justice Today
Introductory Text for the 21st Century
Frank J. Schmalleger
Twelfth Edition

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police subculture
A particular set of values, beliefs, and acceptable forms of behavior characteristic of American police. Socialization into the police subculture begins with recruit training and continues thereafter.

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rather than race, that are most predictive of citizen dissatisfaction with the police.

Those who study community policing have often been stymied by ambiguity surrounding the concept of community.[79] Sociologists, who sometimes define a community as "any area in which members of a common culture share common interests,"[80] tend to deny that a community needs to be limited geographically. Police departments, on the other hand, tend to define communities "within jurisdictional, district or precinct lines, or within the confines of public or private housing developments."[81] Robert Trojanowicz and Mark Moore caution police planners that "the impact of mass transit, mass communications and mass media have widened the rift between a sense of community based on geography and one [based] on interest."[82]

Researchers who follow the police definition of *community* recognize that there may be little consensus within and between members of a local community about community problems and appropriate solutions. Robert Bohm and colleagues at the University of Central Florida have found, for example, that while there may be some "consensus about social problems and their solutions . . . the consensus may not be community-wide." It may, in fact, exist only among "a relatively small group of 'active' stakeholders who differ significantly about the seriousness of most of the problems and the utility of some solutions."[83]

Finally, there is continuing evidence that not all police officers or managers are willing to accept nontraditional images of police work. One reason is that the goals of community policing often conflict with standard police performance criteria (such as arrests), leading to a perception among officers that community policing is inefficient at best and, at worst, a waste of time.[84] Similarly, many officers are loathe to take on new responsibilities as service providers whose role is more defined by community needs and less by strict interpretation of the law.

> "To deal effectively with the threat of domestic terrorism, the police must be able to manage and coordinate different sources of data and intelligence, and then process them in such a way as to provide an enhanced understanding of actual or potential criminal activity."
>
> COPS Office[ix]

Some authors have warned that **police subculture** is so committed to a traditional view of police work, which is focused almost exclusively on crime fighting, that efforts to promote community policing can demoralize an entire department, rendering it ineffective at its basic tasks.[85] As the Christopher Commission found following the Rodney King riots, "Too many . . . patrol officers view citizens with resentment and hostility; too many treat the public with rudeness and disrespect."[86] Some analysts warn that only when the formal values espoused by today's innovative police administrators begin to match those of rank-and-file officers can any police agency begin to perform well in terms of the goals espoused by community policing reformers.[87]

Some public officials, too, are unwilling to accept community policing. Fifteen years ago, for example, New York City Mayor Rudolph W. Giuliani criticized the police department's Community Police Officer Program, saying that it "has resulted in officers doing too much social work and making too few arrests."[88] Similarly, many citizens are not ready to accept a greater involvement of the police in their personal lives. Although the turbulent, protest-prone years of the 1960s and early 1970s are long gone, some groups remain suspicious of the police. No matter how inclusive community policing programs become, it is doubtful that the gap between the police and the public will ever be entirely bridged. The police role of restraining behavior that violates the law will always produce friction between police departments and some segments of the community.

Terrorism's Impact on Policing

The terrorist attacks of September 11, 2001, have had a significant impact on policing in the United States. While the core mission of American police departments has not changed, law enforcement agencies at all levels now devote an increased amount of time and resources to preparing for possible terrorist attacks and gathering the intelligence necessary to thwart them.

In today's post-9/11 world, local police departments play an especially important role in responding to the challenges of terrorism. They must help prevent attacks and respond when attacks occur, offering critical evacuation, emergency medical, and security functions to help stabilize communities following an incident. A survey of 250 police chiefs by the Police Executive Research Forum (PERF) found that the chiefs strongly believe that their departments can make valuable contributions to terrorism prevention by using community policing networks to exchange information with citizens and to gather intelligence.[89] Read the results of the PERF survey online at **http://tinyurl.com/69urerd**.

A Washington, DC, Metro Transit police officer searching a train after subway bombings in London prompted increased security in 2005. How has the threat of terrorism altered the police role in America?
Reuters/Larry Downing/Landov Media

The Council on Foreign Relations, headquartered in New York City and Washington, DC, agrees with PERF that American police departments can no longer assume that federal counterterrorism efforts alone will be sufficient to protect the communities they serve. Consequently, says the council, many police departments have responded to the terrorist threat by strengthening liaisons with federal, state, and local agencies (including fire departments and other police departments); by refining their training and emergency response plans; by creating antiterrorism divisions; and in a number of other ways.[90]

The extent of local departments' engagement in preventive activities depends substantially on budgetary considerations and is strongly influenced by the assessed likelihood of attack. The New York City Police Department (NYPD), for example, which has firsthand experience in responding to terrorist attacks (23 of its officers were killed when the World Trade Center towers collapsed), has created a special bureau headed by a deputy police commissioner responsible for counterterrorism training, prevention, and investigation.[91] One thousand officers have been reassigned to antiterrorism duties, and the department is training its entire 35,000-member force in how to respond to biological, radiological, and chemical attacks.[92] The NYPD has assigned detectives to work abroad with law enforcement agencies in Canada, Israel, Southeast Asia, and the Middle East to track terrorists who might target New York City,[93] and it now employs officers with a command of the Pashto, Farsi, and Urdu languages of the Middle East to monitor foreign television, radio, and Internet communications. The department has also invested heavily in new hazardous materials protective suits, gas masks, and portable radiation detectors.

In November 2004, in an effort to provide the law enforcement community and policymakers with guidance on critical issues related to antiterrorism planning and critical incident response, the International Association of Chiefs of Police (IACP) announced its Taking Command Initiative. The IACP described the initiative as "an aggressive project to assess the current state of homeland security efforts in the United States and to develop and implement the actions necessary to protect our communities from the specter of both crime and terrorism."[94] Initial deliberations under the initiative led the IACP to conclude that "the current homeland security strategy is handicapped by a fundamental flaw: It was developed without sufficiently seeking or incorporating the advice, expertise, or consent of public safety organizations at the state, tribal or local level."[95] Building on that premise, the IACP identified a number of key principles that it says must form the basis of any effective national homeland security strategy.[96]

Finally, in 2005, the IACP and its partners in the Post-9/11 Policing Project published *Assessing and Managing the Terrorism Threat*. The Post-9/11 Policing Project is a collaborative effort of the IACP, the National Sheriffs' Association (NSA), the National Organization of Black Law Enforcement Executives (NOBLE), the Major Cities Chiefs Association (MCCA), and the Police Foundation.[97] Download the publication *Assessing and Managing the Terrorism Threat* at **http://www.justicestudies.com/pubs/amterrth.pdf**.

As the IACP recognizes, workable antiterrorism programs at the local level require effective sharing of critical information between agencies. FBI-sponsored Joint Terrorism Task Forces (JTTFs) facilitate this by bringing together federal and local law enforcement personnel to focus on specific threats. The FBI currently has established or authorized JTTFs in each of its 56 field offices. In addition to the JTTFs, the FBI has created Regional Terrorism Task Forces (RTTFs) to share information with local enforcement agencies. Through the RTTFs, FBI special agents assigned to terrorism prevention and investigation meet twice a year with their federal, state, and local counterparts for common training, discussion of investigations, and intelligence sharing. The FBI says that "the design of this nontraditional terrorism task force provides the necessary mechanism and structure to direct counterterrorism resources toward localized terrorism problems within the United States."[98] Six RTTFs

> "It is very important that our first line of defense against terrorism—the seven hundred thousand officers on the street—be given adequate training and background information on terrorism, the methods and techniques of the terrorists, and the likelihood of an imminent attack."
>
> Major Cities Chiefs Association[x]

intelligence-led policing (ILP)
The collection and analysis of information to produce an intelligence end product designed to inform police decision making at both the tactical and strategic levels.[xi]

criminal intelligence
Information compiled, analyzed, or disseminated in an effort to anticipate, prevent, or monitor criminal activity.[xii]

are currently in operation: the Inland Northwest, South Central, Southeastern, Northeast Border, Deep South, and Southwest.

Another FBI counterterrorism component, Field Intelligence Groups (FIGs), were developed following recommendations of the 9/11 Commission. The commission said that the FBI should build a reciprocal relationship with state and local agencies, maximizing the sharing of information. FIGs, which now exist in all 56 FBI field offices, work closely with JTTFs to provide valuable services to law enforcement personnel at the state and local levels. According to the FBI, FIGs "generate intelligence products and disseminate them to the intelligence and law enforcement communities to help guide investigative, program, and policy decisions."[99]

Given the changes that have taken place in American law enforcement since the terrorist attacks of September 11, 2001, some say that traditional distinctions between crime, terrorism, and war are fading and that, at least in some instances, military action and civil law enforcement are becoming integrated. The critical question for law enforcement administrators in the near future may be one of discerning the role that law enforcement is to play in the emerging global context.

Intelligence-Led Policing and Antiterrorism

In 2005, the U.S. Department of Justice embraced the concept of **intelligence-led policing (ILP)** as an important technique to be employed by American law enforcement agencies in the battle against terrorism.[100] Intelligence is information that has been analyzed and integrated into a useful perspective. The information used in the development of effective intelligence is typically gathered from many sources, such as surveillance, covert operations, financial records, electronic eavesdropping, interviews, news papers, the Internet, and interrogations. Law enforcement intelligence, or **criminal intelligence**, is the result of a "process that evaluates information collected from diverse sources, integrates the relevant information into a cohesive package, and produces a conclusion or estimate about a criminal phenomenon by using the scientific approach to problem solving."[101] While criminal investigation is typically part of the intelligence-gathering process, the intelligence function of a police department is more exploratory and more broadly focused than a single criminal investigation.[102]

ILP (also known as *intelligence-driven policing*) is the use of criminal intelligence to guide policing. A detailed description of ILP and its applicability to American law enforcement agencies is provided in the FBI publication *The Law Enforcement Intelligence Function* by David Carter of Michigan State University's School of Criminal Justice. The document is available at **http://tinyurl.com/6avb8fd**.

> "Cooperation of police at all levels along with coordination with other agencies will be necessary to cope with crime that is increasingly cross-jurisdictional."
>
> Bud Levin, Blue Ridge Community College

According to Carter, criminal intelligence "is a synergistic product intended to provide meaningful and trustworthy direction to law enforcement decision makers about complex criminality, criminal enterprises, criminal extremists, and terrorists." Carter goes on to point out that law enforcement intelligence consists of two types: tactical and strategic. Tactical intelligence "includes gaining or developing information related to threats of terrorism or crime and using this information to apprehend offenders, harden targets, and use strategies that will eliminate or mitigate the threat." Strategic intelligence, in contrast, provides information to decision makers about the changing nature of threats for the purpose of "developing response strategies and reallocating resources" to accomplish effective prevention.

Not every law enforcement agency has the staff or resources needed to create a dedicated intelligence unit. Even without an intelligence unit, however, a law enforcement organization should have the ability to effectively utilize the information and intelligence products that are developed and disseminated by organizations at all levels of government. In other words, even though a police agency may not have the resources necessary to analyze all the information it acquires, it should still be able to mount an effective response to credible threat information that it receives. Learn more about the law enforcement intelligence function and intelligence-led policing at **http://www.justicestudies.com/pubs/intelled.pdf**.

Information Sharing and Antiterrorism

The need to effectively share criminal intelligence across jurisdictions and between law enforcement agencies nationwide became apparent with the tragic events of September 11, 2001. Consequently, governments at all levels are today working toward the creation of a fully integrated criminal justice information system.

■ **NLETS**
The International Justice and Public Safety Information Sharing Network.

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"With the rise of community policing, intelligence led policing, evidence based policing, homeland security, and a host of other nontraditional police expectations, police work in 2020 will encompass a much broader set of activities and will require that officers grasp a broader range of issues."

The Futures Working Group[xiii]

According to a recent task force report, a fully integrated criminal justice information system is "a network of public safety, justice and homeland security computer systems which provides to each agency the information it needs, at the time it is needed, in the form that it is needed, regardless of the source and regardless of the physical location at which it is stored."[103] The information that is provided should be complete, accurate, and formatted in whatever way is most useful for the agency's tasks. In a fully integrated criminal justice information system, information would be made available at the practitioner's workstation, whether that workstation is a patrol car, desk, laptop, or judge's bench. Within such a system, each agency shares information not only with other agencies in its own jurisdiction but with multiple justice agencies on the federal, state, and local levels. In such an idealized justice information system, accurate information is also available to nonjustice agencies with statutory authority and a legal obligation to check criminal histories before licensing, employment, weapons purchase, and so on.

One widely used information sharing system is Law Enforcement Online (LEO). LEO, an intranet intended exclusively for use by the law enforcement community, is a national interactive computer communications system and information service. This user-friendly system can be accessed by any approved employee of a duly constituted local, state, or federal law enforcement agency or by an approved member of an authorized law enforcement special-interest group. LEO provides a state-of-the-art communication mechanism to link all levels of law enforcement throughout the United States. Members use LEO to support investigative operations, send notifications and alerts, and remotely access a wide variety of law enforcement and intelligence systems and resources. LEO also allows federal agencies, including the FBI, to immediately disseminate sensitive but unclassified information across agency boundaries.[104] The system includes password-accessed e-mail, Internet chat, an electronic library, an online calendar, special-interest topical focus areas, and self-paced distance learning modules.[105]

Another important information-sharing resource is **NLETS**, the International Justice and Public Safety Information Sharing Network. NLETS members include all 50 states, most federal agencies and territories, and the Royal Canadian Mounted Police. NLETS, which has been in operation for nearly 40 years, was formerly called the National Law Enforcement Telecommunications System. It has recently been enhanced to facilitate a variety of encrypted digital communications, and it now links 30,000 agencies and over half a million access devices in the United States and Canada. The system facilitates nearly 41 million transmissions each month. Information available through NLETS includes state criminal histories, homeland alert messages, immigration databases, driver records and vehicle registrations, aircraft registrations, Amber Alerts, weather advisories, and hazardous materials notifications and regulations. You can reach NLETS on the Web via **http://www.nlets.org**.

Fusion Centers

In March 2011, more than 1,000 federal, state, and local law enforcement and Homeland Security officials attended the fifth National Fusion Center Conference in Denver, Colorado, to continue the process of standardizing fusion center operations.[106] The annual event supports the goal of establishing an integrated national network of state and major urban area fusion centers. Fusion centers, a new concept in policing, pool and analyze information from law enforcement agencies at all levels, looking for meaningful patterns and actionable intelligence. Slightly more than 70 fusion centers currently operate in all 50 states (there are another 20 regional centers) and have received $380 million in federal funding over the last five years. These centers are largely an outgrowth of one of the 9/11 Commission's criticisms that law enforcement agencies don't talk to each other as they should.

Guidelines for the development and operation of fusion centers have been created by a collaborative effort involving the U.S. Department of Justice (DOJ) and the U.S. Department of Homeland Security. According to those guidelines, a *fusion center* can be defined as a "collaborative effort of two or more agencies that provide resources, expertise, and information to the center with the goal of maximizing their ability to detect, prevent, investigate, and respond to criminal and terrorist activity."[107] Fusion centers vary greatly in size and in the equipment and personnel available to them. Some are small, consisting of little more than limited conference facilities and only a few

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Fusion Centers: Unifying Intelligence to Protect Americans

Inside the Miami-Dade Police Department's Fusion Center, which serves much of South Florida. The center's combined technologies enhance the power of instant collaboration and information sharing among analysts and investigators from various law enforcement agencies. Why did fusion centers develop?

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In Arizona, an international terrorism case was referred to local law enforcement after it was determined that the subjects of the case were involved in local criminal activity. In New Mexico, several individuals linked to FBI investigations—including an MS-13 gang member—were identified. In Tennessee, the FBI developed—with its partners—a formal process for collecting, sharing, and analyzing suspicious activity reports, looking for trends and patterns.

These cooperative efforts—and many more like them—have been made possible through the work of intelligence fusion centers around the country. These centers, usually set up by states or major urban areas and run by state or local authorities, are often supported by federal law enforcement, including the FBI.

In March 2009, nearly 2,000 local, state, tribal, and federal representatives working in these centers gathered in Kansas City to continue the process of standardizing fusion center operations. The ultimate goal? To create a network of centers presenting a unified front against terrorism and other national security and criminal threats that put Americans at risk.

Speaking at the Kansas City conference, FBI Chief Intelligence Officer Don Van Duyn said that "while we still have work to do to make the information process more seamless," the FBI is committed to "expanding our interconnectedness" to help combat threats from terrorist and criminal networks. Van Duyn also said that during the past year the agency has rolled out—to all 56 field offices—standardized intelligence operations structures, roles, and procedures to enhance collaboration with its partners.

Although a few were already in existence before the terrorist attacks of September 11, 2001, fusion centers increased rapidly after the attacks when local and federal officials recognized the need to quickly coordinate information-sharing related to terrorism. Their number has been growing ever since. Today, there are some 70 centers around the country—50 state and 20 regional. Some have expanded their focus to include public safety matters and major criminal threats.

Fusion center personnel "fuse" intelligence from participating agencies to create a more comprehensive threat picture, locally and nationally. They don't just collect information—they integrate new data into existing information, evaluate it to determine its worth, analyze it for links and trends, and disseminate their findings to the appropriate agency in the best position to do something about it.

The FBI currently has 114 employees working in 38 fusion centers—about 36% are agents, 61% are intelligence analysts, and the rest are language specialists, financial analysts, and the like. Fourteen of these centers are located with an FBI *field intelligence group* or *joint terrorism task force*.

Elaine Cummins, the FBI's chief information sharing officer, notes that "participating in a national network of fusion centers definitely helps us share timely, relevant, and actionable intelligence with our partners—an increasingly important component to our unique national security and law enforcement mission."

The FBI says that "with fusion centers, everybody wins. State and local law enforcement agencies get access to certain federal databases and the benefit of big-picture terrorism and crime perspectives from their federal partners, along with grant funding, technical assistance, and training. Federal agencies like the FBI gain intelligence from the local level that may fuel terrorism or national security investigations elsewhere in the country or even overseas. And the public gets to sleep a little easier at night, knowing that their local, state, and federal officials are all working together to keep them safe."

Source: Adapted from Federal Bureau of Investigation, "Fusion Centers: Unifying Intelligence to Protect Americans," March 12, 2009, http://www.fbi.gov/page2/march09/fusion_031209.html (accessed May 6, 2011).

participants. Others are large high-technology offices that make use of the latest information and computer technologies and that house representatives from many different organizations. Some fusion centers are physically located within the offices of other agencies. The Kentucky Fusion Center, for example, is housed within the state's Department of Transportation building in the state's capitol. Others operate out of stand-alone facilities and are physically separated from parent agencies.

Similarly, although information sharing is their central purpose, the activities of fusion centers are not uniform. Some centers perform investigations, some make arrests, and some exist only to share information. A number of fusion centers, like the National Counterterrorism Center and the National Gang Intelligence Center, focus on clearly defined issues. Most of today's fusion centers do more than target terrorists, however; they work to collect information on a wide variety of offenders, gangs, immigrant smuggling operations, and other threats. Recognizing that actionable intelligence can come from seemingly unrelated areas, Michael Mines, the FBI's deputy assistant director of intelligence, says that the nation's network of fusion centers is intended to "maximize the ability to detect, prevent, investigate, and respond to criminal and terrorist activity."[108]

police discretion
The opportunity for police officers to exercise choice in their enforcement activities.

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Many fusion centers are still developing, and a number of problems remain. Obtaining security clearances for employees of local law enforcement agencies, for example, has sometimes been difficult or time-consuming. Even representatives of federal agencies like the Department of Homeland Security and the FBI sometimes refuse to accept each other's clearances. Nonetheless, a recent hearing before the House Intelligence Subcommittee shows that federal lawmakers are hopeful about the success of fusion centers and are willing to find the federal dollars needed to continue to support them. As Jane Harman (D-Calif.), chairwoman of the House Intelligence Subcommittee, said recently, "Everyone recognizes that fusion centers hold tremendous promise."[109] Learn more about fusion centers at **http://justicestudies.com/pubs/intell_led.pdf.**

The National Criminal Intelligence Sharing Plan

Although information sharing efforts continue to evolve, most experts agree that a fully integrated nationwide criminal justice information system does not yet exist.[110] Efforts to create one, however, began in 2003 with the National Criminal Intelligence Sharing Plan (NCISP). The NCISP was developed under the auspices of the U.S. Department of Justice's Global Justice Information Sharing Initiative and was authored by its Global Intelligence Working Group.[111] Federal, local, state, and tribal law enforcement representatives all had a voice in the development of the plan. The NCISP provides specific steps that law enforcement agencies can take to participate in the sharing of critical law enforcement and terrorism prevention information.

Plan authors note that not every agency has the staff or resources needed to create a formal intelligence unit. However, the plan says that even without a dedicated intelligence unit, every law enforcement organization needs the ability to effectively consume the intelligence available from a wide range of organizations at all levels of government.[112] The NCISP is available in its entirety at **http://www.justicestudies.com/pubs/ncisp.pdf**.

In 2006, U.S. Representative Bennie Thompson (D-MS), chairman of the House Committee on Homeland Security, proposed establishing a National Center for Intelligence-Led Policing.[113] The center, which is intended to solve many of the intelligence-gathering and sharing problems identified in this chapter, would, among other things, identify best practices in the ILP area and share them with all law enforcement agencies.

Discretion and the Individual Officer

Even as law enforcement agencies struggle to adapt to the threats posed by international terrorism, individual officers continue to retain considerable discretion in terms of their actions. **Police discretion** refers to the exercise of choice by law enforcement officers in the decision to investigate or apprehend, the disposition of suspects, the carrying out of official duties, and the application of sanctions. As one author has observed, "Police authority can be, at once, highly specific and exceedingly vague."[114] Decisions to stop and question someone, arrest a suspect, and perform many other police tasks are made solely by individual officers and must often be made quickly and in the absence of any close supervision. Kenneth Culp Davis, who pioneered the study of police discretion, says, "The police make policy about what law to enforce, how much to enforce it, against whom, and on what occasions."[115] To those who have contact with the

An officer writing a traffic ticket. Police officers wield a great amount of discretion, and an individual officer's decision to enforce a particular law or to effect an arrest is based not just on the law's applicability to a particular set of circumstances but also on the officer's subjective judgment about the nature of appropriate enforcement activity. What other factors influence discretion?