Reactions to Crime:

Policing...

...Punishment, Prevention & Panic!

Lecture Outline

- Policing
  - Trends, Models, & History
  - Behavior, Misbehavior, & Discretion
- Courts
  - Types, Issues, and Trends
- Punishment
  - Models & Modernization
- Applications towards Reduction

Models of the CJS

- Competing models
  - Crime-control model
    - Efficient apprehension & punishment
    - Limits, logical and tolerable
    - Due process model
    - Prevent mistakes, deception, & bias
    - Tradeoff – crime as price of individualism
- Differing conditions
  - 1960s DPM > 1980s/90s CCM
  - Durkheim & “collective conscience”
    - Weak, if deviance and freedom
    - When is it “stronger”?

Historical Trickle of Protection

- Early Roots
  - Ancient bodyguards
  - Collective process – frankpledge, hue & cry
  - 11th century constables & manorial courts
    - esp. vs. poaching against nobles
  - 1285 Statute of Winchester
    - Watch/ward system & prevention
  - Colonial America
    - Sheriff, constable, night watchman
    - Other civic duties, inc. fire
    - On commission, and corrupt
    - Prevention – but not successful; crime rampant

Trends in Policing

- US origins in British system
  - Professionally, started a bit earlier
  - Drew on structure, and purposes
- Changing Functions
  - Historically: patrol to deter, react to punish
  - Increasingly bureaucratic & clerical
  - Recent: community service, order keeping
- Community Policing
- Police Recruitment – esp minority, women

Trickle of Protection, 2/3

- Professionalized Forces
  - 1829 – London bobbies (1st paid pros) & Constabulary
    - Robert Peel’s 12 principles & “bobbies”
    - Bureaucratic: Hire/promote by prof. quals (not patronage)
    - Prevention: Absence of crime as measure of efficiency
  - 1838 – Daytime force in Boston
  - 1844 – 1st full-time force, in NYC
  - Vs. mob violence in N, slave revolts in S
  - 1870s – vs. strike workers
- American Expansion (mid-19th C)
  - Institutionalization, organization, & hierarchy
  - Disorder or dangerous class (not crime control)?
    - Rise in informal/backstage issues
Trickle of Protection, 3/3

- Reforms of the 1930s and 40s
  - Professional standards, vs. patronage
  - Crime fighting (& start of the UCR)
  - Tech innovations: cars, radios, telephones, evidence

- Shift in conditions/models
  - DPM is particularly modern – short-lived?
  - But why CCM so slow to protect all?
    - Functionalist?
    - Conflict?
    - Structural? ...

Decentralization

- Federal – more than 50!
  - USCG was first
    - 1790 by Hamilton: Ten boats to enforce Tariff Act
    - Today: drug interdiction
  - FBI: most prominent
    - 1908 by J. Edgar Hoover – illegal
  - 1924-1972: J. Edgar Hoover – illegal

- State
  - Highway, Police, Investigative units

- Local
  - Municipal, County

- Campus – first @ Yale, 1894

- Private – proprietary & contractual

Modern Police Behavior

- Workload & Routine Activities
  - Mostly mundane activities – “just a job”
  - But risks, resistance, & disrespect
    - > “working personality” of “us vs them”

- Misbehavior
  - Excessive Force (brutality)
    - Surveys? (PPCS, 64K 16+)
    - Direct Observation – 1966
    - Barkan – 127 per day?
    - Explanations – “culture and philosophy”
      - Racism – double rate (observed) vs whites
      - Deadly force – >50% = of color
      - Community violence, or Conflict?

Modern Police Misbehavior, cont’d

- Corruption
  - 1/5? (1966)
  - Knapp Commission, 1972 – Serpico
  - Meat–eaters vs grass eaters
    - Pre–med vs peer pressure
  - Code of silence / Thin blue line

- Scandals
  - Rampart – Perez arrest > 70 investigated
  - Phillie – 300 overturned convictions

Police Discretion

- Is it a misbehavior?
  - Natural, universal, sociological

- Racism?
  - 28% arrests, 39 viol, 50 hom/rob; > NCVS

- Racial profiling (Driving While Black)
  - More serious, more hostile, more complaint
  - Definitely biased in re drugs (don’t use more)
  - By contrast, leniency to women
    - Chivalry hypothesis? Evil women? But: status offenses

- Key variables
  - Social: Seriousness
  - Legal: strength of evidence
  - Practical: complainant’s preference
  - Sociological: complainant’s status

Effectiveness of Policing

- Costs
  - Little nat’l data; local/state varies; lag to reporting
  - But less than many other services (inc educ!)
    - ~$136/person, but $80 WV to $190 NY; more post 911
  - 12x on national defense; 6x on debt payment

- Manning’s “Mission Impossible” Thesis
  - Prevention, detection, apprehension
  - Police fail miserably in all three

- Professionalism vs. Bureaucratization
  - Decisions vs. “by the book”
  - Technicalities: exclusionary rule (<1%), Miranda (most confess)

- Functional Awkwardness
  - Conflicting functions
Impact of Policing on Crime

› Do additional police deter crime?
  ◦ No – not everywhere, & much crime private
  ◦ Do – if closed env., or directed @ hot spots
  ◦ Crackdowns short-lived, shift burdens
  ◦ Zero-tolerance as window dressing, CR risk
  ◦ Ev on certainty ratios not encouraging
  ◦ Community policing works!