

particularly vehicle registration requests and wanted person property checks. However, the basic purpose of these networks is for interjurisdictional communication on emergency matters.

An emerging pattern is a point-to-point system which enables a car on a one-radio system to communicate with a car on another system in emergencies. Such a system, the Illinois State Police Emergency Radio Net (ISPERN), is being implemented in Illinois. In order to establish the communication net, the Illinois State Police relinquished one frequency, and placed it under the control of a governing board to which any police agency desiring access must apply. Once admitted, the agency installs equipment in its mobile units that enables it to broadcast over the ISPERN frequency to all other mobile units on it. Thus far, approximately 30 Illinois police agencies have received permission to install equipment utilizing the ISPERN frequency.

Teletype. Interjurisdictional use of teletype communications has been one of the significant cooperative efforts in law enforcement. Teletype communications networks now span the country through the Law Enforcement Teletype System (LETS). Each State has some form of teletype network linking many or most law enforcement agencies in the State. County systems are on the increase, as are systems linking central cities and their surrounding suburban areas. Direct teletype links with computerized records centers are also utilized by some police agencies.

LETS consists of six circuits, each with a control station and a line running to a switching center in Phoenix, Ariz. When a message is directed to another network or to all networks, the Phoenix center automatically handles the routing and switching according to the coded message instructions received from the sending station. Each of the control stations pays for a share of the equipment common to the entire system. This consists of lines, switching center equipment, and circuit control stations. Because of variations in needs, each station assumes the cost of its own equipment.

At the local level, 11 California counties operate teletype networks, some free of charge to all participating municipalities. The county networks are linked into a statewide system operated by the California Department of Justice. Also, numerous municipal departments and other law enforcement related agencies are linked through the State network. In the Chicago area, several teletype networks link the Chicago Police Department with numerous suburban police departments and with the Illinois State Police. Similar nets are found in most metropolitan areas.

Current Problems. Despite the extensive use of interjurisdictional radio agreements, intersystem radio communications, and nationwide teletype service, much more coordination and consolidation is necessary in order to develop complete areawide communications systems.

One of the primary problems is the existence of many separate police communications systems in close proximity

particularly in metropolitan areas. When these systems share the same frequency, the situation becomes acute. Emergency calls in one department are often blotted out by routine calls in other departments which perhaps could have been handled differently.

Other problems relate to the cost of maintaining and operating separate communications systems and to the belief of many police administrators that they lose control over field personnel if radio dispatching is provided by another agency. In its study of police services in Dade County, the International Association of Chiefs of Police commented:⁵⁵

Each system maintains its own service facilities * * * and its own complaint dispatching staff. Each system is looked upon * * * as an important part of the department's operations, and a function which cannot be assigned to another agency without serious loss of supervision and control.

Although his opinion is not universally held, Sheriff Pitchess of Los Angeles County feels that radio communications need not be handled by each individual department if there is available to it a system operated and maintained by a competent central agency.⁵⁶

In the use of teletype communications, cost is still a problem for smaller jurisdictions. Existing systems require the lease of costly telephone lines, and unless State systems pay some or all of the cost of lines, or cost is otherwise reduced, participation by small jurisdictions will not reach its full potential.

Many intersystem teletype systems have fallen into disuse because of continued use of point-to-point radio for routine information needs. A distinction must be made between the two types of systems so that teletype is used for routine information purposes and point-to-point systems reserved for emergency communications.

Possible Solutions. At present, the problems of radio communications are more serious than those of teletype communications. Indeed, coordinated police use of teletype has reached a high point. It is not suggested here that problems in the use of police radio can be solved by consolidating all radio systems in a particular area, for the chances of implementing such a program are not great.

Increased use of interjurisdictional agreements covering radio communications is a possible approach in many areas. Such agreements should include maintenance, dispatching, and telephone answering services. Through contracting for radio services, equipment costs could be reduced, irrelevant communications controlled, and in some instances, positions collapsed or personnel diverted to other tasks.

Short of agreements that would remove the responsibility for radio dispatching from some jurisdictions, much could be done to solve the communications muddle through the use of effective radio-dispatching procedures and dispatcher training.

Improvements will depend, however, upon coordinating agencies, such as the Federal Communications Commission (FCC), giving concentrated attention to police radio communications problems. It is doubtful that the

⁵⁵ Supra, note 43 at pp. 239-240.

⁵⁶ Peter J. Pitchess, sheriff, Los Angeles County, Calif., in "Law Enforcement

Regionalization Seminar: Discussion Notes, June 28, 1966" (unpublished, Chicago: Public Administration Service, 1966), pp. 28-29.

present State frequency advisory committees of the FCC, with their limited approach, can meet this need.

The FCC could adopt a policy by which its license granting procedures are handled through the State. Such a policy should assign the States more authority to supervise public safety communications. A State agency could establish standards for and techniques to evaluate the conduct of local police radio, recommend the amalgamation of radio communications systems where feasible, deny licenses to those police agencies which could readily use another agency's communications system, and establish and operate statewide nets for intersystem police radio communications. The merger of radio communications systems should be encouraged through State grants-in-aid.

If the FCC gives the States the power to enforce and coordinate police radio responsibilities, the States would be provided with a valuable management tool and the power of the FCC to regulate civilian communications would be enhanced. Because they are interstate in nature, agencies such as large port authorities should be exempted from conducting business with the FCC through one particular State agency.

Conclusions. On the basis of the above analysis of present problems in police communications, the following conclusions seem warranted:

- Areawide communications systems should be developed in concert with areawide records centers to the extent that the two systems are interdependent.
- The State should be granted greater power to regulate the use of police radio, including the authority to establish operational standards and to recommend the amalgamation of two or more communications systems. The State's responsibility in this area could be enhanced through the use of grants-in-aid.
- Greater use should be made of interjurisdictional agreements whereby one system can provide complete radio communications for two or more jurisdictions.
- Police teletype networks should be used increasingly for routine police communications, thus making intersystem radio communications systems available for strictly emergency uses.

DETENTION FACILITIES AND SERVICES ⁵⁷

Throughout the country, most detained and sentenced persons are housed in local detention facilities. State and Federal penal institutions normally hold prisoners serving more than a 1-year sentence, whereas local jails or stockades seldom house prisoners for more than 1 year. Local institutions usually hold defendants in felony cases during the judicial process. Upon sentencing, they are sent to State or Federal institutions.

Current Local Practices. Many local police administrators believe that it is necessary to maintain a local de-

tion facility. Nearly every police department has at least a holding facility for temporary detention and many operate full-scale jails, although most are not adequate according to modern penological standards. In many States, sheriffs are required by law to operate such facilities.

Accepted principles of jail management are that prisoners must be segregated by sex, age, and type of crime; be secure; have ample opportunity for work and recreational activity; live under sanitary conditions; and be provided a well-balanced diet. The capital outlay for the personnel, equipment, and facilities needed to meet these standards is prodigious, even in a modest undertaking. For example, to provide continuous round-the-clock supervision of prisoners by one correctional officer requires approximately five full-time men working 40-hour weeks. Such supervision would require an annual outlay of at least \$30,000, if the salary and fringe benefits of each officer amount to \$6,000 per year.

The most common problems faced by municipal and county jail administrators, according to a State of Washington survey, is a severe shortage of personnel.⁵⁸ Many local jails are not supervised round-the-clock by persons on duty in the building, even when prisoners are confined in them. Prisoners are locked in cells, often under unsafe conditions, and helpless in case of disaster. Some jailkeepers, concerned about this problem, have gone so far as to leave cells or even jails unlocked when prisoners are without supervision to obviate potential danger.

In evaluating the local jail program in the State of Washington, the department on institutions noted, "In some instances the best thing that can be said is that the jail is seldom used."⁵⁹ It concludes that many local jails are inadequately staffed, poorly maintained, and inefficiently operated. The mere fact that some jails receive only limited use is a sound argument for the elimination of unnecessary facilities and the operation of joint detention programs.

Local jail problems in the State of Washington are in no way unique. For example, Connecticut over the years experienced many similar ills, and dissatisfaction with local jail administration was a factor contributing to the abolishment in 1960 of all county governments.⁶⁰

As an alternative to county jails operated by elected sheriffs, Connecticut established an office of State jail administrator, responsible to the Governor, with control over the detention of all local prisoners throughout the State. This system is separate from the State penal institutions. Jail personnel of the old county system were absorbed into the State merit system at appropriate levels wherever possible. Old facilities were demolished and physical improvements made when necessary. Local police agencies do not operate detention facilities other than units to hold prisoners temporarily until they can be transferred to a nearby State facility.⁶¹

This type of solution appeals to Sheriff Pitchess of Los Angeles County, who operated the largest county detention facility in the country. In his opinion, the custodial function should be separated from the police, and he

⁵⁷ The issue of whether police agencies should maintain detention facilities is also discussed in chapter 6 of the General Report.

⁵⁸ State of Washington, Department of Institutions, "Jail Information Report" (Olympia: State of Washington, Department of Institutions, Nov. 17, 1964), sec. 1, p. 3.

⁵⁹ *Id.* at sec. 1, p. 2.

⁶⁰ Rosaline Levenson, "County Government in Connecticut—Its History and Demise" (Storrs, Conn.: University of Connecticut, Institute of Public Service, 1966), pp. 83-95.

⁶¹ *Id.* at pp. 165-168, 182-185.

suggests that the proper office to operate it might be the State correctional agency.⁶²

Sheriff Pitchess normally has some 11,000 inmates in custody at any given time, operates one of the most modern jails in the country, and has approximately 1,200 personnel engaged in full-time jail or correctional duties. This operation represents approximately 40 percent of the sheriff's total budget of \$50 million, yet he would be willing to turn over complete control of the jail to a qualified agency, and operate his department strictly as a police agency.

The question has been raised whether it is even necessary for the police to be responsible for temporary holding facilities. Many chiefs of police contend that they need to have jail facilities to provide ready access to prisoners for investigative purposes. This argument has increasingly limited validity in light of recent U.S. Supreme Court decisions concerning the interrogation of prisoners. In reference to this question, Prof. Herman Goldstein of the University of Wisconsin Law School says:⁶³

The mere fact that [the police] have custody of the individual for a period of time, that he is under their control, has created the widespread image that in this period of time he is subjected to a great deal of coercion and pressure * * *. Anyone familiar with this system recognizes that the demands on a prisoner * * * are not that great * * *. It seems to me that there is great value in ridding the police of this responsibility, so that * * * once the police arrest an individual they turn him over to an independent agency * * * which has no vested interest in the case, and is not out to prove the man's guilt * * * it places the police in a much more favorable light.

An independent agency responsible for detention seems the logical answer. Sheriff Pitchess feels nothing is accomplished if the detention responsibilities of municipal police departments are merely transferred to the local sheriff, unless the duties of the sheriff are redefined. "You would have the same problem and you would create the same evil in another place."⁶⁴ If the sheriff operates only detention facilities, improved correctional and detention services are more possible; but if the sheriff remains a law enforcement official, and also has detention responsibilities, the problem has not been solved, merely shifted.

The system used in Connecticut, or in Rhode Island which has a similar detention program, offers the greatest possibility for improvement in jail management. Connecticut through its office of State jail administrator operates all local jails throughout the State in a system separated from the State penal system. This system has improved the management of detention facilities and created a more favorable public attitude regarding jails and law enforcement agencies. Under it, sound correctional training procedures can be developed, greater attention can be given to achieving and maintaining accepted penological standards, and more efficient organization and administration are possible.

In brief, the State should operate jails through an appropriate State agency, and local jails should be discontinued. A logical alternative or interim step would

be to have the State agency operate existing facilities, even if they are located in local police buildings.

Police Officer or Correctional Officer. An additional problem at the county and municipal level is the use of sworn police officers in the care and custody of inmates. The work performed by a guard in a jail facility is quite different from the work that should be performed by a police officer, yet most county and municipal jails are operated by such officers. In the Chicago Police Department, for example, nearly 300 sworn police officers are used to operate temporary holding facilities and provide prisoner transportation services. If correctional officers were utilized, 300 additional trained police officers would be available for normal police duties.

The Los Angeles County Sheriff's Department has recently decided to turn, at least in part, to this system. It was found in Los Angeles County that recruitment was hindered because many potential police officers were not interested in working in a detention facility as is usually required at some point while working within the sheriff's department. Consequently, a decision was made to create the new position of corrections officer and use this employee in the minimum security institutions operated by the county.

One difficulty in this approach is evident in the practice of Los Angeles County. In the jail, which is a short-term holding facility where all types of inmates are housed, maximum security is a prime concern. Sentenced prisoners held by the county, however, usually are not convicted felons, and maximum security facilities normally are not necessary. Thus, the county is really operating two facilities—one for presentencing and detained prisoners and another for convicted prisoners sentenced for less than a 1-year period. A sound argument can be made for using sworn personnel in maximum security institutions where incidents are more probable and the risks greater, and correctional officers in minimum security institutions. This argument pertains, however, only to counties or municipalities that continue to provide detention services.

A corollary problem in using sworn police officers in detention work is that it creates a false impression of the number of police personnel available for law enforcement duties, for effective strength is reduced proportionately to the number of personnel utilized for detention.

Sharing Physical Facilities. Several alternatives, other than shifting detention operations to the State or redefining the responsibilities of the office of sheriff, are available. In 1958, the city of Tacoma and Pierce County, Wash., built a new city-county building which includes detention facilities. Each jurisdiction has its own jail, but kitchen and laundry facilities are operated jointly. This limited joint operation has also made it possible to use one facility to house certain categories of offenders and the other facility to house others. For example, one jail confines all male juvenile prisoners, the other all female prisoners. In this way, neither the city

⁶² *Supra*, note 56 at pp. 8-10.

⁶³ *Id.* at p. 11.

⁶⁴ *Id.* at p. 12.

nor the county has to provide the total range of jail facilities.⁶⁵

Basic philosophical or financial problems have arisen in some areas when the merger of two reasonably large jails or correctional systems is considered or contemplated. Efforts to bring the Miami, Fla., city jail system into the Dade County system have been unsuccessful, in spite of the fact that annual savings to the city of Miami would approximate \$500,000, because the city of Miami expected compensation from Dade County for the sale of its facilities. The county takes the position that the public has already paid for the facility and to "purchase" it again is unnecessary. A similar difference occurred between the city and county of Los Angeles.

Short of the complete assimilation of one system into another, it is apparent that two jurisdictions can share facilities through a contractual arrangement. Such a program exists between Alameda County and Oakland, Calif., where, under the terms of the contract, Oakland pays the county for each city prisoner detained in the county jail and vice versa.⁶⁶

Los Angeles County provides complete jail service on a contract basis for all cities in the county except Burbank, Glendale, Long Beach, Los Angeles, and Pasadena. The sheriff feels, however, that sufficient centralization has not yet taken place. He says:⁶⁷

Several custodial agencies should not have charge of the operation of custodial facilities in a metropolitan area. We are constantly in conflict with the larger cities. We take custody of all prisoners charged with felonies. The city which has custodial facilities keeps in custody its own misdemeanants and those charged with violations of the city ordinances.

The Puget Sound Governmental Conference in a recent report, recommended that a regional jail be established in a joint county jail district consisting of King, Kitsap, Pierce, and Snohomish Counties in the Seattle-Tacoma area.⁶⁸ The jail would be used for sentenced prisoners while the existing smaller units would be retained for presentence detention. King County is in the process of building a new facility which it is hoped will eventually become a regional jail under a joint jail district.

Conclusions. Municipal jails largely duplicate the services of county jails, especially in the holding of sentenced prisoners. Two sets of conclusions are offered regarding the operation of detention facilities. The first is based on the premise that municipalities will not operate their own facilities.

- Municipal police departments should not maintain their own detention facilities. They should turn such operations over to another governmental jurisdiction, preferably an independent State agency. Immediate detention facilities, although perhaps remaining within the walls of a police facility, should be administered by a separate agency.
- State governments should establish a jail administration agency with responsibility for the operation and management of all local detention facilities.
- If the State does not assume detention responsibili-

ties, the county, through the office of sheriff, should operate all jails within the county. The sheriff, however, should not engage in law enforcement activities.

The second set of conclusions is based upon the premise that local governments will continue to operate jail detention facilities:

- Police officers should be used only in maximum security jails, and in supervisory positions, in the care and custody of inmates. Correctional officers should be utilized in minimum security jails.
- A number of local jurisdictions should join in the operation of detention facilities, sharing physical facilities under contractual agreements, eliminating duplicate facilities, or establishing jail districts.
- The State should establish minimum standards for the operation of jails, training of personnel, security, feeding programs, and related concerns. It should also maintain a full-time inspectional program.

LABORATORY SERVICES ⁶⁹

Laboratory services are essential to effective law enforcement. Success in complicated investigation may depend in large part upon the scientific evaluation of pertinent data. The import of recent U.S. Supreme Court decisions suggests that law enforcement agencies must depend increasingly upon scientific analysis of crimes rather than rely upon traditional methods such as interrogation of suspects.

Two distinct activities are involved in laboratory work: (1) The gathering of evidence at the scene of the crimes, and (2) the scientific analysis of evidence. Both activities are essential to the adequate evaluation and use of evidence. Evidence must be gathered and preserved according to established court criteria to guarantee its value in court testimony and for use in laboratory analysis. A laboratory technician can make a detailed and thorough analysis of evidence only if it has been properly gathered, labeled and handled before reaching the laboratory. Evidence that has been mishandled is not admissible in court proceedings.

Competent technicians and good equipment are essential to the success of any laboratory evaluation. This report does not attempt to suggest how many persons or what equipment is needed to perform minimal laboratory services. Suffice it to say that a good laboratory facility is beyond the means of almost all police departments in the United States.

Current Local Practices. The "crime laboratories" of many law enforcement agencies are primarily bureaus of identification which house a number of records but perform no real scientific analysis.⁷⁰ Other jurisdictions have fully equipped laboratories filled with the latest scientific tools, but no qualified technicians to operate them. One of the greatest obstacles to the development of regionally

⁶⁵ Supra, note 58 at sec. 2, p. 36.

⁶⁶ See app. A for details of the contract between Oakland and Alameda County.

⁶⁷ Supra, note 56 at p. 7.

⁶⁸ Puget Sound Governmental Conference, 1962, "Regional Joint County Jail District: A Feasibility Study" (Seattle: Puget Sound Governmental Conference, 1962), p. 15.

⁶⁹ For further discussion on crime laboratories, see chapter 11 of the General Report and the Task Force volume on Science and Technology.

⁷⁰ Paul L. Kirk and Lowell W. Bradford, "The Crime Laboratory: Organization and Operation" (Springfield, Ill.: Charles C. Thomas, 1965), p. 5.

oriented laboratory operations is the unwillingness of departments to lose their laboratories, even if they are not effectively utilized.

Local practices relating to laboratory services vary greatly. Evanston, Ill., for example, established a police laboratory in 1948, but the facility was never used, primarily because of lack of professional staff, and is now not operational.⁷¹ In Arizona there is only one crime laboratory, that of the city of Phoenix. This facility performs all necessary tests, including some complex work, for the city police department, but services beyond the city are severely limited because it has only two full-time fully trained technicians.⁷² The Sauk-Prairie Police Department, serving Sauk City and Prairie du Sac, Wis., sends materials needing scientific analysis to the Wisconsin State Crime Laboratory in Madison.⁷³ Kansas City, Mo., maintains a laboratory which is equipped to provide such basic services as blood analysis, toolmark identification, firearms identification, and some limited documents examination, but all more sophisticated laboratory work either is not done or is sent to the Federal Bureau of Investigation in Washington, D.C.

In sharp contrast is the laboratory operation of the Chicago Police Department. Operating one of the best equipped and staffed facilities in the country, the Chicago Police Laboratory in 1965 processed materials for 140 jurisdictions, including Federal and State agencies, counties, and other municipalities, in addition to its regular work for the Chicago department. Physical evidence submitted to the laboratory for scientific evaluation involved some 150,000 specimens requiring more than 250,000 individual examinations.⁷⁴

The Chicago Police Department Laboratory serves the needs of the surrounding metropolitan area. With few exceptions, all municipalities in Cook County call upon it for specialized services, and these services are performed free of charge to any requesting agency with a legitimate need. Consequently, much more use is made in the Chicago area of scientific aids in criminal investigation than in many other sections of the country.

In addition to providing laboratory services, the Chicago Police Department will train the personnel of other departments, especially in the collection and preservation of physical evidence but also in some more technical operations. For example, the microanalysis section of the laboratory has the only staff within the Chicago area which can successfully group dry blood stains. The next closest facility with this capability is at the Wisconsin State Crime Laboratory in Madison and the technicians working there were trained by the Chicago Police Department.⁷⁵ Because of the capabilities of the Chicago Police Laboratory, and because the department is willing to serve all jurisdictions there is no need for other crime laboratories in the Chicago area.

Finally, since 1934, local agencies have submitted evidence linked to their more sophisticated cases to the FBI Laboratory in Washington, D.C., for analyses. In 1966, the Bureau's facility performed some 304,000 scientific examinations at no cost for local police forces

from all 50 States, the District of Columbia, other Federal agencies, and several foreign nations.

Problems in Local Practice. This capsule summary of current local practices in police laboratory services indicates some pervasive problems. Proximity, timeliness, and quality are the most important measures of laboratory service. Some local police forces fail on all three counts because they do not perform scientific evaluations requiring sophisticated analysis, or fail to provide for tests. While it may make good sense for forces in the proximity of Washington, D.C., to use the facilities of the FBI exclusively for scientific analyses, the latter facilities may not be close enough for forces hundreds of miles distant to readily secure timely service. For example, one major police force largely ignores the facilities of the Food and Drug Administration which has a large regional laboratory adjacent to the police headquarters which is capable of performing most necessary examinations. Jurisdictions should attempt to resolve the questions of timeliness and proximity regionally.

Another problem is duplication of facilities. The ability of a department to maintain an adequate laboratory should not be the only criterion in establishing one. Both the city and the county of Los Angeles have such facilities when one would suffice for the area. "The prime concern should be a matter of its availability from a geographic standpoint."⁷⁶ Duplication of facilities within the same region should be avoided.

With but one police laboratory in the State of Arizona, many jurisdictions have no opportunity to obtain scientific examination and evaluation of physical data. A number of jurisdictions make frequent use of FBI services, but reservations regarding timeliness and proximity usually apply. Recently, Maricopa County (of which Phoenix is a part) proposed that a central laboratory serving the county and the cities of Phoenix, Scottsdale, Tempe, Mesa, and Glendale be established. Under the proposal, the county would provide the facilities, and all the jurisdictions would share the cost. Such a laboratory would not meet the needs of other jurisdictions in the State, however, which suggests that perhaps the State should provide laboratory facilities. This has been the decision in Wisconsin and in several other States.

When States establish laboratory facilities, they should place them judiciously. The division of criminal investigation and identification in the Illinois Department of Public Safety provides technical service to law enforcement agencies in the State. Recently, the division built a new laboratory facility in Joliet, which is within the area already served by the Chicago Police Department Laboratory. One reason given for the selection of this location was that it is near the population center of the State. Other factors should be considered, however, among them the pattern of requests for assistance from police agencies.

The Role of States in Laboratory Services. The State can provide meaningful laboratory assistance to local police agencies through several possible alternatives.

⁷¹ *Supra*, note 56 at p. 28.

⁷² Interview with Lawrence M. Wetzel, assistant chief of police, Phoenix, Ariz., May 10, 1966.

⁷³ Interview with Robert Remmeester, Chief, Sauk-Prairie Police Department, Sauk City, Wis., July 18, 1966.

⁷⁴ Chicago Police Department, Crime Laboratory Division, "Annual Report," 1965, mimeo, pp. 5-9.

⁷⁵ "Microanalysis—The 'Catch-All' Section of the Crime Laboratory," "Chicago Police Star," June 1966, pp. 4-6.

⁷⁶ Sheriff Peter J. Pitchess, Los Angeles County, in *supra*, note 56 at p. 27.

A State Crime Bureau. Several States have established crime bureaus to provide technical services to local law enforcement agencies throughout the State. They are generally not successful in providing complete technical service, tending to emphasize records activities more than laboratory services. Or, if they do provide technical services, these tend to emphasize such routine activities as latent fingerprint and blood alcohol analysis—work, usually accomplished as effectively on the local level.

The first requisite in establishing a State program of laboratory service is to determine what can be done best by the State and what on the local or regional level. Much laboratory work is of a simple, routine nature, if the evidence has been properly collected and preserved. Consequently, local units may well maintain the small laboratory facilities concerned with primary analysis and forward all complex work to a State or regional agency or the FBI Laboratory for detailed or specialized analysis. The State agency could also perform crime scene work in appropriate cases. This arrangement permits all needs to be met; the local facility provides timely service in simple analyses, and the State laboratory provides sophisticated analyses and quality control.

All police laboratory technicians need specialized training in addition to formal training in a specific scientific field, and the State agency could also perform this training function. Gathering and preserving evidence is so crucial to the entire police laboratory program that sound training is mandatory even at the initial level of operation. Qualified instructors should be available to local jurisdictions to assist with inservice training programs, and the State agency also could operate training programs for the instructors of local departments in evidence gathering and preservation. Like the FBI Laboratory services, the entire State program should be available free of cost to any requesting law enforcement agency.

Provision of a State central laboratory would not entirely eliminate the problem of duplication of facilities, but would reduce it to manageable proportions. At the same time, such a program would allow for the training of personnel in the gathering and preservation of evidence.

Other Approaches. In order to obtain a well-integrated operation, it may be desirable to place the smaller local laboratories and the central State laboratory under a single administration. Such an arrangement is in operation in Texas. The same division of work would prevail, but the local jurisdictions would not control their laboratory operations; rather, they would be under the direction of the State laboratory or some other independent agency.

Medical examiners, as well as police, need laboratory services. In many communities a single facility is used for both functions. Prof. Donald E. Clark, formerly sheriff of Multnomah County, Oreg., suggested that police laboratories as such be eliminated and placed under the control of a separate agency, possibly a university or State or local medical examiner.⁷⁷ One benefit would be to have expert witnesses not affiliated with the police department—a concern of some courts.

Conclusions. The cost of staffing and operating a laboratory facility capable of handling all needs of a police department is considerable, and a complete program is beyond the financial ability of most departments. At the same time, the need for adequate professional laboratory services is readily apparent. The following conclusions have been reached:

- Basic laboratory services must be readily available within each locality or region to handle routine requests for service. Facilities for such services could be operated jointly by two or more jurisdictions with costs shared on an agreed basis. These facilities should perform only those scientific evaluations considered to be routine and those not requiring a heavy investment in limited-use equipment. Duplications in local facilities should be eliminated.
- States should provide central laboratory facilities capable of performing almost all complex and sophisticated scientific evaluations needed in police work. Local agencies would forward all complex work to this agency, and perform only routine work themselves. State services should be provided free of cost to all law enforcement agencies. Training of local personnel would be an important aspect of the State laboratory's work. The FBI Laboratory should continue to analyze the sophisticated evidence submitted to it.
- Well-developed police laboratories serving metropolitan needs should be continued, freeing State agencies to develop needed laboratory facilities in other parts of the State. Duplication of facilities between local and State agencies, and between local agencies in the same area, should be avoided.
- Consideration should be given to coordinating and consolidating laboratory services for medical examiners and law enforcement, and related agencies, in one facility capable of serving all needs. In many areas such services could be provided on a local or regional basis.
- Consideration should be given to placing all police laboratories in a State under the direction of a single administration, possibly an independent agency.

A PRIORITY SCALE FOR JOINT PROGRAMS

Equipment and physical facilities are needed for the performance of all staff, auxiliary, and field functions of law enforcement agencies, although needs vary with the type of law enforcement activities undertaken. Usually, the law enforcement agency of a particular government is viewed only as another department when the equipment and space requirements for the entire jurisdiction are being determined. Consequently, the special needs of the police department often are not met.

This fact suggests that the equipment and building needs of law enforcement agencies are susceptible of coordination and consolidation. It should be remembered, however, that while the merger of physical facilities will

⁷⁷ *Supra*, note 56 at p. 27.

in economies, law enforcement will not improve there is also joint performance of activities. Throughout this report, it has been demonstrated that in law enforcement supportive activities are best performed on a joint basis. Particularly, they include the operation of detention facilities, laboratories, communication centers, records systems, and training facilities—commonly performed law enforcement supportive activities which require extensive and expensive physical facilities and equipment. If any or all of these functions are performed on a joint basis, it follows that equipment and buildings needs will also be supplied jointly. It is not necessary for joint operations actually to operate out of the same physical facility in order to have a joint program. If, for example, one police department provides central communications service for several departments, equipment is shared and the other departments can eliminate their duplicate equipment and facilities. In other words, if law enforcement functions are performed on a joint basis, it naturally follows that equipment and buildings will be shared, whether or not only one building is used.

County Buildings. One of the current trends in cooperation between municipal and county governments is the construction of city-county buildings. Common sense should be encouraged, although by itself it does not materially assist in law enforcement activities. Location in the same building, however, may be a first step toward the joint performance of law enforcement activities of the two governments.⁷⁸

Mutual Aid Agreements. One of the most common devices providing for the sharing of personnel and equipment is the mutual aid agreement. Some involve formal agreements, but frequently they are simply informal arrangements for mutual use of personnel and equipment when needed. While such arrangements are useful by themselves, they do not materially improve the quality of law enforcement nor are they binding if the participating agencies need to use the same personnel or equipment at the same time. They are apt to be concerned only with personnel and equipment, not physical facilities, a fact which somewhat restricts their usefulness. More attention should be paid to coordinating and consolidating law enforcement efforts on a formal basis, restricting the use of mutual aid agreements to special or emergency circumstances requiring rapid augmentation of the resources of one department or the other.

COORDINATION AND CONSOLIDATION OF SELECTED FIELD SERVICES

Field services constitute a controversial area in coordination or consolidation of law enforcement activities for one simple reason: Field services are line functions—activities concerned with the fulfillment of the primary police responsibilities, and are characterized by direct contact with people. The police in performing

such functions as criminal investigation, vice and delinquency control, and special tactical operations are constantly in the public eye and the public becomes possessive about these activities. Communities and law enforcement officials willing to operate joint communications centers often are less willing to consider coordinated or consolidated field operations. Political opposition also is most apt to focus on coordinated or consolidated efforts at the police operational level.

CRIMINAL INVESTIGATION

Criminal investigation is a police function not usually included in recommendations for functional consolidation of selected police services. The nature of investigative work explains a great deal of the reluctance to consolidate, or even to coordinate, efforts in seeking solutions to crimes. It is natural for every department to want to solve the "big case" on its own. This is not a sound argument against coordinating or consolidating criminal investigation functions, but one which is current.

A more valid argument is based upon the responsibility which a chief has for preserving order and protecting property in his community. Misner states:⁷⁹

Since a chief of police should properly be held responsible for crime conditions within his city, the responsibility for criminal investigation is one of his most valuable assets. If he loses the authority to investigate, or if it is necessary for outside agents to intervene within his jurisdiction, his effectiveness as a police executive is in question. Consequently, the normal police executive protects jealously his authority to investigate crimes.

A third argument against coordinating or consolidating criminal investigation is its initial dependence upon local patrol for effectiveness. A thorough investigation depends largely upon an adequate preliminary field investigation, and often investigations must be initiated a second time because of inadequate preliminary work. It may be argued that separating investigators from the department which is responsible for the preliminary investigation complicates the work.

Many reasons may be advanced, however, for some coordination or consolidation of criminal investigation. Most small departments cannot afford full-time specialists; and if they could, it is doubtful whether they would assign an investigator to conduct extended investigations throughout several jurisdictions. In metropolitan areas, many criminals are the object of investigations by a number of departments, and one department often seeks assistance from others in the area.

Sheriff Pitchess of Los Angeles County, whose department provides assistance to many departments in the county, had this to say about the need of many departments for aid in conducting investigations:⁸⁰

You do not train a homicide investigator by reading books. * * * When you are confronted with a homicide that is more than just a dead body, you must turn to people who are experts; and the only experts in the field are those who have investigated homicides. Every department in this county, with the exception of Los Angeles and Long Beach, will call us. Pasadena, with over 100,000 population, will also call us, although they are in a better position to train their people because they have homicides. Even Beverly Hills, with perhaps

⁷⁸ For a discussion of sharing joint physical facilities, see Samuel G. Chapman and Ronald E. Rocks, "Planning for Adequate Police Facilities in a Highly Urban Setting," "Police," November-December 1966, pp. 11-17.

⁷⁹ Gordon E. Misner, "Recent Developments in Metropolitan Law Enforcement,

Part II," *Journal of Criminal Law, Criminology and Police Science*, 51: 265-272, 268, July-August 1960.

⁸⁰ *Supra*, note 56 at p. 17.

the highest police budget per capita in the United States, used as the other day.

If one department feels that a crime is beyond its capacity to investigate, it should naturally turn to a jurisdiction that has that capacity. However, it sometimes happens that even if a department desires assistance, there is no reliable agency to which it may turn.

The primary advantage of dividing the responsibility for criminal investigations is flexibility. Concentrating all such investigations in single departments unduly restricts the effectiveness of local law enforcement activities and may make the individual departments a series of local watch services. Again, the establishment of a voluntary central criminal investigation operation will have the desired results only if the local departments turn to it when in need.

Consolidated Criminal Investigation. The consolidation of criminal investigation is most apt to occur in areas where the total consolidation of law enforcement has become a virtual reality.

The Suffolk County (N.Y.) Police Department makes investigation services available to all departments in the county. Although these services are provided only upon request, the local departments use them almost exclusively since there are no independent detective operations in the county. The county police department has the sole responsibility for policing the entire western portion of the county with the exception of 2 communities with departments of fewer than 20 men each, and 5 villages with departments of fewer than 5 men each. These seven independent operations provide basic patrol and initial investigative services to their residents, but rely upon the county for followup investigation and case completion.

In the eastern part of Suffolk County, basic patrol is provided by the elected sheriff who exercises nominal powers as a peace officer. Basic investigative services are provided by 19 detectives assigned by the county police department to this area; and these men are supported by 61 specialists in auto theft, homicide, arson, and other specialized investigations.

The Metropolitan Police Department of Nashville-Davidson County provides a similar service, but there is an important difference resulting from the way the police services in the two jurisdictions are organized. The Nashville-Davidson department provides complete police service to all Davidson County including the areas served by three small municipal departments, none of which employs criminal investigators. If a citizen in an area served by a separated department needs immediate service, he may call either the metropolitan police or the independent department; but even though it receives the initial call, the independent department usually relays it to the metropolitan department.⁸¹ Thus, the metropolitan department assumes complete control of cases from initial through followup investigation. In Suffolk County, the independent departments are responsible for initial investigation, and the Suffolk County detectives thus must rely upon them for some basic information. In order to improve the capabilities of the independent de-

partments in initial investigations, the Suffolk County Police Department is now giving them extensive inservice training in investigative techniques.⁸²

Partial Consolidation of Criminal Investigation. A jurisdiction may choose to employ its own investigators but to call also upon other jurisdictions for assistance. The services of the Dade County Public Safety Department to local jurisdictions are typical of this kind of voluntary arrangement.

In Dade County, 12 independent municipal departments have turned over general criminal investigation functions to the Dade County Public Safety Department, and 10 other departments are given assistance upon request. Only the five largest departments (Miami, Miami Beach, Coral Gables, Hialeah, and Miami Shores) have staffs capable of performing fairly extensive general investigations. The Public Safety Department also investigates all capital crimes in the county except those occurring in the three largest jurisdictions (Miami, Miami Beach, and Hialeah). The various phases of initial investigation are handled by the independent departments.

Except when a small department relies completely on the public safety department there is no clear assignment of responsibility between it and the public safety department. The latter, by virtue of its countywide authority, can enter into a local investigation at any time, but only infrequently does it take such independent action.

It is clear that the planners of Metropolitan Dade County intended that criminal investigation be centralized in the Dade County Public Safety Department. The charter provides that Metropolitan Dade County shall have the power to:⁸³

Provide central records, training, and communications for fire and police protection; provide traffic control and central crime investigation; provide fire stations, jails, and related facilities; and subject to section 1.01A(18) provide a uniform system for fire and police protection.

Commenting on the divided situation 6 years after the charter was adopted, John Pennekamp, editor of the Miami Herald, stated:⁸⁴

Over the years many failures, growing out of the multifaceted police situation, had become apparent. Criminal cases failed of solution in disputes over jurisdiction. In easy criminal cases two or more units wanted to get into the action, to take the credit. When cases became complex there was considerable buck passing with the possible solution evaporating somewhere inside the dispute. Facts were withheld by one unit from the other. Frequently when cases came for trial in court evidence would be missing, lost somewhere in the contest for control of the case.

The International Association of Chiefs of Police (IACP), in its 1963 study of Dade County police services, attempted to bring order out of the apparent chaos resulting to the criminal investigation function, by recommending that criminal investigative responsibilities be divided between local police departments and the public safety department as follows:⁸⁵

Local departments shall conduct all preliminary investigations, except those involving fraud, bad checks, and vice operations, and some continuing investigations such as those involving minor thefts, malicious mischief, simple assaults, and domestic problems.

⁸¹ Interview with Hubert O. Kemp, chief, Metropolitan Police Department of Nashville-Davidson County, Tenn., June 7, 1966.

⁸² Interview with John P. Finnerty, deputy commissioner, Suffolk County (N.Y.) Police Department, Aug. 17, 1966.

⁸³ "The Charter of Metropolitan Dade County, Fla.", art 1, sec. 101-104.

⁸⁴ John Pennekamp, "Behind the Front Page," Miami Herald, Jan. 15, 1963, sec. A, p. 6.

⁸⁵ International Association of Chiefs of Police, "A Survey of Police Services in Metropolitan Dade County, Florida," (Washington: International Association of Chiefs of Police, 1963), p. 25.

The public safety department and the detectives of Miami, Miami Beach, and Hialeah Police Departments will conduct all continuing investigations except those assigned to uniformed patrolmen, and some preliminary investigations, including bad checks, fraud, and vice operations.

No action has been taken on these recommendations.

Under present arrangements, the local departments benefit greatly from the services of the county department, but the continued existence of numerous detective units causes friction, loss of time, and unsatisfactory areawide investigations.

In Dade County, or elsewhere, it is not feasible to divide the responsibility for investigations according to the type or seriousness of crimes. In each instance it would be necessary to establish a central review unit charged with deciding whether the central unit or the local department would investigate. The local departments with detective forces would be reluctant to approve this approach since it might result in a dilution of their authority. Also, precious time would be lost waiting for decisions of the review unit.

Cooperation and Coordination. Many criminal investigations involve considerable exchange of information among departments. A good investigator pursues all possible leads including those that require consultation with investigators in neighboring departments. These consultations occur because a department, although jealous of its reputation and conscious of the favorable publicity that results from solving a major crime, often must depend upon the help of other departments. While informal cooperation is desirable, it falls short of the organized efforts emphasized in this study. Three examples of more formal cooperation and coordination will be described briefly.

The Kansas City Area Metro Squad is made up of men from 7 sheriffs' departments, 20 municipal police departments, and 2 State Departments (Missouri and Kansas) in the area. Each agency provides a specified number of men for the metro squad, which is governed by a board of directors that has established criteria for participating agencies to use in calling upon it for assistance. Kansas city, Mo., which has approximately 125 men assigned to investigation, calls upon the metro squad as often as Independence, which has approximately 6 detectives. When the metro squad is called, up to 50 detectives may be sent on a major case. Metro squad training classes are conducted, members carry metro squad identification cards, and they work in both Kansas and Missouri. Members of the squad, however, do not have the power to make arrests throughout the metropolitan area. When not on metro squad assignments, members work on regular assignments in their respective departments.

The growing "metropolitan" crime problem was a factor leading to the formation of Atlanta's "Metropol." The idea for the organization developed when the city of Atlanta asked the Atlanta Council of Governments to suggest a program which might improve areawide law enforcement. On June 1, 1965, a meeting was called with representatives of the 38 law enforcement agencies

in the 6-county Atlanta region in attendance. Out of this meeting came five projects: (1) Development of area-wide teletype services, (2) adoption of uniform radio call signals, (3) establishment of a metropolitan fugitive squad, (4) creation of a metropolitan training school, and (5) publication of a daily bulletin for all departments.

One of the more important projects is the metropolitan fugitive squad made up of officers from the Atlanta Police Department's fugitive squad and from surrounding departments. These men are available to conduct investigative work on a metropolitan basis. Each department provides an automobile which has Atlanta police radios and other common equipment. Consideration is being given to providing all members of the fugitive squad with arrest powers throughout the metropolitan area.

The Major Case Squad of the Greater St. Louis Area, similar to the Kansas City Metro Squad, is comprised of investigators from both Illinois and Missouri police departments. The board of directors of the squad states in its manual:⁸⁶

We feel that larger law enforcement agencies with their greater police facilities should make them available to the smaller municipalities, as a cooperative gesture.

The board goes on to state the specific reasons for the existence of the squad:⁸⁷

- A smaller municipality rarely is sufficiently staffed or equipped to investigate a major case.
- The perpetrator in many cases resides or takes refuge in the larger city while he preys on the smaller.
- Witnesses, leads, and evidence may be found in more than one jurisdiction.
- The general pooling of resources seems to be the only answer to the "fight against crime. * * *"

The Major Case Squad has already proved its worth. Only recently activated, the squad failed to clear the crime that led to its establishment, but has already cleared many other crimes.

In contrast to the Kansas City and Atlanta operations, each member of the Major Case Squad from St. Louis County has the power to make arrests throughout the county by virtue of deputization by the St. Louis County Police Department.

It should be noted, generally, that though such organizations are multijurisdictional in an operational sense, individual officers' legal authority arises from deputization. Thus, there is no common source of authority or responsibility throughout such organizations.

CONTROL OF DELINQUENCY

The problem of juvenile delinquency, perhaps more so than any other police problem, is dealt with by many individuals and agencies. If effort were the criterion for success in reducing or eliminating delinquent behavior, it would have been achieved long ago. Part of the failure to curb juvenile delinquency may lie in the plethora of agencies established to try to cope with it. Many factors

⁸⁶ Major Case Squad of the Greater St. Louis Area, "Manual of Instructions and Procedures," January 1965, p. 1.

⁸⁷ Id. at p. 1.

cloud the issue of delinquency control. First, there is no universal definition of what constitutes delinquent behavior; and indeed, some communities maintain that they have no juvenile delinquency.⁸⁸ Second, the police are not sure of their role in curbing delinquent behavior. Third, even if they were, other agencies and individuals have differing views of what this role should be. These unsettled issues have been dealt with at length by others. In this brief section, therefore, suggestions are limited to avenues of approach to the problems of cooperation among the police themselves and between the police, on the one hand, and the total community, on the other.

Cooperation Among Police Departments. Generally, the curbing of delinquent behavior is a primary responsibility of each individual police department regardless of size. It is also the responsibility of each patrol officer. Nevertheless, there are occasions when specialized techniques are useful in dealing with delinquents.

A question may be raised on the desirability of specialization in police juvenile work. The fact that a separate court system for juveniles has been developed is one reason, for it calls for special knowledge on the part of the police to understand the operations of this system as differentiated from the other court proceedings. Also different State and local laws apply to the conduct of juveniles and of adults and it is often necessary to have specialized personnel available to decide what procedures and techniques will conform with these laws.

One alternative is to have specialists from large departments train the personnel of small departments in the techniques of handling juveniles. Because of inadequate training, officers bring many juveniles before the courts unnecessarily when other actions would have served better in particular cases. Universities and college throughout the country have established institutes to train officers in methods of handling juveniles, but not every department is in a position to send such personnel to these schools.

Another approach is to have specialists in large departments handle cases that are beyond the capability of the small jurisdiction. Such action is particularly advantageous when cases must be brought into the juvenile courts.

Areawide associations of police juvenile officers are effective in stimulating the exchange of ideas among police jurisdictions and can serve as a means of increasing the level of competence of small jurisdictions in this field. The Metropolitan St. Louis Police-Juvenile Officers Association is an example. Formed in 1959, the association, although limited to police juvenile officers, has been successful in establishing procedures for the handling of juveniles that are followed by all departments in the area, including those without juvenile officers.⁸⁹

Cooperation Between Police and Other Agencies. A pooling of the resources of police and community agencies is a sound approach to reducing the incidence of delinquent behavior. The Oakland, Calif., associated agencies program, for example, was established primarily

because of the difficulties the Oakland Police Department was encountering in trying to deal with juvenile delinquency alone. In a report to the Oakland city manager, the chief pointed out, among other things, that "the 15 police cars we are sending to Technical High School every day are not the answer to this problem."⁹⁰ At his urging, the associated agencies program was established. Composed of representatives of some 10 city, county, and State departments, including the police, the group meets regularly to work out ways of dealing with specific kinds of juvenile problems. Similar programs have been developed in other cities.⁹¹ Suffice it to say that all agencies, including the police, are coming rapidly to a realization that juvenile delinquency can be contained only through joining forces.

VICE CONTROL ⁹²

The Federal Bureau of Investigation does not include violations of vice laws in its documentation of the rising crime rate nationwide. Yet the public is apt to equate vice violations with the increasing problem of crime, and breakdown in the enforcement of vice laws often has been the basis of criticisms of local law enforcement. Many moves for police reorganization have grown out of investigations into local vice conditions.

Vice includes types and classes of personal or group conduct or activity that has been declared through legislation to be inimical to the public welfare and subject to commercial exploitation. Vice is usually considered to embrace prostitution, the illegal use and sale of narcotics, illegal gambling, the use and sale of illegal alcoholic beverages and the illegal sale of legal alcoholic beverages, and the distribution and sale of obscene or pornographic material.

This section defines the relationships that should exist among law enforcement agencies to help in the enforcement of vice laws. In considering this question, a distinction must be made between local and areawide vice activities, although the line between the two is often indistinguishable. Localized vice can be largely controlled by effective local law enforcement, and where the laws prohibiting vice are rigidly enforced, open vice does not exist to any great extent. Real problems occur, however, when vice operations become so deeply imbedded in the community or are so controlled by outsiders that it is practically impossible for local law enforcement agencies to repress them effectively.

Cooperation and coordination in vice control efforts are essential in all vice control activities and are especially important for control areawide. The emphasis in this section is on cooperation and coordination, not on full-scale intervention by outside agencies; although intervention is required when local enforcement fails to curb vice. It is assumed in this discussion that local police departments and officers are diligent in their efforts to enforce the law and have a desire to cope with vice conditions both local and areawide.

Local Vice Problems. Basically, every local vice problem can be handled by the local police department and

⁸⁸ J. Robert Moskin, "The Suburbs: Made to Order for Crime," "Look," May 31, 1966, pp. 21-27.

⁸⁹ Norman Hertel, "Metro Cooperation in Youth Services," "The Police Chief," January 1962, pp. 24-26.

⁹⁰ Wayne E. Thompson, "Developing a City's Human Resources," "Public Management," 45: 74-78, 74, April 1963.

⁹¹ International City Managers' Association, "Inter-Agency Coordination of Juvenile Delinquency Control Programs," Management Information Service Report No. 269 (Chicago: International City Managers Association, June 1966).

⁹² See chapter 7 of the General Report and the Task Force volume on Organized Crime.

responsibility should reside at that level. Nevertheless, assistance from an outside agency is occasionally necessary.

The training of local officers in the recognition of activities and in the enforcement of laws against organized crime is often inadequate, and the needed training may not be supplied by outside assistance as is the case also in police training. Some departments are so small that lengthy vice investigations would divert manpower from needed patrol activities, as is the case with other departments. For these departments to pursue such investigations to their conclusion would be impractical. Manpower can be made available from other jurisdictions. This is also true for surveillance activities where local officers may be not only inadequate in numbers but also well known and easily recognized.

Wide Vice Problems. It is readily apparent that wide vice problems are intertwined with the problem of organized crime. Every major investigation of such crime has concluded that there is need for greater coordination among law enforcement agencies. In only a few areas does a single agency have the responsibility for coordinating the vice control activities of the many agencies involved in them.

Most of the cooperation among police jurisdictions in controlling vice is on an informal basis and conforms to a common pattern. Joint raids are conducted, information is exchanged between chiefs who know one another, one department may request the services of specialists from another department when it realizes its own inadequacies. Yet all of these efforts, though laudable, are less than adequate. The sum total of agencies involved in vice control call for some coordinating mechanism. In referring to this problem, one author states:⁹³

* * * local-State-Federal mixture of responsibility, legal action, and coordination should be of primary concern. Fragmented, repetitive efforts are commonplace; local detectives find themselves following Federal agents. Amidst the welter of competing interests and separate governmental units, there is much talk of cooperation but no mechanism to make coordination

discussing possibilities for control and coordination, suggests that: (1) the collection of information should be on a broad scale, (2) assimilation or coordination should be on a narrow scale (by one agency), and (3) action should be on a wide scale and action should be based upon the patterns emerging from dissimilar and apparently unrelated facts.⁹⁴

At the Federal level a coordinating agency has been established in the Organized Crime and Racketeering Section of the Justice Department's Criminal Division. This section, with offices in a number of larger cities, coordinates the work of many Federal investigative and prosecutive agencies.

At the State level the pattern varies. In some States, State police provide some coordination areawide in vice control. In Illinois, a State crime commission has been established with duties and responsibilities which appear to provide some coordination in vice control on a statewide basis. This agency has certain investigative

responsibilities in vice matters and a wide range of responsibilities associated with organized crime, but it also conducts investigations into the alleged misconduct of local and State legislators and into arson and bomb incidents. In California, coordination of statewide narcotics control efforts is the responsibility of approximately 100 agents of the Bureau of Narcotics Enforcement of the Department of Justice, but this is its sole vice responsibility.

At the local level, any vice conditions existing in a small community with which the local patrol force cannot cope should be made the responsibility of a larger agency with areawide jurisdiction. It will remain the responsibility of the local patrol officers, however, to identify these conditions and bring them to the attention of a larger unit.

SPECIAL TASK FORCE OPERATIONS

The concept of a mobile striking force or task force has been growing in importance in recent years. This may be defined as an element designed to operate as a compact, mobile, effective operational striking force in given locations at times where the record indicates the need for a special concentration of enforcement pressure.

In the words of O. W. Wilson, "A mobile striking force is of value in those situations which call for a saturation of an area either to prevent the outbreak of criminal activity or a racial, religious or nationalist conflict, or when an emergency of major proportions necessitates the assistance of additional personnel."⁹⁵ He goes on to say that "in large cities, the continual demand for details to police special events may justify a detail section of the task force for this purpose."⁹⁶

There are two types of situations where there is need for a task force or body of manpower to serve more than one jurisdiction. The first is the special event, whether it be a large public event or a civil disaster or emergency, where the individual jurisdiction cannot provide sufficient police manpower to cope with it and outside assistance becomes necessary. The second is the situation where crimes are beyond the ability of a single jurisdiction to solve because it lacks some special type of tactical operation.

Special Events. The task force concept has been expanded to cover more than one jurisdiction for the policing of special events or emergency situations, although the manpower thus assembled has never officially been described as a task force.

Among the things that must be covered in any agreement for the pooling of resources are the power of arrest and the privileges and immunities of police officers when requested to act outside their own jurisdictions. State police officers have the power of arrest statewide when enforcing State criminal or penal codes, and county law enforcement officers normally have this power throughout their jurisdiction. At the municipal level, the situation is less clear. Extraterritorial arrest powers are limited primarily to situations in which an officer is engaged in fresh pursuit or is executing an arrest warrant. A typical decision has been rendered by the California District Court of Appeals:⁹⁷

We assume without deciding that a * * * police officer lacks the authority of a peace officer to make an arrest under penal

⁹³ H. Lumbard, "Local and State Action Against Organized Crime," "The American Academy of Political and Social Science," May 1963, p. 86. at p. 88.

⁹⁵ O. W. Wilson, "Police Administration" (2d ed., New York: McGraw-Hill, Inc., 1963), p. 250.

⁹⁶ Id. at p. 250.

⁹⁷ *People v. Alvarado*, 208 C.A. 2d 629 (1962).

code section 836, when he is outside the city limits unless he is engaged in fresh pursuit or is executing a warrant authorizing such arrest.

This type of decision has led California to amend its penal code as follows: ⁹⁸

Upon the request or authority of a chief, sheriff, or chief administrative officer of any county or city, officers from other localities, jurisdictions, or communities shall exercise full police powers as relate to their normal jurisdictions.

Another means of overcoming legal barriers is the local mutual aid agreement, and the number of these in existence attests to its value. (See app. B for a typical mutual aid agreement.) Perhaps the most encompassing provision for mutual aid in the country is contained in the California Disaster Act which establishes the California civil defense and disaster plan. This plan provides the guidelines for full-scale mobilization of police resources in California in the event of civil or military emergency. The plan has been used recently in Vallejo to prevent civil disorder, in the Los Angeles area to help curb disorders following a police-resident incident in the Watts area, and in San Jose to help contain similar problems. Officers can be summoned from all parts of the State to the scene of a disturbance and, while acting under authority of the Disaster Act, they have the same authority they would have if they were acting in their own jurisdictions.

The pertinent provision of the act states: ⁹⁹

All of the privileges and immunities from liability, exemptions from law, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of such officers, agents, or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this chapter.

Tactical Operations. It is difficult to find a single example of a multijurisdictional task force directed to prevent or control specific crime problems. The metropolitan detective units in Kansas City, Atlanta, and St. Louis come closest to this concept although they are strictly investigative units. Multijurisdictional task forces for enforcement purposes, however, have thus far not been developed, although legal and other barriers to such forces could be overcome.

The need for concentrations of police personnel can be determined from an analysis of the crime problems in any given area. Essentially, the deployment of a mobile striking or task force is related directly to crime analysis. If such analysis is performed on an areawide basis, as suggested earlier in this chapter, an areawide task force will be an effective extension of it.

One means of establishing an areawide task force is through some form of mutual aid agreement. Normally, provisions on compensation are not included in such an agreement. However, since a task force will be utilized on a more regular basis than a force mobilized for special events, some consideration needs to be given to its continuing financing.

Cooperative ventures in criminal investigation, however, have not included any provisions for financing. Salaries of the men participating in these efforts are paid by their employing departments. The method of financing an interjurisdictional task force must be decided by the participants if mutual aid agreements are utilized. Effective organization calls for a commander and other supervisory personnel, an established set of rules under which the unit will operate, and agreement on the crime on which the unit will focus its attention. Such a unit may well be organized along the lines of the metro squad of investigators, but it should also have the power to make arrests in any cooperating jurisdiction, and, to be effective, should be continuously employed in its task force capacity.

Implementation of the concept of a multijurisdictional task force by the localities involved will require each participating jurisdiction to donate manpower over an extended period of time, and this may not be possible. Thus, it may be necessary to turn to the county or State police agency to establish a unit specifically designed to serve local departments in this capacity.

POLICE SERVICE AND JURISDICTIONAL CONSOLIDATION

Thus far, this chapter has considered methods of ameliorating the effects of decentralized local police administration through the coordination or consolidation of staff, auxiliary, and certain field functions. It has considered coordination or consolidation in relation to basic patrol services; yet, if these services are not considered, it must be on the assumption that every police agency, regardless of size, is capable of providing them effectively if staff, auxiliary, and certain field services are available on a coordinated or consolidated basis. Such an assumption is not valid.

It has been shown that every new police officer needs basic training upon appointment. But even though adequate training programs are available, the fact remains that some police agencies, for one reason or another, never make use of them. High standards for the recruitment and selection of police officers can be established, but some jurisdictions will escape these provisions. Criminal laboratories, records centers, centralized communication services, centralized investigative staffs, and other supplementary services can be established with the intent of assisting departments who cannot provide these services for themselves. Once again, some departments, because of a variety of limitations, will not effectively use them.

The number of departments administered and staffed by untrained, part-time personnel is distressing. A recent survey of police manpower in two counties in the Chicago metropolitan area revealed that many of the small departments employ more part-time (not auxiliary) police officers than full-time officers. Indeed, one department was entirely so staffed. (App. C presents the tabulation of this survey.) A similar survey in Onondaga County, Syracuse, N.Y., showed that there are 13 towns and villages employing a total of only 34 full-time police

⁹⁸ 49 Cal. Penal Code sec. 817 (1966 Cum. Supp.).

⁹⁹ 46 Cal. Military and Veterans Code sec. 1587 (1966 Cum. Supp.).

cers and that the bulk of police service is provided by part-time officers.¹⁰⁰

The cost of providing basic police service is of paramount importance in considering total consolidation. It has been pointed out in previous sections that certain staff, auxiliary, and field services are beyond the resources of many departments to provide. This is also true in many instances with regard to basic patrol services.

Partial or complete consolidation of police services reduces conflicts over jurisdiction; with consolidation there are fewer jurisdictions with which to contend. The compelling reason for consolidation is the elimination of overlapping law enforcement powers of jurisdictions that do not provide quality law enforcement because of administrative deficiencies or financial inadequacies.

This section considers alternative approaches to the consolidation of the police services of two or more jurisdictions. Discussed in turn are consolidation of police services through the establishment of a metropolitan-type government, through formation of a subordinate service district under a county police agency, through annexation through contract with another jurisdiction for law enforcement, and through the establishment of a separate special district.

POLICE SERVICE UNDER METROPOLITAN GOVERNMENT

There have been many efforts for comprehensive reorganization of local government in metropolitan areas, with only two noteworthy examples in this country—Nashville, Davidson County, Tenn., and Miami, Dade County, Fla. The major reorganization of local government in Metropolitan Toronto, Canada, has had much impact upon local government in the United States. Each of these reorganizations takes a different form.

Nashville, Davidson County represents a total consolidation of a city and a county into a new government performing areawide services. The Dade County reorganization represents the granting of certain areawide powers to a charter county without affecting the corporate identity of existing municipalities. Toronto is a federal form of government, with the municipality of Metropolitan Toronto providing all services deemed to be metropolitan and the local governments maintaining control of all services deemed to be local. The Toronto structure resembles that of Dade County, but differs significantly from that of Nashville, Davidson County.

Law enforcement services are organized differently in each of these areas. The Metropolitan Toronto Police Department is the largest of the departments and the most consolidated. The Nashville-Davidson County department is similar in form to that of Toronto, but has not had the success of Toronto, in part because it is not the primary law enforcement agency in the county. In Dade County, there is no single metropolitan police force, although the county department has countywide jurisdiction.

Metropolitan Dade County. Metropolitan Dade County has a strong county government providing urban-

type services in the unincorporated areas and performing certain areawide functions throughout the county. Metropolitan Dade County was the first metropolitan-type government in the United States. Often there is a misconception that there is only one government in Dade County, whereas, in fact, there are 28.

Dade County had a 1963 estimated total population of more than 1 million, 40 percent of whom reside in the unincorporated area of the county and 60 percent in one or the other of the county's 27 municipal corporations. The municipalities range in size from the central city of Miami, with 330,000 persons, to the recently created city of Islandia which is virtually uninhabited.¹⁰¹

In May 1957, the voters of Dade County adopted a county charter that brought three basic changes. First, it transformed the former typical county government to the commission-manager form, making numerous elective offices, including that of sheriff, appointive. Second, it gave Dade County home rule and vested in the board of county commissioners the authority to adopt local legislation in a number of areas. Finally, it gave the board of county commissioners the power to carry on a central metropolitan government. Among the enumerated powers of the county are some pertinent to law enforcement, including provision of central police records, crime investigations, communications, jails, and training and setting reasonable minimum standards for all governmental units in the county for the performance of any service or function.

Law Enforcement. Law enforcement services in the county are provided in a variety of ways. Each incorporated municipality except Islandia offers some police protection, and some municipalities provide almost complete law enforcement services. The Dade County Public Safety Department, under the supervision of the director of public safety, who also bears the title of sheriff, provides some law enforcement services for those municipalities that choose to avail themselves of them and also provides complete police service to unincorporated areas. Table 1 shows the services performed by the county for the municipalities.

Law enforcement in Dade County has two principal problems caused primarily by the congeries of jurisdictions. Police strength of the several law enforcement agencies, shown in table 2, is distributed unevenly, some departments consisting of fewer than five men. Also, as is typical in many metropolitan areas, municipal boundaries have little order, and large unincorporated pockets exist in the heart of some municipalities. Law enforcement services in these pockets are the responsibility of the Dade County Public Safety Department, but frequently adjacent municipal departments answer calls for service initially while awaiting the arrival of the county personnel who have primary responsibility. Formal procedures are lacking and residents are confused as to jurisdictional responsibility.

There are solutions to both these problems, under powers granted in the charter, short of the total amalgamation of all police departments in the county. Section 1.01A(18) of the charter, states that the Board of County

Onondaga County, N.Y., Division of Research, "Law Enforcement in Onondaga County" (Syracuse: Onondaga County, Division of Research, Mar. 23, 1966), pp. 8-11.

¹⁰¹ "The First Ten Years: A Proposed Government Information System for Dade County, Florida" (Miami: Metropolitan Dade County Government, Office of County Manager, Data Processing Division, 1966), p. 66.

ty requested the public safety department to estimate cost of contract policing, but although the county and provide the service for considerably less than the municipality, the city decided that it preferred to have its own police department.¹⁰³

is the responsibility of the county planning director to study municipal boundaries with a view to recommending their orderly adjustment and improvement. Proposed boundary changes may then be initiated by the Board of County Commissioners, the governing body of the municipality, or by petition of any persons or group considered. Municipal elections are required in most circumstances to change boundaries.

present, the chances for a merger of all police departments in Dade County are slight. Since the office of sheriff was returned to appointive status, as a result of a referendum on November 8, 1966, however, consolidation and consolidation of certain services may be more attainable. A continuing difficulty arises from the constitutional amendment which gives the county the power to perform a wide range of services but limits its taxing powers to those of other Florida counties which do not have like powers. The present law enforcement budget is supported almost entirely by ad valorem taxes. Expanded services would require an increase in the county tax rate and, unless accompanied by a proportionate decrease in municipal property taxes, the burden on the Dade County taxpayers would be substantial. Another possibility would be to consider new sources of revenue.

first step toward consolidation could be a merger of smaller police departments with the county operation by contract or other means. Larger municipalities could continue to be self-sufficient in basic police services but could gain help from the county agency in staff, equipment, and certain field functions.

The powers granted to the county are considerable and will become of greater significance in coordinating and consolidating law enforcement services. Of particular importance is the minimum standards provision which allows the county to exercise important controls over local police agencies.

Metropolitan Nashville-Davidson County. The metropolitan government of Nashville, Davidson County is the most complete metropolitan government in the United States. Separate city and county governments were merged into a new government servicing the entire area. The functions performed by the metropolitan government is law enforcement.

Several factors contributing to Nashville's success in forming a metropolitan government are unique. The Nashville-Davidson County area experienced the same urban population growth as other metropolitan areas, but not the new municipal incorporations that plague so many areas. Only six incorporated municipalities outside Nashville remain in Davidson County.

Mounting population and governmental problems of the area led to the formation of the metropolitan government. In 1953, the State constitution was amended to

authorize the legislature to provide for the consolidation of any or all functions of cities and counties in Tennessee.¹⁰⁴ In 1957, the legislature passed a general enabling act which permitted cities and counties having a combined population of more than 200,000 to establish a charter commission that could propose a charter for a consolidated city and county government to the voters.¹⁰⁵ The Nashville area met these requirements, but in 1958 the voters turned down a charter providing for the amalgamation of the governments of the city of Nashville and Davidson County. The issue was decided by the large negative vote in the suburbs and the rural areas.

Meanwhile, Nashville was trying to solve its own problems, particularly those related to a declining tax base. Property taxes were increased and a new vehicle tax was imposed both on residents and on certain nonresidents. The city also annexed by ordinance, and without an advisory vote of the affected residents, an adjacent area that included some 80,000 people. The residents of the newly annexed area were incensed because they were required to pay higher taxes without an appreciable increase in municipal services, and it was in essence the city's annexation policy that provided the necessary stimulus for success when a second election was held on forming a metropolitan government in 1962.¹⁰⁶

Two provisions of the new charter are particularly relevant to police service in Nashville, Davidson County. First, the county is divided into two districts—an urban services district and a general services district—with residents of the urban services district paying higher taxes for urban-type services.¹⁰⁷ In effect, the urban services district is the old city of Nashville, and the general services district is the entire county. Residents of each area pay for the level of services they receive, including law enforcement. The second provision relates to the expansion of the urban service district.¹⁰⁸ Whenever the metropolitan council finds that areas of the general services district require urban-type services (e.g., more police protection), they are included within the urban services district and are made subject to higher taxes.

Law Enforcement. Prior to reorganization, law enforcement was provided primarily by the Nashville Police Department and the elected county sheriff. The sheriff had a 2-year term, and changes in management and manpower were frequent. In addition, elected constables with constitutional status had some law enforcement responsibilities and were paid on a fee basis. Private police agencies whose personnel had deputy sheriff's commissions provided law enforcement for some areas under a subscription service. Only three municipal police departments were in operation, each of limited proficiency. Police protection in the county was inadequate at best.

Upon establishment of the metropolitan government, approximately 100 sheriff's deputies were absorbed by the new metropolitan police department, which now has an authorized strength of approximately 550 sworn officers and 110 civilians.

The sheriff's sole responsibility, in addition to serving civil processes, is custody and control of the metropolitan

Interview with George Leppig, acting sheriff, Dade County, Fla., June 10,

Fla. Const., art. XI, sec. 9.
Fla. Code Ann. sec. 6-3701 (1966 Cum. Supp.).
For a full discussion of events leading to consolidation see David A. Booth, "Politics: The Nashville Consolidation" (East Lansing: Michigan State University, Institute for Community Development and Services, 1963).

¹⁰⁷ "Charter of the Metropolitan Government of Nashville and Davidson County, Tennessee" (Nashville: Metropolitan Government Charter Commission, 1962), sec. 1.03.

¹⁰⁸ *Id.* at sec. 1.04.

jail.¹⁰⁹ The metropolitan police department has no detention responsibilities. Soon after the charter took effect, the newly elected sheriff initiated court action to restore his criminal law enforcement powers on the basis that he was an independently elected constitutional officer. The Tennessee Supreme Court, however, upheld the charter, stating that the sheriff had no criminal law enforcement powers.¹¹⁰ No change was made in the constitutional office of constable; but without exception constables no longer perform any law enforcement functions.

Three municipalities continue to have their own departments, but all others rely on the metropolitan police department. Seven private agencies continue serving both incorporated and unincorporated areas by subscription. The metropolitan department patrols the entire county as if the other departments did not exist, and any need for major police services is immediately forwarded by the smaller departments to the metropolitan department.

The division of charges for law enforcement between the urban services district and the general services district presents a problem. The police department budget for the 1966-67 fiscal year is \$4.6 million, of which \$2.6 million is chargeable to the urban services district for services beyond normal police protection. In other words, the tax rate in the urban services district is based on the entire police department budget, whereas the tax rate for residents of the general services district is based on only that portion of the department's budget considered normal police protection, or 55 percent of the total.

As the population of the suburban areas has increased, the charge for extra police protection to the urban services district has decreased from \$4 million in fiscal year 1963-64 to the present \$2.6 million. There is some feeling on the part of residents outside the urban services district that they may be paying for more police protection than they receive from the metropolitan police department.¹¹¹ The present distribution of charges is not calculated on any precise basis, and calculations are made difficult by the fact that patrol beats of the services districts overlap.

Another problem is the continued existence of private police services and of small municipal police departments. This is unfortunate because of some overlapping jurisdiction and because the residents of areas served by the metropolitan department and the private or small municipal agencies, as a matter of local choice, are paying more for police protection than is necessary. As has been noted, however, jurisdictional problems are minimized by the unquestioned authority of the metropolitan department. As a practical matter, the chief of the metropolitan department feels that the independent departments served a useful purpose in the period following the reorganization before the metropolitan department could adequately cover the suburban and rural areas.¹¹² This situation has now been remedied through the addition of personnel and an increase in patrol coverage.

The experience of Nashville with metropolitan government is fortunate, but it seems doubtful that its approach

can be applied easily to many metropolitan areas, particularly those with numerous established local governments. Its success can be largely credited to the absence of many established local jurisdictions, each with its own set of services and personnel and an established police hierarchy.

Metropolitan Toronto. The Metropolitan Toronto Police Department provides police protection for the entire Toronto metropolitan area, which includes 290 square miles, nearly 2 million people, and 13 incorporated municipalities including the city of Toronto. There are no independent policing agencies in Metropolitan Toronto.

The Metropolitan Toronto Police Department is responsible to a five-man metropolitan board of commissioners of police appointed by the Province of Ontario. It is financed by an assessment on each of the 13 incorporated municipalities, the amount varying with the proportion of the total that each municipality's assessed valuation is of the assessed valuation of all 13 municipalities. Budgetary control is exercised by the Council of the Municipality of Metropolitan Toronto, comprised of areawide representatives and heads of the governments of the 13 municipalities. The only ties between the metropolitan police department and the municipalities of Metropolitan Toronto are on matters of budget, financing, and taxation. The municipality of Metropolitan Toronto is based upon the concept that certain functions of government in metropolitan areas must be performed on an areawide basis, whereas others can be reserved to local jurisdictions. Police protection is considered a metropolitan function.

In order to understand the development of the metropolitan police department it is necessary to describe briefly the formation of the municipality of Metropolitan Toronto. The primary reason for establishing a metropolitan government was that suburban areas were increasingly unable to supply certain services themselves and a system of intermunicipal agreements had proved inadequate to the task. A study was conducted in the early 1950's which recommended the establishment of a federated government that would have jurisdiction over matters of common concern to the 13 members of the federation.

Hearings were conducted before the Ontario Municipal Board (the provincial agency concerned with local government affairs), with representatives of the 13 municipalities in attendance to present their views. Not every municipality favored the particular solution, but the board recommended it to the Ontario Provincial Legislature, and the legislature thereupon passed the act creating the municipality of Metropolitan Toronto, to take effect January 1, 1954. Law enforcement was not one of the original functions of the metropolitan government.

In 1954, a special committee was appointed by the metropolitan council to study the feasibility of amalgamating the 13 police departments. After hearing arguments from the affected municipalities, and despite the arguments against it by nine of them, the committee rec-

¹⁰⁹ Id. at sec. 16.05.

¹¹⁰ *Metropolitan Government v. Poe*, 383 S.W. 2d 265 (Tenn. 1963).

¹¹¹ Interview with Robert Horton, fiscal assistant to the mayor of the metropolitan government of Nashville, Davidson County, Tenn., June 7, 1966.

¹¹² Interview with Hubert O. Kemp, chief, metropolitan police department of Nashville, Davidson County, Tenn., June 7, 1966.

recommended the merger.¹¹³ The metropolitan council recommended to the provincial legislature that the forces be merged and following the enactment of legislation, the metropolitan department came into being January 1, 1957.

Staff and auxiliary services are now provided by the metropolitan police department in a degree that would have been impossible even under partial merger. A 14-week recruit-training program is provided where prior to amalgamation only two departments had recruit-training programs. Centralized communications is a reality. Records are centralized and central investigation is provided for all jurisdictions.

One measure of the effectiveness of the consolidated police department is the rate of crime clearances. In 1957, the clearance rate for major offenses was 39.5 percent; in 1965, it was 46.2 percent. In terms of the cost, the police budget has risen from \$11.6 million in 1956 to \$17 million in 1966, or approximately 140 percent. Other expenditures for fire protection, still a municipal responsibility, have risen, however, by a greater percentage.¹¹⁴ Shortly after the department was formed, criticism was leveled against the consolidation because patrol service had been reduced in certain areas. This criticism was correct in substance, as personnel of the consolidated department were allocated according to need, not prior commitment.

More recently, the concern has been that there is not enough contact between police and community officials. As a brief to the Royal Commission on Metropolitan Toronto, officials of the township of Scarborough stated

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our concern is that the police force is too centralized and there is little association directly with the local municipalities. If there were a larger measure of authority at the local level there would be a greater participation by the police in community functions to the end that their association with local residents would be at a more personalized level.

The officials went on to state that the district commander should have more authority, and transfers of personnel should be less frequent so that officers would become more familiar with local problems.¹¹⁶ It is now standard practice for the district commanders to attend meetings of the municipal councils.

The federated form of government in the Toronto area provides some possible approaches to achieving comprehensive reorganization in this country, and the success of a consolidated law enforcement program demonstrates that a total system approach is possible. It should be kept in mind, however, that comprehensive reorganization in the United States depends upon local participation in the decisions to change the structure of government, whereas it is accomplished by the provincial government in Canada.

THE SERVICE THROUGH COUNTY SUBORDINATE POLICE DISTRICTS

It is common practice for county police agencies to provide police services to unincorporated areas of the

county. Normally, such services are financed from general county revenues. It is uncommon, however, to find a county department providing police services to residents of incorporated areas with financing through a special tax on these residents—the pattern found in Suffolk and Nassau Counties (Long Island), N.Y.

Suffolk County. Suffolk County is one of the largest and fastest growing counties in the United States. The county police department, through the police district, provides complete police protection services for 560 of the county's 922 square miles, and 765,000 of the county's population of 900,000.

Governmental functions are performed by the county, 10 towns, and 36 villages, each with its own elected officials. The county is made up of two distinct areas, the western and the eastern. Most of the growth has taken place in the western portion, whereas the eastern part remains basically agricultural. In the western half are 5 of the 10 towns and 27 of the 36 villages.

In order to understand law enforcement in Suffolk County, it is necessary to trace the events that led to the formation of the Suffolk County Police Department. Prior to the formation of the department in 1960, law enforcement was provided by some town police departments, some village departments, district attorney investigators, and an elected sheriff. Not only was law enforcement in the county inadequate, but government was not organized to cope with problems inherent in the growth of the area. In order to strengthen both county government and law enforcement, a special act of the State legislature, the Suffolk County Charter, was passed in 1958.¹¹⁷ This charter called for a strong county government and a county police department to be voted on by the electorate of Suffolk County in November 1958. Two votes were taken; one secured the adoption of the charter and the other the formation of the county police department, financed in part through a special police district tax on residents voting to receive complete police service from the department.

Six provisions of the charter pertain to the formation and services of the department. First, each town and village wishing to transfer its law enforcement functions to the county department must vote on the issue and be subject to a special police district tax. Second, in order to form the district, an affirmative vote of three contiguous towns was necessary. Third, any village within a contiguous town joining the police district could, by majority vote, transfer its police functions to the county department, and be subject to the special tax. Fourth, for the future, any town or village contiguous to a town already served by the county department could elect to join it. Fifth, any town or village not choosing to become a part of the police district could contract with the county department for police service for a period of 2 years. And, finally, a decision taken to receive county department service and be subject to the special tax is irrevocable.¹¹⁸

Initially, the 5 contiguous western towns and 20 of the 27 villages within these towns voted to turn over police

Five of the nine municipalities opposed to the merger, however, recommended centralization of certain staff and auxiliary services. The four in favor of the merger recognized that this was only a partial solution to the problem and without total amalgamation local municipalities would still be forced to expand protection to meet the rising population demand. The number of unsolved cases was also a dramatic argument for amalgamation. See app. D for the facts for and against consolidation.

Interview with Magistrate Charles O. Bick, chairman, Metropolitan Toronto Board of Commissioners of Police, June 17, 1966.

¹¹³ H. Carl Goldenberg, commissioner, "Report of the Royal Commission on Metropolitan Toronto," (Toronto: Province of Ontario, 1965), p. 61. This report, commonly called the Goldenberg report, recommended reduction in the number of municipalities from 13 to 4. By act of the provincial legislature, the number was to be reduced to six on Jan. 1, 1967.)

¹¹⁴ *Ibid.*, p. 61.

¹¹⁷ "Laws of New York," 1958, ch. 278.

¹¹⁸ This rather complex method is covered in "Laws of New York," 1958, Suffolk County Charter, ch. 278, secs. 1206, 1207, 1209.

functions to the county police department, and the department came into operation on January 1, 1960. Manpower came primarily from the towns and villages which elected to divest themselves of their police function; 3 of these had more than 100 officers each at the time of merger. The investigators of the district attorney's office were also brought into the new department. Present strength is approximately 1,300 sworn police officers.

Seven villages within the joining towns voted not to join the police district, and so maintain their own departments, the largest of which has fewer than 20 men. An elected sheriff provides a modicum of patrol to the residents of the five eastern towns and the villages within them. In all cases, the county police department supplements the efforts of the independent agencies. The county department also supplies all criminal investigation services and performs most staff, auxiliary, and field functions. Detention, however, is handled by the sheriff.

The police budget is divided into two parts: one is for the services provided solely to the special police districts (in 1966, it amounted to an expenditure of \$14 million, or more than 85 percent of the total budget of \$16 million), and the other covers the cost of services that are provided countywide. Services to the police district are financed by a tax on the residents of the district; countywide services are financed from county general revenues. Services charged to the respective funds are detailed in table 3.

Table 3.—Distribution of Services Between Those Financed by Police District Tax and Countywide Revenues

FINANCED BY COUNTYWIDE REVENUES

- Commissioner of Police and his staff.
- Chief Inspector in charge of auxiliary services.
- Deputy Chief Inspector in charge of detectives.
- Deputy Inspector in charge of Communications and Information Bureau.
- Central Records and Statistical Bureau.
- Personnel Bureau except Inspection Section.
- Property Bureau.
- Civil Defense Bureau.
- Finance Bureau.
- Special Service Bureau of Detectives (e.g. homicide squad, auto theft squad, narcotics squad, etc.).
- Squad of detectives assigned specifically to area outside police district.
- Crime Laboratory.
- Juvenile Aid Bureau.
- Part of Planning Bureau.

FINANCED BY DISTRICT TAX

- Chief of Police District.
- All personnel assigned to Police District including district detectives.
- Communications and Information Bureau.
- Transportation and Maintenance Bureau.
- Traffic and Safety Bureau.
- Tactical Platoon.
- Marine Bureau.
- Inspection Section of Personnel Bureau.
- Part of Planning Bureau.
- Principal and interest on bonds of police districts.

Source: County of Suffolk, N.Y. "Budget, 1966," pp. 164-186.

Finally, the wisdom of the charter provision which precludes a town or village electing to join the county police district from subsequently withdrawing might be questioned. But, in order to provide consistent police protection, it has been considered to be necessary.

The county police department was established because existing law enforcement agencies were not able to meet the needs of the increasing population in the western portion of the county. More recently, a request by county legislators representing the five eastern towns resulted in expansion of the criminal investigation services serving this area. As population in the eastern section grows the five eastern towns are likely to find that existing law enforcement arrangements will not meet their needs and may turn to the county department.

Nassau County. Nassau and Suffolk Counties resemble one another in their provisions for law enforcement, with differences that reflect the geographical and police composition of the two counties.

The Nassau County Police Department, with approximately 2,600 sworn officers, provides complete police protection to 45 of the 69 incorporated municipalities in the county. This service is financed by ad valorem taxes on their residents. The police district, the area on which the tax is assessed, includes 205 of the county's 300 square miles and 1.1 million of its 1.4 million population. In the total 1966 budget of \$30 million, \$21 million is expended for services rendered to residents of the police district.

Twenty-four jurisdictions continue to provide law enforcement services through their own police departments but the county department provides certain supplementary services to them. The cost of these services, financed by countywide revenues, amounts to \$9 million for 1966.

The essential differences between the two county departments stem in part from their respective histories. Whereas the Suffolk County Department was established only in 1960, the Nassau County Department dates from 1925. The original force consisted of 55 men transferred

from the county sheriff's office (the sheriff no longer has police responsibilities). The police district originally encompassed the unincorporated area of the county and two special districts which have since been dissolved.

To join the police district, the governing body of an incorporated community must adopt a resolution, which must then be acted on favorably by the county board, a more simple method than that employed in Suffolk County. The area policed by the district need not be contiguous, and a municipality may withdraw from the county police district upon petition and a referendum vote. As in Suffolk County, a municipality may contract with the county department for service for a period of 2 years.

The departments also differ in their internal organization and methods. For example, communications are centralized in Suffolk County so that residents need call only one number when desiring service from the county department. In Nassau County there are eight telephone numbers, each terminating in one of eight precinct stations. Cars are dispatched from a central radio room after the message is relayed by direct telephone line from the precinct station. It could be said that the Suffolk County department has used its unique position to better advantage in this respect.

The division of charges between the police district and the county also differs. Whereas more than 85 percent of the Suffolk County department's budget is charged to the police district, in Nassau County the percentage is only 72. The major reason for the difference is that the cost of the total detective force in Nassau County is charged to the countywide budget; whereas in Suffolk County the costs of only specialized units and the detective unit serving the eastern portion of the county are so charged.

Conclusions. In terms of their applicability to other areas, the following conclusions have been drawn on the experience in Suffolk and Nassau Counties:

- Provision of police service through a special tax on areas provides this service on an equitable method of financing.
- The subordinate service district can provide for a contiguous policing jurisdiction guaranteeing a consistent level of service throughout an area.

ANNEXATION

The practice of adjusting municipal boundaries through annexation is widespread. Annexation is the absorption by a city of territory which is normally contiguous, unincorporated, and smaller than the annexing city. The result is a larger jurisdiction, usually with essentially the same form of local government.

Techniques of Annexation. Annexation practices vary significantly from State to State, but five principal methods are utilized: (1) Legislative determination, in which municipal boundaries are extended by special act of the State legislature; (2) popular determination, in

which the voters decide whether an annexation shall take place (this vote may be taken separately or jointly by the voters of the enlarged municipality, the territory to be annexed, and/or the jurisdiction that will lose the annexed land); (3) municipal determination, by unilateral action of the annexing municipality; (4) judicial determination, in which a State court decides whether a proposed annexation shall take place; and (5) quasi-legislative determination, in which a commission or board makes the decisions.¹¹⁹ Several of the principal methods also may be used in conjunction with one another.

The major strength of annexation as an approach to reorganizing local government is its broadening of the geographical jurisdiction of existing municipalities. It can forestall the creation of special districts or new municipal incorporations and thus help prevent local governmental patterns from becoming more complex. Because annexations are usually of the fringe areas around cities, the cities can then include them in their total program of governmental services and prevent the fringe areas from becoming a source of spillover problems.¹²⁰

Although there is a trend toward making annexation easier to accomplish through the use of quasi-legislative groups like State boundary commissions, in most States the laws do not work to the advantage of an annexing municipality and thus present obstacles to consistent growth through annexation. Also, the prospect of annexation frequently precipitates "defensive" incorporations by fringe areas which work against orderly growth and development. Finally, annexation is of limited use to a city surrounded on all sides by incorporated areas.¹²¹

Annexation and Police Services. One city which has experienced major growth in recent years through a strong policy of annexation is Phoenix, Ariz. In the 16-year period from 1950 to 1966, the city has grown from 16 square miles to nearly 250, and the population has increased from 100,000 to over 500,000. All of the growth in the area has come through the annexation of unincorporated areas surrounding the city and lying within Maricopa County.

Phoenix actively sought annexations as a means of providing for orderly growth and development of the city through preventing the formation of special districts and new municipal corporations on its outskirts. Most of the area annexed has not added sufficient revenues to meet the cost of the necessary expansion of services, but the city is convinced, under its circumstances, that annexation is the best approach to resolving a number of municipal problems.¹²²

Law enforcement service in annexed areas was formerly provided by the county sheriff, who had a huge land area to cover with a small staff. The sheriff provided this service on a request basis, and no significant attempts were made to set up established patrol areas. With annexation, the city police department extended complete law enforcement service to the newly added areas immediately, with a corresponding increase in the size of the department.¹²³

¹¹⁹ Advisory Commission on Inter-Governmental Relations, "Alternative Approaches to Governmental Reorganization in Metropolitan Areas" (Washington: Advisory Commission on Inter-Governmental Relations, 1962), p. 58.

¹²⁰ *Id.* at pp. 63-64.

¹²¹ *Id.* at pp. 64-65.

¹²² Interview with Marvin Andrews, assistant to city manager, Phoenix, Ariz., May 10, 1966.

¹²³ Interview with Lawrence M. Wetzel, assistant chief of police, Phoenix, Ariz., May 10, 1966.

The need for better law enforcement usually is not a prime factor in moves for annexation, but improvement in enforcement services in the added areas is usually a direct result of annexation.

CONTRACT LAW ENFORCEMENT

Intergovernmental agreements are the most widely used means of broadening the geographical base for handling common functions, especially in metropolitan areas. They provide one of the least complicated means of accomplishing coordinated or consolidated governmental services, including law enforcement. Under a contract program, one government agrees to provide certain specified services to another for a fee—in brief, to act as an agent of the other in its jurisdiction.

Contract programs for services are most commonly associated with local government in California, where nearly 3,000 such programs are in operation, including 500 in the law enforcement field.¹²⁴ Contract programs in California usually involve an agreement between a county and a city whereby the former provides services to the latter. In Atlanta, Ga., by contrast, the city provides law enforcement services to Fulton County under the terms of a contract. In Connecticut, the State provides law enforcement services to municipalities on a contract basis.

Count to City. Los Angeles County provides complete law enforcement service to 29 of 77 incorporated municipalities within the county. In addition, it provides selected staff, auxiliary, and field services to all jurisdictions. The major advantage of the total program is that the sheriff's department is able economically to provide professional police services directed to the overall needs as well as services adapted to the particular needs of any local community. The major disadvantage is that the municipalities participating in the contract program are not contiguous, and law enforcement, therefore, is somewhat uneven. Total consolidation of the metropolitan area has not been achieved, nor does it seem likely to occur through the contract program.

Beginning in 1954, there have been 29 new municipal incorporations in Los Angeles County, the first since 1939. Each of these new cities was immediately confronted with the basic problem of providing the usual municipal services to its residents. A logical solution was to have the county continue to provide services on a contract basis. The city of Lakewood initiated the program, and it has been accepted in large part by 27 of the other 29 new municipalities. The one exception, the city of Downey, chose to provide its own basic services, including law enforcement.¹²⁵

In evaluating the contract program, one city administrator stated, "A central police authority in the metropolitan area is not the answer in the administration and enforcement of justice. You must have local control because law enforcement is a local government function. The city must participate in all decisions."¹²⁶ The city administrator considered contract law enforcement programs to meet this requirement. The station commander

of the sheriff's department serving Lakewood functioned completely as a chief of police, according to the city administrator, and there are no problems of communication between the administrator's office and the station commander. At no time has the contract program become a political issue in Lakewood, which suggests that the community is satisfied with the quality and level of service it receives.

Cities enter into a contract program with the county on a voluntary basis, and it is this aspect which has contributed to its success. No effort is made to sell a particular kind of service to them. The program has been described by Arthur G. Will, county-city coordinator of all contract programs, as:¹²⁷

* * * a partnership of cities and the county to provide law enforcement services at the least cost while both agencies retain the power of self-determination and home rule. It is further a voluntary partnership under which cities may establish and maintain law enforcement identity without heavy initial investment in capital plant, equipment, and personnel. Thus, neither agency loses any of its powers but cooperates for the provision of the services at a mutually satisfactory level.

Objections to Contract Program. Two principal objections have been made to the contract program in Los Angeles County. First, many noncontract cities have complained that the county was subsidizing the contract cities, at least in part, at the expense of noncontract cities. Second, it has been objected that the contract program is an abridgment of local home rule.

It is the express policy of Los Angeles County to recover the entire cost of any services performed for another government; and the State constitution, in fact, prohibits a county from underwriting costs of another government.¹²⁸ Table 4 shows a summary of contract charges per unit, per year, from 1958 to 1966. A contract program costs a city less than if it provided the service itself, largely because of the economies resulting from larger programs, but charges would seem to reflect actual costs of services accurately.

Table 4.—Rates Charged by Los Angeles County Sheriff's Department for Patrol Car Service to Contract Cities

Cost elements	(July 1, 1958, to June 30, 1966)				
	July 1, 1958, to Dec. 31, 1962	July 1, 1962, to June 30, 1963	July 1, 1963, to June 30, 1964	July 1, 1964, to June 30, 1965	July 1, 1965, to June 30, 1966
Station:					
Salaries and employee benefits	\$68,919	\$81,779	\$83,414	\$88,776	\$90,000
Services and supplies	901	1,855	1,893	2,015	2,000
Vehicle expense	4,003	5,337	5,445	5,794	5,794
Administrative overhead:					
Patrol division	525				
Sheriff's department	1,426				
General county	2,626	4,932	5,029	5,352	5,352
Cost for a 24-hour shift using one 1-man car and two 2-man cars	78,400	93,903	95,781	101,937	104,000

Source: Los Angeles County Sheriff's Department.

¹²⁴ Samuel K. Gove, "The Lakewood Plan," Commission papers of the Institute of Government and Public Affairs (Urbana: University of Illinois, May 1961), table 3, p. 15. (Sometimes the contract plans are referred to as the Lakewood plan, because the program, as it is presently known, originated in the city of Lakewood.)

¹²⁵ *Ibid.* Gove provides a detailed résumé of the development of the contract program in Los Angeles County.

¹²⁶ Interview with Marshall W. Julian, city administrator, Lakewood, Calif., May 13, 1966.

¹²⁷ Arthur G. Will, "Another Look at Lakewood," address presented to the Annual Conference of the National Association of County Officials, July 11, 1966, mimeo, p. 4.

¹²⁸ See Howard H. Earle, "Contract Law Enforcement Services by the Los Angeles County Sheriff's Department," John Donner publication No. 9 (Los Angeles: University of Southern California, 1960), p. 123, for a copy of the General Services Agreement, especially sec. I, which is the basic contract between Los Angeles County and municipalities requesting services.

The cost of a law enforcement program is determined according to an established formula based on the total annual cost of providing one patrol unit. A patrol unit consists of one deputy during the daytime and two deputies during both the evening and the early morning shifts, and the vehicle used in the operation, 24 hours per day throughout the entire year. In addition, the contract includes the prorated costs of other departmental services and operations including investigation, detention facilities, laboratory services, and similar staff, auxiliary, and field services. The cost for one patrol unit in 1966 was slightly more than \$104,000.¹²⁹ A contracting agency may have as many units as it desires, but must meet the minimum standards established by the sheriff.

The principle of home rule is not violated through the use of a contract program because the program is initiated by the city desiring the service. One city official in testimony to a California legislative committee studying the question of contract programs stated:¹³⁰

The use of the contract plan does not mean an abolition of local home rule. The city council, in electing to use and operate under the contract system, set the level, the type, of services. Each contract has a clause whereby they can be terminated. * * * This is not an abrogation of local home rule. All we did was simply substitute city departments, personnel and payrolls, for county departments, personnel and payrolls, to perform these municipal functions as contractual agents of the city, thereby eliminating a costly duplication.

The legislative committee concluded that home rule was, in fact, not abrogated under the contract program, and this is also the point of view of the League of California Cities, one of the most articulate defenders of home rule prerogatives in the State.¹³¹

The validity of this position has been questioned, on the basis that the sheriff determines the minimum standard of service, and that the local community may only accept or reject the sheriff's definition of what constitutes minimum service. Richard D. Yerby has concluded that this is a system geared to cost rather than to local flexibility: "as a result, a very limited degree of home rule is preserved."¹³²

While this objection might seem to have some merit, it may be countered if home rule is viewed as the right to make basic decisions regarding principle. If the municipality has an opportunity to determine whether it will accept the minimum standard established by the county the principle has not been violated. Also, the municipality can expand the program beyond the minimum level at its own discretion, providing it is willing to pay the additional costs.

City to County. Atlanta and Fulton County, Ga., have together formulated a plan of improvement to strengthen local government in the area while preserving the existing structure. The Atlanta plan of improvement is based upon these premises: (1) All municipal services should be furnished by a city, preferably Atlanta; (2) the county should furnish only traditional county services; (3) areas needing municipal services should be annexed to a city; and (4) until they are annexed, the city should furnish such services by contract.¹³³

The plan of improvement originated following the failure of an annexation program in Atlanta in the late 1940's. The legislature thereupon created a local government commission to make a comprehensive study and to report to the legislature a plan for improving government in Atlanta and Fulton County. The suggested plan was completed and submitted to the legislature in 1950 and was approved in an advisory referendum in June 1950. The necessary constitutional amendments were approved in November 1950, and implementing legislation was passed by the legislature in 1951. The plan of improvement went into effect January 1, 1952. A joint performance committee, consisting of equal numbers of city and county officials, handled the details of the transfer of personnel.

The significant features of the Atlanta plan are provisions for continuing annexation by the city of Atlanta of urbanized areas contiguous to it and the reallocation of functions between the city and the county. As a result of the plan, law enforcement has become the sole responsibility of the city which furnishes police service to unincorporated areas under contract with the county.

The city of Atlanta and Fulton County jointly decide the level of police service to be provided in the unincorporated area and prepare the contractual arrangements. Other municipalities in the county continue to maintain their own police departments. The city-county contract is reviewed regularly to reflect changes in police needs. Day-to-day decisions on the allocation of specific personnel and equipment are made by the chief of police of Atlanta, consistent with terms of the contract. Staff, auxiliary, and field services are included in the cost of basic patrol service and are utilized as needed.

All direct expenses incident to and necessary in furnishing police protection and service are reimbursed to the city by the county, with 10 percent added to cover miscellaneous services and administrative expenses. In 1965, the total cost for the contract services was approximately \$375,000.

The office of elected sheriff is retained in Fulton County, but he exercises no actual law enforcement powers; the sheriff acts as jailer for the county and serves as an officer of the court for all appropriate civil matters.

State to Local. An unusual contract program for basic law enforcement services, known as the "resident trooper plan," is in operation in Connecticut. The State police, through a contract program, provides a single resident trooper to furnish basic law enforcement service to any requesting municipality that meets certain criteria. Under this plan, 46 towns ranging in population from 1,000 to 17,000 receive law enforcement service.¹³⁴ The program is limited by legislation to 46 towns for budgetary reasons.

The State police have full law enforcement jurisdiction in all parts of the State, but they do not exercise this authority in areas that have their own police departments, unless so requested by local officials. Criminal matters not handled by local police are cared for by the State police.¹³⁵ The sheriff does not perform any law en-

¹²⁹ For a complete description of the method utilized in determining the cost of the contract law enforcement program in Los Angeles County, see app. E.

¹³⁰ "Functional Consolidation of Local Government," Final report of the assembly interim committee on municipal and county government (Sacramento: Assembly of the State of California; assembly interim committee reports 1957-59, vol. 6, No. 10), p. 26.

¹³¹ Interview with Jack D. Wickware, assistant counsel, League of California Cities, May 17, 1966.

¹³² Richard D. Yerby, "The Police Function," in Beatrice Dinerman, Ross Layton, and Richard D. Yerby, "Metropolitan Services: Studies of Allocation in

a Federated Organization" (Los Angeles: University of California, Bureau of Governmental Research, 1961), p. 99.

¹³³ Details of the historical development of the Atlanta plan of improvement are summarized in "Governmental Problems in the Chicago Metropolitan Area," a report of the Northeastern Illinois Metropolitan Area Local Governmental Services Commission, ed. Leverett S. Lyon (Chicago: University of Chicago Press, 1957), pp. 276-278.

¹³⁴ Letter from Leo J. Mulcahy, commissioner, Connecticut Department of State Police, June 1, 1966.

¹³⁵ *Ibid.*

forcement functions in Connecticut and, in fact, county government has been eliminated. Because of these two factors, the State police have become more involved in local law enforcement than have similar agencies in other States.

Any town, or two or more towns (up to the total of 46), lacking a police department, may contract for a resident trooper. Towns receiving such service jointly must share equitably in the total cost of the program. Appropriate costs of the program are determined by the State police commissioner and approved by the State commissioner of finance and control. Contracts are for a 2-year period and are subject to review by the State attorney general. Under the current arrangement, the State pays 40 percent of the cost of a program and the contracting town 60 percent. The State police commissioner exercises supervisory control over the resident troopers.¹³⁶

Each contract provides for only a single resident trooper, which often does not give adequate police protection, especially when an emergency may remove the trooper from routine duties. In addition, because only one trooper is provided, the community does not receive 24-hour police protection. A State police substation in the immediate area will send occasional patrols through an area when the resident trooper is not on duty, but this is only a partial answer to providing complete protection around the clock.

As the name of the program suggests, the resident trooper resides in the community in which he is providing basic law enforcement. As the system has developed, some troopers use their homes as local State police offices, and frequently their wives will serve as local dispatchers. Assignments to the resident trooper program are made on a volunteer basis, and local officials have a right to approve the appointments to their respective communities. For budgetary purposes, resident troopers are maintained in a category separate from regular State police personnel, although selection and training standards are the same for both groups.

All towns which have resident troopers have locally elected constables, but, although they have police powers, they have not provided effective law enforcement. Normally, they engage in providing school crossing services and related activities. Some communities have arranged to have the local constables under the day-to-day supervision of the resident trooper who directs their activities and training. Such arrangements, however, are not considered part of the contract, and the State does not assist in financing a constable program.

Conclusions. Contract law enforcement is one of the least complicated ways to achieve consolidation of law enforcement services. Under broad joint-exercise-of-powers legislation, governmental jurisdictions can contract for services from other governmental jurisdictions. As later noted in the section on "Obstacles to Coordination and Consolidation," legal authority to contract is found in nearly every State (although some provisions are not so broad as others) or is more easily attained than are other methods of attaining consolidations.

General conclusions are:

- Contract law enforcement programs can be effective without altering existing governmental structures.
- Any level of government can provide contract law enforcement services to other governments.
- A contract program can be effectively utilized to meet law enforcement needs in staff, auxiliary, and certain field services; it also can accomplish complete consolidation of all law enforcement activities.
- Costs of a contract program of law enforcement can be distributed equitably among participants and need not work to the disadvantage of nonparticipants.
- No contract law enforcement program can be effective if it is based upon arbitrary standards relating to the allocation of personnel and equipment. Each contracting jurisdiction should determine, in conjunction with the contractor, the actual needs of the jurisdiction, and the allocation of personnel and equipment should be based upon this analysis.
- Contract programs are limited and voluntary and do not necessarily cover areas that are contiguous.

POLICE SPECIAL DISTRICTS

Special districts for law enforcement are rare—no more than 9 among the more than 18,000 special districts in the United States. Although most States have enacted legislation authorizing many types of special districts, authorizations for police districts also are fairly rare.¹³⁷ At the same time, one authority notes that a most persuasive argument for adoption of special police districts is the fact that permissive legislation for such districts requires only a modicum of legal change.¹³⁸

Advantages and Disadvantages. The chief advantage of police special districts may be briefly summarized. First, district boundaries can be drawn to correspond with the most logical areas for providing police service and without regard to existing governmental boundaries. Second, police special districts can be free of immediate local political influence in their day-to-day activities. Third, police districts are legally feasible without need for significant legislative or constitutional change.¹³⁹

In general, special districts do not represent a reorganization of government but, rather, the creation of a new single-purpose unit to furnish a service which, for some reason, existing local units are not providing adequately. Functional specialists and other groups concerned about the performance of existing governments frequently seek to separate the functions in which they are particularly interested and have them performed by special districts. It seems easier to establish a special district than to reform the existing unit.¹⁴⁰

Special districts normally are financed in two general ways: through user charges and through property tax assessments. The first method does not lend itself to police services as it does, for example, to sewer and water services. The second method places the district in direct competition with units of general local government for

¹³⁶ Connecticut General Statutes, sec. 29-5 (1958).

¹³⁷ John C. Bollens, "Special District Governments in the United States" (Berkeley and Los Angeles: University of California Press, 1967), p. 68.

¹³⁸ Max A. Pock, "Are Metropolitan Police Districts Legally Feasible?" "Journal of Public Law," 12: 313-336, 317-318, 1963.

¹³⁹ Max A. Pock, "Consolidating Police Functions in Metropolitan Areas" (Ann Arbor: University of Michigan Law School, Legislative Research Center, 1962), p. 40.

¹⁴⁰ Advisory Commission on Inter-Governmental Relations, "The Problem of Special Districts in American Government" (Washington: Advisory Commission on Inter-Governmental Relations, 1964), p. 74.

erty taxes. Although in most instances special district levies are small in comparison to those of general local government, their combined impact can be significant. Overlapping of districts levying property is not unusual as there is no limit on the number of districts that may tax a given piece of property.¹⁴¹ Special districts may increase the total cost of governmental services unduly because of a duplication of administrative costs.¹⁴²

Principal criticism of special districts is that they function largely unnoticed and uncontrolled by the public. It is much easier for citizens to focus their attention on units of general government than on special districts. The multiplicity of special districts often prevents the citizen from knowing exactly what is going on in his community. The programs of many districts appear to be completely independent from and uncoordinated with similar programs of general government.¹⁴³ The lack of visibility and public awareness strongly suggests that law enforcement is a function which should be performed by an independent special district. The nature of law enforcement makes empathy with the public desirable, and such a relationship normally cannot be developed through a special district.

OBSTACLES TO COORDINATION AND CONSOLIDATION

Obstacles to the coordination or consolidation of the services of different jurisdictions are similar to the problems faced in restructuring and relocating other functions of local government. They tend to be among the most formidable for the police, principally because police service is generally among the most local of governmental services and because even the smallest local governmental jurisdictions like to believe that they can provide at least minimal needed police service. Often, local and social pressures linked to the desire for local government, rather than legal restrictions, offer the most significant barriers to the coordination and consolidation of police services. But it is important for all jurisdictions to be aware of any legal obstacles to coordination or consolidation which may exist.

OBSTACLES—CONSTITUTIONAL AND STATUTORY

In some States, existing statute law authorizing local consolidation of police services, combined with doctrines of "strict construction" of municipal powers, may impede the voluntary establishment of formal collaborative arrangements among local units, unless legislation is adopted locally authorizing such arrangements. But this legislation will lessen as an ever increasing number of States enact general "joint exercise of powers" legislation in accordance with recommendations by the Council of State Governments and the U.S. Advisory Commission on Intergovernmental Relations, as is described later. States which enact where statutes clearly authorize voluntary collaboration, or establish metropolitan agencies or otherwise

clearly encourage required consolidation or joint administration of traditionally local police service, it is conceivable that constitutional difficulties will materialize in some States. Such statutes may, in a relatively small number of States, be subject to plausible challenge under various constitutional provisions. The basis for such challenges include: (1) "Home rule" provisions purporting to grant the several municipal electorates a range of inviolate control over the structure and/or power of local government; (2) prohibitions against enactment by the legislature of "local" or "special" acts; (3) prohibitions against the establishment of "special commissions" to perform "municipal" functions; or (4) prohibitions against diversion of municipal assets.

To note that plausible challenges can be raised, however, is neither evidence nor proof that courts will ultimately sustain them. In fact, there is a clear trend on the part of State courts dealing with the four classes of constitutional matters shown above to prevent them from interfering with metropolitan reorganization. Nevertheless, it is suggested that in those States where constitutional prohibitions would not permit the improvement of local law enforcement through coordination and consolidation, that such restrictions be removed through constitutional amendment.

Since the laws relating to home rule vary significantly among the States, it is essential that each jurisdiction examine local constitutional and statutory provisions and court decisions to determine what legal obstacles, if any, may exist to coordination and consolidation of police service. There are several texts notably helpful to the scholar, lawyer, public official, or study group who seeks definitive information pertaining to the legal obstacles and means for surmounting them.¹⁴⁴

Joint Exercise of Powers. The augmenting of coordination and consolidation of services between or among governmental jurisdictions may be accomplished through intergovernmental agreements. Such agreements open the way to joint efforts and to transfers of responsibilities for the performance of governmental functions.

Objections to Intergovernmental Agreements. It may be argued that intergovernmental agreements tend to impede more comprehensive reorganization by ameliorating current dissatisfaction with a particular condition which in the long run could be dealt with more effectively through governmental reorganization.¹⁴⁵ It is difficult to counter the argument that comprehensive reorganization is the more logical solution to providing better, more efficient local government. It is incumbent upon governments, however, to provide the best possible services within the legal and political frameworks in which they operate. A provision most commonly found, and the one which will offer the fewest political obstacles, is a joint exercise of powers act. Comprehensive reorganization, albeit a desirable goal, is generally not a realistic one for meeting immediate problems.

Counties and municipalities as legal creatures of the State have limited powers, even under home-rule provisions. Express statutory authority is therefore neces-

¹⁴¹ at pp. 34-37.

¹⁴² at p. 75.

¹⁴³ *ibid.*, note 137 at pp. 252-256.

¹⁴⁴ See, for example, Advisory Commission on Intergovernmental Relations, "State and Statutory Restrictions Upon the Structural, Functional, and Powers of Local Government" (Washington: Advisory Commission on Intergovernmental Relations, 1962), 80 pages; Charles S. Rhyne, "Municipal Law" (Boston: National Institute of Municipal Law Officers, 1957), 1,125 pages; Winters, "State Constitutional Limitations on Solutions of Metropolitan

Area Problems" (Ann Arbor: University of Michigan Law School, Legislative Research Center, 1961), 169 pages; Max A. Pock, "Consolidating Police Functions in Metropolitan Areas" (Ann Arbor: University of Michigan Law School, Legislative Research Center, 1962), 51 pages; and "The Book of the States, 1966-67" (Chicago: Council of State Governments, 1966), 584 pages.

¹⁴⁵ For a more complete discussion of the objections to interlocal agreements, see: Advisory Commission on Intergovernmental Relations, "Alternative Approaches to Governmental Reorganization in Metropolitan Area" (Washington: Advisory Commission on Intergovernmental Relations, 1962), pp. 29-32.

sary for functional consolidation or joint action through intergovernmental contracts. More than half of the States have now adopted legislation which permits intergovernmental contractual relationships. Unfortunately, however, most of these enabling acts relate only to the particular requirements of a particular area and have been enacted to meet a specific need as it arose. Consequently, a number of States have many uncoordinated statutes pertaining to specific problems and areas. Critics are correct in identifying this type of interjurisdictional authorization as stopgap solutions that do not go to the basic issue of governmental reorganization.

California Joint Powers Act. A notable exception to this pattern is found in California, which has adopted broad joint powers legislation. The Joint Exercise of Powers Act¹⁴⁶ allows any designated public agency¹⁴⁷ to exercise any power common to the contracting parties, even though one or more of the contracting parties may be located outside of the State. This act is as brief as it is broad in scope and serves as one of the most effective vehicles for interlocal cooperation in the United States. Experience in Los Angeles County offers abundant evidence.

Early in this century, Los Angeles County entered into contractual arrangements with a few cities located within the county to assume tax assessment and collection responsibilities for them. Questions were raised about the legal status of the contract program and, in an effort to legitimize what was already an accomplished fact, the State legislature proposed a constitutional amendment sanctioning the relationship, which was adopted in 1914. The amendment authorized the legislature to provide by general law for the intergovernmental agreements, and the Joint Powers Act of 1921 was the result of this action. The act was redesigned in its current form in 1964 to meet certain criticisms.

Among the features of the California act are provisions that (1) allow the continuance of privileges and immunities, workmen's compensation, and other benefits of employees when engaged in the performance of any of their functions extraterritorially; (2) allow contracting parties to use public funds, supplies, and equipment in carrying out a joint activity; and (3) enable the participating jurisdictions to establish a separate agency to administer or operate a joint program, including such specified powers as the right to enter into contracts, employ personnel, acquire, construct, maintain, manage, or operate buildings, and related powers and activities.

An act of the scope of the California Joint Exercise of Powers Act permits intergovernmental agreements for nearly any type of activity. The Association of Bay Area Governments (ABAG), a council of governments providing an areawide forum for discussion of common problems encompassing a nine-county area around San Francisco, was formed under the aegis of this act, and contract programs for services by a number of California counties to other jurisdictions fall within its scope.¹⁴⁸

The implications of this act for law enforcement are considerable, and several programs have been worked out

under it. A prime example is the police information network (PIN) operated by Alameda County for the county and county governments in the San Francisco Bay area. Alameda County provides a police records center for the county and municipal governments in the bay area which eventually will house all warrants and other police records on a regional basis. Similar programs for other regions of the State are being studied. Other possibilities under the act would be the joint operation by the State, counties, and municipalities of detention facilities, crime laboratories, training schools, and related programs.

Other Joint Powers Acts. Unfortunately, the powers legislation of other States generally is not so broad as that of California. Connecticut, for example, has legislation on interlocal agreements that permits certain types of joint action by public agencies, but the scope of a public agency is not so broad as that of California, and areas for agreements are also limited.¹⁴⁹ In the law enforcement field, only radio communication systems are operated under interlocal agreements.

Tennessee authorizes an unrestricted range of interlocal agreements, but limits them geographically; only contiguous counties and municipalities within the same county may enter into agreements to provide for the joint operation of functions and services.

Enabling legislation for interlocal agreements that is restrictive in nature is not an effective means of fostering interlocal cooperation. Broad and all-encompassing legislation is needed.

The Council of State Governments proposed a model interlocal or joint exercise of powers act in its "Suggested State Legislation Program for 1957." (A complete copy of the model act can be found in appendix F.) The model suggests provisions for States that wish to initiate legislation or revise existing acts. Under the model, a State will authorize joint or cooperative activities on a general basis, which allows the local governmental units to decide what functions they wish to contract for and perform in concert. The act does not suggest that powers be granted to localities but encompasses existing powers. The model act would also permit agreements between jurisdictions located in more than one State. Most existing legislation does not provide for agreements across State lines, but patterns of popular agreement frequently would make such agreements advantageous.

An act similar in scope and content to the model should be adopted by all States to further intergovernmental activities. At present, at least six States (Indiana, Kentucky, Maine, Nebraska, Utah, and Virginia) have adopted the model act in substance. The California Joint Exercise of Powers Act is even more permissive than the model act.

Interlocal Agreements Across State Lines. A question has been raised whether States can authorize agreements for interlocal cooperation across State lines because they are assumed by some to be interstate agreements. Compacts requiring consent of the U.S. Congress under the Federal Constitution. While this question has

¹⁴⁶ 32A Cal. Govt. Code, secs. 6500-6514.

¹⁴⁷ The broad concept of a public agency in this act includes the Federal Government or any Federal department or agency, the State of California, an adjoining State or any State department or agency, a county, city, public corporation, or public district of California or any adjoining State.

¹⁴⁸ Interestingly, the legal authority upon which the so-called Lakewood plan was formed in Los Angeles County is the State constitution (art. XL, sec. 7.5),

which authorizes charter counties to provide contract services, if so stated in charter. No one questions the fact, however, that the Joint Exercise of Powers Act encompasses the contract services program. See: Jack M. Merelman, "The Machinery for Providing Services," in "County Government 1963, Proceedings of the sixth Biennial County Government Institute" (Sacramento: County Supervisors Association of California, 1963), p. 7.

¹⁴⁹ Conn. Gen. Stat. secs. 7-359a-7-359j (1966 Rev.).

been settled through court decisions, it may be argued that because the powers exercised by local governments are under jurisdiction of the States, not the Federal Government, it is within their power to authorize interstate cooperation at the local level.¹⁵⁰ Because some legal doubt still exists, however, it seems appropriate that the Advisory Commission on Inter-Governmental Relations review the problem and make appropriate suggestions to clarify these questions.

OTHER OBSTACLES

Relinquishment of Responsibility. Another argument made against coordinating or consolidating law enforcement services is that no government should allow another to assume responsibilities it will not undertake itself. Criminal activities, however, are not confined within political boundaries, but spill over into other governmental jurisdictions, and single jurisdictions, therefore, cannot adequately repress them. The objection that no government should allow another government to provide a service that it cannot itself provide fails to acknowledge the fact that not every governmental jurisdiction is financially or otherwise capable of providing comprehensive services.

Governments have a basic responsibility to provide needed services for their constituents. If it is beyond the ability of an individual jurisdiction to provide adequate basic services, there are three alternatives: (1) Abolish the jurisdiction and make some other jurisdiction responsible for the services; (2) continue inadequate services; and (3) seek, through joint action, to meet its local responsibilities more adequately. The first choice usually is not feasible politically. The second choice invites an increase in criminal activity and direct action by a higher level of government to protect the public security. The third alternative is the third, the initiation of joint programs with other governmental jurisdictions. Such action is not a rejection or relinquishment of responsibilities, rather the recognition that certain problems require resources beyond the capacity of a particular jurisdiction.

Difficulties in Achieving Local Government Reorganization. Comprehensive reorganization has been a usual goal of reformers in trying to restructure local governments for the provision of more adequate services. Political and other obstacles to comprehensive reorganization of local government, especially in metropolitan areas, however, formidable. The failure of most such attempts is well documented;¹⁵¹ the principal successes in the United States, in Nashville-Davidson County and Allegheny County have also been treated in depth elsewhere.¹⁵² It is sufficient here merely to note what types of obstacles will be met.

The Advisory Commission on Inter-Governmental Relations suggests some of the difficulties in its report on attempts at government reorganization in 18 of the nation's standard metropolitan statistical areas:¹⁵³

- Proposals for governmental reorganization in metropolitan areas have faced a largely apathetic public.
- Reorganization efforts should not be undertaken lightly, but with full recognition of obstacles to their success.
- Any consequential local government reorganization in a metropolitan area will inevitably involve "political" issues.
- One condition for success in metropolitan reorganization is an intensive and deliberate effort to develop a broad consensus on the best attainable alternative to the status quo.
- Enlistment of popular support for governmental change in a metropolitan area calls for the use of a variety of promotional methods, suited to the diverse composition of the electorate.

In brief, a comprehensive reorganization of local government in metropolitan areas faces many hazards. The success of such an endeavor is related directly to the degree of local consensus that has been achieved and, most particularly, to the degree of consensus reached by the political leadership.

Robert C. Wood, now Undersecretary of the U.S. Department of Housing and Urban Developments, has noted that the political leadership of a metropolitan area must be involved in the decisions regarding the functional coordination or consolidation of services. In the past, most such proposals have been advanced largely by the technicians involved in the immediate administration of a functional specialty, "Little real attention was paid to the construction of meaningful political communities, or to the question of obtaining political responsibility, although these objectives were honored in passing."¹⁵⁴ Such proposals have raised almost insuperable problems of representation and shifts in political influence and have called for a surrender of local political privileges and prerogatives in return for only increased administrative benefits.

It is imperative that questions regarding representation and political influence be met before programs of coordination and consolidation of local government activities can be adopted. Especially in the area of law enforcement, where so much local control is being exercised, such programs must enlist the agreement of the political leadership of the governments involved.

Councils of Governments. A device that holds some promise of lessening the impact of political obstacles to consolidation and coordination is the council of governments. A council of governments is a voluntary association of governments, usually county and municipal, which attempts to solve areawide problems on a common basis. Currently, eight such councils exist, and the ninth is in the planning stages.¹⁵⁵

The best known council is the Association of Bay Area Governments (ABAG), which includes in its membership 8 counties and 78 municipalities in the San Francisco Bay

¹⁵⁰ John M. Winters, "Interstate Metropolitan Areas" (Ann Arbor: University of Michigan Law School, Legislative Research Center, 1962), pp. 85-95.

¹⁵¹ See: Government Affairs Foundation, Inc., "Metropolitan Surveys: A Digest" (Washington: Public Administration Service, 1958); James A. Norton, "The Metropolitan Survey" (Cleveland: The Press of Western Reserve University, 1963); and J. Schmandt, Paul C. Steinbicker, and George D. Wendel, "Metropolitan Survey in St. Louis" (New York: Holt, Rinehart, and Winston, 1961).

¹⁵² See: Edward Sofen, "The Miami Metropolitan Experiment" (Bloomington: Indiana University Press, 1963); and David A. Booth, "Metropolitics: The Nashville Experiment" (East Lansing: Michigan State University, Institute for Community Development and Services, 1963).

¹⁵³ Advisory Commission on Inter-Governmental Relations, "Factors Affecting Reactions to Governmental Reorganization in Metropolitan Areas" (Washington: Advisory Commission on Inter-Governmental Relations, 1962), pp. 24-33.

¹⁵⁴ Robert C. Wood, "A Division of Powers in Metropolitan Areas," in "Area and Power: A Theory of Local Government," ed. Arthur Maass (Glencoe, Ill.: The Free Press, 1959), p. 60.

¹⁵⁵ The eight existing councils of government are: ABAG, San Francisco area; New York Metropolitan Regional Council, New York City area; Metropolitan Atlanta Council of Local Governments, Atlanta area; Metropolitan Washington Council of Governments, District of Columbia area; Mid-Willamette Council of Governments, Salem, Ore., area; Puget Sound Governmental Conference, Seattle area; Regional Conference of Elected Officials, Philadelphia area; Southern California Association of Governments, Los Angeles area; and East-West Gateway Coordinating Council, St. Louis area. A ninth council is now being formed in the Detroit metropolitan area.

area. It has been described as a "comprehensive, multiple, but limited purpose, regionally based institution for developing cooperative, coordinated approaches to area-wide problems."¹⁵⁶ A significant factor is that ABAG is an association of the political leaders of its member jurisdictions. Organized under the California Joint Exercise of Powers Act, ABAG is capable of bringing authority to bear upon areawide problems because it is politically viable, representative of the local government in the area, and also because it is concerned with maintaining effective local government institutions.¹⁵⁷

While ABAG has not been directly concerned with the coordination or consolidation of law enforcement service, other councils of government have been.¹⁵⁸ The Metropolitan Washington Council of Governments has prepared a detailed study for a computer-based regional law enforcement records system which will encompass the District of Columbia, several Virginia and Maryland counties, and the city of Alexandria.¹⁵⁹ The Metropolitan Atlanta Council of Local Governments took the lead in establishing Metropol (the Metropolitan Police), the areawide police unit which provides communications, training, and investigative services to a six-county area.¹⁶⁰ In all, five of the eight existing councils of government have some concern with law enforcement activities.¹⁶¹

A council of governments, with a committee on law enforcement, can be an effective vehicle in metropolitan areas for promoting consolidation or cooperation in law enforcement activities. Four of the councils are now engaged in negotiating cooperative agreements among member units, and three also mediate disputes. All of the councils have been active on an informal basis in promoting interjurisdictional agreements.¹⁶² It is a simple step to include law enforcement as part of a council's total program.

Because these councils of government are comprised primarily of the political leaders of the member jurisdictions, the political obstacles to coordinated or consolidated programs are not so great as when the development of such programs originates with the day-to-day administrators. It would appear that the problem of political representation and influence suggested by Undersecretary Wood can be met through such an association. As noted,

one of the strengths of ABAG is its interest in preserving local government. Thus, a council of governments can also allay some of the fears of home rule advocates.

Economic Obstacles. Any program of coordinated consolidated services in law enforcement (or any other governmental activity) must be concerned with financial considerations. As noted, one impediment to the participation of lower-ranking communities in joint ventures is the fear of increased costs. Higher-ranking communities may want to provide even more law enforcement service than is really needed—because it is considered a public amenity. Also, no central city wants to be in the position of financing a joint program for the benefit of suburban communities. Each of these situations, then, poses problems and costs.

For example, suburban areas in the Chicago metropolitan area have approximately 49 percent of all assessed property valuation and the city of Chicago and Cook County have the remaining 51 percent. The suburban areas, however, are not paying anything approaching 50 percent of the total law enforcement expenses in the metropolitan region under the current fragmented financing system. A metropolitan police force, financed by property taxation, would call for increased taxes in the suburbs unless Cook County and the city of Chicago absorbed the increased costs. Suburbs would not view a redistribution of the tax burden favorably,¹⁶³ even if more effective law enforcement resulted. This points to a basic difficulty in coordinating or consolidating law enforcement services—cost of any such program must be distributed on an equitable basis.

Several techniques have been devised to redistribute costs for services, including special service districts, contract service districts, contractual agreements and related approaches. Each of these techniques has its individual problems with regard to equitable distribution of costs but each provides partial answers to the dilemma. It is important to provide for the proper distribution of costs as it is to include political leadership in any joint program of coordinated consolidated law enforcement services.

¹⁵⁶ Randy H. Hamilton, "ABAG Appraised: A Quinquennial Review of Voluntary Regional Cooperative Action Through the Association of Bay Area Governments," (Berkeley, Calif.: Institute for Local Self Government, 1965), pp. 5-6.

¹⁵⁷ Id. at pp. 55-56.

¹⁵⁸ Interview with Warren Schmid, executive director, ABAG, May 18, 1966.

¹⁵⁹ Systems Science Corporation, "A Regional Law Enforcement Systems Design," a study prepared for the Metropolitan Washington Council of Governments (Bloomington, Ind.: Systems Science Corporation, 1966).

¹⁶⁰ "Metropol: Working Together for Better Law Enforcement," "Georgia Municipal Journal," September 1965, pp. 8-11.

¹⁶¹ Citizens Research Council of Michigan, "Research Brief on Staff Services and Programs of Councils of Government" (Detroit: Citizens Research Council of Michigan, 1966), p. 11.

¹⁶² Id. at p. 9.

¹⁶³ Gilbert Y. Steiner, "Metropolitan Government and the Real World: The Case of Chicago" (Chicago: Loyola University, Center for Research in Government, 1966), pp. 12-14.

APPENDIXES

- A. JAIL CONTRACT AGREEMENT, CITY OF OAKLAND AND ALAMEDA COUNTY, CALIF.
- B. POLICE COOPERATION AGREEMENT, CITIES OF ALLENTOWN, BETHLEHEM, AND EASTON, PA.
- C. NUMBER OF FULL-TIME AND PART-TIME POLICE OFFICERS IN COOK COUNTY, ILL. (EXCLUDING CHICAGO)
- D. ARGUMENTS FOR AND AGAINST UNIFICATION OF THE 13 POLICE DEPARTMENTS IN THE METROPOLITAN TORONTO AREA INTO A METROPOLITAN POLICE DEPARTMENT
- E. METHOD OF DETERMINING COST FOR CONTRACT LAW ENFORCEMENT SERVICES IN LOS ANGELES COUNTY
- F. INTERLOCAL COOPERATION ACT

Appendix A

JAIL CONTRACT AGREEMENT—
CITY OF OAKLAND AND ALAMEDA COUNTY

This agreement, made and entered into this ___ day of _____, 1960, by and between the City of Oakland, a municipal corporation organized and existing under and by virtue of the laws of the State of California, hereinafter called "City," and the County of Alameda, a political subdivision of the State of California, acting by and through its board of supervisors, hereinafter called "County."

WITNESSETH:

Whereas, each of the parties hereto now owns and maintains jail facilities; and

Whereas, pursuant to section 4004.5 of the Penal Code of the State of California, City and County may enter into an agreement, through their respective legislative bodies, whereby City shall furnish jail facilities for County prisoners upon such terms as may be mutually agreed upon; and

Whereas, it is considered necessary and desirable and in the public interest that the County and the City exercise the rights and privileges afforded by said section.

Now, therefore, it is mutually agreed by and between the City and the County as follows:

1. The jail facilities owned and maintained by the City are hereby made available and furnished for holding prisoners held for examination, held for trial, or held subsequent to sentencing until transported to other facilities.
2. The reimbursement for costs of maintaining prisoners in the parties respective jail facilities shall be computed and paid as herein provided, to wit:
 - (a) For each person sentenced and transported to the County owned and maintained jail facilities a rate of \$3.11 per day; however,

said rate may be modified as provided in (c) of this paragraph, provided that any such payment shall be made solely for such persons as have only been charged with, and found guilty of, violations of city ordinances or city charter provisions.

- (b) For each person sentenced and transported to the City owned and maintained jail facility a rate of \$3.11 per day; however, said rate may be modified as provided in (c) of this paragraph, provided that no such payment shall be made for prisoners charged only with the violation of city ordinances or city charter provisions.
 - (c) The parties further agree that the rate established in (a) above may be adjusted annually based on costs of operation of said County jail facility and set by resolution of the Board of Supervisors adopted before the first of May and effective on the first of July of each year, and that the rate for prisoners maintained by City, as provided in (b) above, shall increase or decrease automatically to equal the rate when set by County's Board of Supervisors by resolution.
3. It is mutually agreed by and between the parties hereto that the term "per day," as used in paragraph 2 of this agreement, shall mean the 24-hour period from midnight to midnight, or any fraction thereof, that a prisoner is held in the jail facilities: except that such term shall not include, nor shall charge be made for, any fractional period of time the prisoner is held upon the date of his discharge from the jail facilities.
 4. In the event that prisoners charged with or found guilty only of violations of city ordinances or charter provisions are removed to the County Hospital for examination, medical services, or hospital care, City shall reimburse County at the rate per day fixed by

the Board of Supervisors of County together with the additional cost of necessary guards and for the safekeeping of such prisoners.

- 5. The amounts due under this agreement by the County to the City, and by the City to the County, shall be due and payable 30 days from and after the receipt of itemized invoices by each party to this agreement for services rendered to it by the other.
- 6. This agreement shall be in force from and after the first day of July 1960, and may be modified or terminated at any time by mutual consent of the parties. Either party may terminate by giving notice to the

other party in writing of its intention so to do at least 2 months prior to the end of the fiscal year in which it is so terminated.

CITY OF _____

BY _____

COUNTY OF ALAMEDA, a body politic and corporate and a political subdivision of the State of California.

BY _____
(Chairman of the Board of Supervisors)

Appendix B

POLICE COOPERATION AGREEMENT—CITIES OF ALLENTOWN, BETHLEHEM, AND EASTON, PA.

Whereas, increasing population and an increasing number of common problems have tended to obliterate municipal boundaries in the enforcement of laws of the Commonwealth of Pennsylvania in the Lehigh Valley; and

Whereas, there is an urgent need for uniformity and continuity in the enforcement of such laws in the Lehigh Valley; and

Whereas, cooperation among adjoining cities in the exercise and performance of their governmental powers, duties, and functions is authorized by the Act of Pennsylvania Assembly of 1959, September 29, Public Law 990, as amended (53 P.S. 472 et seq.).

This Agreement executed by the cities of Allentown, Bethlehem, and Easton.

WITNESSETH:

- 1. Each of the parties intends to be legally bound by the terms of this Agreement and has executed the Agreement in accordance with authority conferred by Ordinance or Resolution duly enacted by its city council.
- 2. The mayor of each municipality shall swear in the police officers below the rank of sergeant of the other two municipalities as auxiliary policemen of his municipality.

- 3. In the event of emergency, the mayor of the municipality affected may call on the mayors of the other two municipalities for the services as auxiliary policemen of such number of personnel and such equipment as he deems essential. On the receipt of such a call, the mayor called upon shall assign to service in the requesting community such number of personnel as auxiliary policemen and such equipment as in his judgment may be released for such purpose.
- 4. Personnel and equipment from any municipality assigned on such an emergency call shall be subject to recall by the mayor of that municipality.
- 5. At periodic intervals, compensation on the basis of payroll cost of personnel supplied and fair rental for equipment supplied shall be mutually determined.

In Witness Whereof, this Agreement has been executed in sextuple as of the ___ day of _____.

ATTEST: CITY OF ALLENTOWN:

(City Clerk) BY _____
(Mayor)

ATTEST: CITY OF BETHLEHEM:

(City Controller) BY _____
(Mayor)

ATTEST: CITY OF EASTON:

(City Clerk) BY _____
(Mayor)

Appendix C

Number of Full-time and Part-time Police Officers in Cook County, Ill. (Excluding Chicago) 1966

Municipality	Estimated population (in thousands)	Cook County		Grand total	Municipality	Estimated population (in thousands)	Cook County		Grand total
		Full-time officers	Part-time officers				Full-time officers	Part-time officers	
Alsip	8.5	7	4	11	Markham	17	13	3	16
Arlington Heights	42.5	40	0	40	Matteson	4	5	1	6
Barrington	6.5	15	14	29	Maywood	29	40	10	50
Barrington Hills	2.5	7	6	13	McCook	0.5	12	3	15
Bedford Park	2.5	3	3	6	Melrose Park	25	36	20	56
Blue Island	7.75	15	0	15	Midlothian	14	10	8	18
Brookfield	22.8	24	15	39	Mount Prospect	31	28	0	28
Brooklyne	7	7	8	15	Niles	29.5	43	0	43
Bridgeview	25	17	4	21	Norridge	17	10	0	10
Brookfield	9.5	8	11	19	Northbrook	19	23	0	23
Brookfield	9.6	18	6	24	Northfield	5	14	0	14
Brookfield	23	23	0	23	Northlake	16	20	5	25
Brookfield	3	3	3	6	North Riverside	8.5	16	8	24
Brookfield	30	23	8	31	Oak Forest	11	6	15	21
Brookfield	22	20	0	20	Oak Lawn	49	49	0	49
Brookfield	40	55	0	55	Oak Park	63	76	0	76
Brookfield	8.2	8	10	18	Olympia Fields	2.5	3	7	10
Brookfield	70	98	0	98	Oriand Park	4.5	4	8	12
Brookfield	5	176	0	176	Palos Heights	5.3	3	12	15
Brookfield	3	2	11	13	Palos Park	3	1	10	11
Brookfield	3	8	0	8	Park Forest	32	21	0	21
Brookfield	50.7	55	0	55	Park Ridge	40	40	0	40
Brookfield	3.2	0	12	12	Phoenix	4.2	7	13	20
Brookfield	2.5	14	8	22	Posen	4.5	3	8	11
Brookfield	4.7	5	4	9	Richardson	1	0	7	7
Brookfield	13.5	21	5	26	Richton Park	13.6	12	0	12
Brookfield	24	21	0	21	Riverdale	12.6	25	0	25
Brookfield	80	127	0	127	River Forest	10	11	0	11
Brookfield	25	26	23	49	River Grove	10	15	0	15
Brookfield	15	23	0	23	Riverside	10	15	0	15
Brookfield	22	27	12	39	Robbins	7.5	10	10	20
Brookfield	11	18	0	18	Rolling Meadows	15	14	5	19
Brookfield	24	29	0	29	Sauk Village	6	3	7	10
Brookfield	3.5	2	5	7	Schaumburg	7	7	15	22
Brookfield	6.6	3	10	13	Schiller Park	10	11	20	31
Brookfield	33	26	15	41	Skokie	69	117	0	117
Brookfield	9.5	9	12	21	South Chicago Heights	5.5	4	7	11
Brookfield	9	7	12	19	South Holland	18.5	11	10	21
Brookfield	8	3	14	17	Stickney	7	9	10	19
Brookfield	12	24	10	34	Stone Park	4.5	12	2	14
Brookfield	17.5	14	0	14	Summit	10.3	12	13	25
Brookfield	7.6	1	26	27	Thornton	3.9	1	14	15
Brookfield	17.8	16	0	16	Tinley Park	8.7	8	5	13
Brookfield	5.5	2	10	12	Villa Park	25.4	26	0	26
Brookfield	3	11	0	11	Westchester	22	20	6	26
Brookfield	17.5	29	0	29	Wheeling	12.5	15	0	15
Brookfield	17	24	0	24	Wilmette	32	32	0	32
Brookfield	22	15	26	41	Winnetka	13.4	27	0	27
Brookfield	14	24	0	24	Worth	10.3	8	8	16
Brookfield	11	14	14	28	Total		2,060	591	2,651

Appendix D

ARGUMENTS FOR AND AGAINST UNIFICATION OF THE 13 POLICE DEPARTMENTS IN THE METROPOLITAN TORONTO AREA INTO A METROPOLITAN POLICE DEPARTMENT^a

ARGUMENTS AGAINST:

1. Police administration would be removed from the close contact with the residents of local municipality.
2. The local police force has a much better appreciation of local problems, and the means whereby they may be solved.
3. The present arrangements are satisfactory and adequate.
4. Police protection in the suburban municipalities is not less sufficient than in the city of Toronto.
5. The concentration of all calls through one communication center would result in the "jamming" of such center with consequent delays.
6. The formation of a metropolitan Toronto police force was not recommended by the Ontario Municipal Board in the recent amalgamation proceedings, and this decision should not now be interfered with in any summary or less exhaustive review.
7. All area municipalities do not have the same police problems, and therefore, local police forces can best deal with local situations and enjoy the pride of local residents.
8. Transfers of personnel to distant divisions would result in hardship for such personnel due to excessive traveling.
9. It would be too difficult to unify police services of the entire area in one operation and if the proposal is considered at all it should be done by degree.

ARGUMENTS FOR:

1. Duplication of police services would be eliminated.
2. A central communications department would remove costly delays which now exist in emergency and critical situations where speed is an important factor in apprehending an offender.

3. A properly equipped crime laboratory could be established which would provide expert witnesses for court actions.
4. A proper system of centralized records of offenders would be available to the entire area and eliminate delays involved in searches of several police files.
5. Uniform control of traffic would result from direction received from a central traffic bureau.
6. Specialized bureaus could be established which would operate over the entire metropolitan area and release personnel for the very important and too often neglected duties of foot patrol.
7. The entire metropolitan area would have the benefit of central (a) morality branch, (b) traffic branch, (c) criminal investigation branch, (d) criminal identification branch, (e) training school, and (f) transportation of prisoners.
8. Substantial savings to the taxpayer through central control of purchasing would result.
9. Policing the metropolitan area would be more efficient, and the costs of such policing would be equalized over the various municipalities.
10. A unified police force would provide better control over those criminals who operate as receivers and disposers of stolen goods by making it possible to provide adequate surveillance of such persons.
11. The number of unsolved crimes in the metropolitan area indicates that a change in police organization is necessary.
12. Differences that presently exist in wage schedules for police officers doing similar work in different municipalities would be eliminated.
13. Local councils should no longer attempt to direct and administer the activities of a local police force.
14. Adequate finances would be available to properly equip a unified force.
15. There would be one police commissioner who would administer the entire metropolitan area in an impartial manner resulting in a uniform enforcement of police regulations and the criminal code, free from the possibility of local political interference.
16. Unification and modernization of police departments by the formation of a metropolitan police force would result in greater benefits to every municipality.

^a Source: "Report No. 1 of the Special Committee Re(garding) Unification of the Police and Fire Departments in the Metropolitan Area: For Consideration by

the Council of the Municipality of Metropolitan Toronto" (Toronto: Municipality of Metropolitan Toronto, Sept. 29, 1955), pp. 2-4.

Appendix E

METHOD OF DETERMINING COST FOR CONTRACT LAW ENFORCEMENT SERVICES IN LOS ANGELES COUNTY^a

The basic unit of contract law enforcement service is one car on continuous around-the-clock duty in three 8-hour shifts—one 1-man shift and two 2-man shifts.

The chargeable rate is based on the combined direct operating costs of four selected stations whose workloads consist mainly of providing law enforcement service to contract cities.

The operating costs of these stations were determined from the budget allocation records maintained by the sheriff's department. From these costs, the following items were deducted:

1. Cost of services applicable to other contracts such as prisoner maintenance, school safety officers, crossing guards, etc.
2. Costs indicated by the sheriff as representing the normal staffing of each of the four stations. (Staffing required if patrol car services were not rendered to contract cities.)

The remaining costs, plus applicable county retirement and social security contributions and workmen's compensation insurance, were allocated between one- and two-man cars fielded by each of the stations as follows: station supervision was allocated on the basis of the salaries of patrol deputies assigned to cars. Station support such as detectives, clerical, desk sergeants, etc., were allocated

on the basis of number of one- and two-man car shifts fielded in the ratio of 1 to 1.5, respectively. Services and supplies costs were allocated on the basis of the aggregate salary costs including supervision and support previously distributed to the one- and two-man cars.

The station costs allocated to one-man cars and the cost allocated to two-man cars were then divided by the number of one- and two-man car shifts, respectively. This computation provides the basic cost per one-man and two-man car shifts. In addition, auto expense and applicable county indirect expense were added to the station cost per car shift.

County indirect expense recovers the cost of activities of service departments (auditor-controller, county counsel, purchasing agent, etc.) and expenditures from centralized service appropriations (utilities, telephone, insurance, etc.) which are not charged to operating departments.

The cost per shift of one 1-man and two 2-man cars were combined to arrive at the cost for around-the-clock services. Each fiscal year, this rate is updated to reflect salary adjustments provided for deputy sheriffs.

The sheriff's departmental and divisional administrative overhead and central support services were not considered a chargeable cost in the computations made subsequent to 1962. The exclusion of these costs recognizes that the sheriff retains his countywide responsibility for law enforcement, and that the only proper charge to contract cities are for the additional costs incurred in order to provide the contracted services. Accordingly, all sheriff overhead and central support activities (special units, crime laboratory, training, etc.) were considered applicable to the sheriff's statutory responsibility and, therefore, not chargeable to a contracting city.

^a Los Angeles County sheriff's department.

Appendix F

INTERLOCAL COOPERATION ACT ^a

[Title should conform to State requirements.]
(Be it enacted, etc.)

SECTION 1. PURPOSE. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

SEC. 2. SHORT TITLE. This act may be cited as the Interlocal Cooperation Act.

SEC. 3. PUBLIC AGENCY DEFINED. (a) For the purposes of this act, the term "public agency" shall mean any political subdivision [insert enumeration, if desired] of this State; any agency of the State government or of the United States; and any political subdivision of another State.

(b) The term "State" shall mean a State of the United States and the District of Columbia.

SEC. 4. INTERLOCAL AGREEMENTS. (a) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this State may be exercised and enjoyed jointly with any other public agency of this State, and jointly with any public agency of any other State or of the United States to the extent that the laws of such other States or of the United States permit such joint exercise or enjoyment. Any agency of the State government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges, and authority conferred by this act upon a public agency.

(b) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

1. Its duration.
2. The precise organization, composition, and nature of any separate legal or administrative entity created thereby together with the power delegated thereto, provided such entity may be legally created.
3. Its purpose or purposes.
4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.
5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.
6. Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the joint cooperative undertaking, the agreement shall, in addition to items 1, 3, 4, 5, and 6 enumerated in subdivision hereof, contain the following:

1. Provision for an administrator or a joint representative responsible for administering the joint or cooperative undertaking. In the case of a joint undertaking, public agencies party to the agreement shall be represented.
2. The matter of acquiring, holding, and disposing of real and personal property used in the joint cooperative undertaking.

(e) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint or other legal or administrative entity created pursuant to agreement made hereunder; said performance may be offered in satisfaction of the obligation or responsibility.

(f) Every agreement made hereunder shall, prior to its entry into force, be submitted to the attorney general who shall determine whether the agreement is in proper form and compliance with the laws of this State. The attorney general shall not approve any agreement submitted to him hereunder unless he shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within [* * *] of its submission shall constitute approval thereof.

[(g) Financing of joint projects by agreement shall be as provided by law.]

SEC. 5. FILING, STATUS, AND ACTIONS. Prior to its entry into force, an agreement made pursuant to this act shall be filed with [the keeper of local public records] and with the [secretary of state]. In the event that an agreement entered into pursuant to this act is between one or more public agencies of this State and one or more public agencies of another State or of the United States, said agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be treated as parties in interest, and the State may maintain an action to recoup or otherwise make itself whole for any damage or liability which it may incur by reason of being joined as a party therein. Such action shall be maintained against any public agency or agencies whose default or failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the State.

SEC. 6. ADDITIONAL APPROVAL IN CERTAIN CASES. In the event that an agreement made pursuant to this act shall deal in whole or in part with the provision of services or facilities with regard to which an official agency of the State government has constitutional or

^a Source: Council of State Governments, "Suggested State Legislation Program for 1957" (Chicago: Council of State Governments, October 1956), pp. 93-97.

By powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the chief officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner subject to the same requirements governing the actions of the attorney general pursuant to section 4(f) of this act. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorney general.

SEC. 7. APPROPRIATIONS, FURNISHING OF PROPERTY, PERSONNEL, AND SERVICE. Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

SEC. 8. [Insert severability clause, if desired.]

SEC. 9. [Insert effective date.]

Police Personnel

As with any enterprise, the effectiveness of our Nation's law enforcement agencies depends upon the competence of personnel: ¹

It is impossible to separate the performance of local governments from the abilities of their personnel. Ordinances are not self-executing and no other service of local government has meaning except as it is planned, directed, and delivered by people. If these things are done well, communities may thrive; if poorly, the future demand may outstrip all services, all facilities, all planning.

Commission surveys show that there is substantial variance in the quality of police personnel in the United States. They indicate that, in general, law enforcement personnel meet their difficult responsibilities with zeal, determination, and devotion to duty. They also indicate that many actions of individual police officers and administrators are ill-conceived. This is cause for concern; for rising crime rates, social unrest, and expanding police functions demand personnel of ever-increasing competence.

This chapter will explore the nature of the challenge confronting the police. It will describe the persons needed to meet this challenge, and some methods for attracting them into the police service. Finally, it will discuss programs for improving the overall quality of police personnel.

THE POLICE TASK: ITS CHALLENGE AND DIVERSITY

THE COMPLEXITIES OF CRIMINAL LAW ENFORCEMENT

It is generally assumed by the public that the police enforce the criminal laws and preserve peace mechanically, by simply arresting anyone who has deviated from legislative norms of acceptable behavior.

Unfortunately, some police spokesmen publicly enunciate this same view. As chapter 2 has explained, this concept of mechanical enforcement of all criminal laws dramatically underplays the difficulties of the police role. First, the police do not have the resources to enforce all criminal provisions equally. Second, the other parts of the criminal justice system simply cannot cope with all law violators.² Further, the police are faced with enforcing numerous laws regulating social conduct—drunkenness,

prostitution, and gambling to name a few—which are often unpopular, ambiguous, unenforceable, or which do not apply to the common activities of law-abiding citizens, even though they were intended to apply only to the activities of certain kinds of criminals.

In light of these inherent limitations, individual police officers must, of necessity, be given considerable latitude in exercising their arrest power. As a result, no task is committed to individual judgment is more complex or delicate. A mistake in judgment can precipitate a riot or crime in subsequent criminal activity by a person who was erroneously released by an officer. An unjustified arrest can seriously, and perhaps permanently, affect the course of a man's life. The importance of the arrest power and the need for rational exercise of this power cannot be overstated.

A further complication is that the framework of procedural rules within which the police must function is often unclear and difficult to apply. Only years of experience may resolve ambiguities in procedural rules, and each police officer must make his own resolution instantly under stress, and often without advice.

Since the police are also expected to prevent crime, they must constantly be alert to potential violations and attempt to reduce the opportunity for criminal behavior. This requires vigilance on the part of police officers, an intuitive sense for suspicious conduct, and an understanding of human behavior.

The police are also regularly called upon to resolve volatile situations for which legislative or judicial direction is either vague or nonexistent. Calls for assistance besiege police departments, and officers must respond to such problems as domestic disputes, unruly juveniles, suspicious persons. Many of these problems will not result in arrest or do not even involve criminal conduct. But only the police are available to render assistance, and as a result, every officer must resolve delicate social situations, even in the absence of a clear direction to do so.

THE COMPLEXITIES OF POLICE ADMINISTRATION, SUPERVISION, AND TECHNICAL SERVICES

Police work is not only complicated for police officers on the street. Administrative and supervisory personnel must operate a complex business, which entails assess-

¹ "Government Manpower for Tomorrow's Cities: A Report of the Municipal Manpower Commission," (New York: McGraw-Hill, 1962), p. 20.

² Frank Remington, "The Law Relating to 'On the Street' Detention, Questioning

and Frisking of Suspected Persons and Police Arrest Privileges in General," in Claude R. Sowle, ed., "Police Power and Individual Freedom: The Question of Balance" (Chicago: Aldine Publishing Company, 1962), p. 20.

community needs; determining policy; selecting, training, deploying, and supervising personnel; and utilizing a budget in the best possible manner. Further, a department must have a technical staff that responds to the need for optimum recordkeeping and information retrieval; communications; community relations; and analysis of evidence. In large municipalities, the administration of a police department is a massive undertaking. In 1965, the New York Police Department employed 28,363 personnel and had a budget of over \$364 million; the Chicago Police Department had a budget of over \$90 million and had 11,726 employees.³

In summary, and as was observed in 1931 by the Wickersham Commission,⁴ policing a community is one of the most complex responsibilities confronting any governmental agency:⁵

Reviewing the tasks we expect of our law enforcement officers, it is my impression that their complexity is perhaps greater than that of any other profession. On the one hand we expect our law enforcement officer to possess the nurturing, caretaking, sympathetic, empathizing, gentle characteristics of physician, nurse, teacher, and social worker as he deals with school traffic, acute illness and injury, juvenile delinquency, suicidal threats and gestures, and missing persons. On the other hand we expect him to command respect, demonstrate courage, control hostile impulses, and meet great physical hazards. . . . He is to control crowds, prevent riots, apprehend criminals, and chase after speeding vehicles. I can think of no other profession which constantly demands such seemingly opposite characteristics.

THE NEED TO IMPROVE PERSONNEL ASSIGNMENTS

CURRENT USE OF THE PATROLMAN AND DETECTIVE

Under traditional police organization, the initial responsibility for confronting the entire range of police problems rests with the patrolman. Along with responding to criminal behavior, the patrolman is responsible for such matters as enforcing traffic regulations and for performing a myriad of services for the public. On any tour of duty a patrolman may confront a burglary in progress, an incapacitated drunk, an injured or ill person, a violation of a littering ordinance, an unlicensed peddler, a suspicious person, a traffic violation, a person locked out of his residence, or a domestic dispute.⁶

As a result of these divergent demands, patrolmen often are overextended to the point of being unable to give adequate attention to criminal matters. In spite of rising crime rates and a continuing low rate of crimes cleared by arrest, a patrolman must normally devote a considerable portion of his time to the performance of noncrime related tasks. A survey of the Kansas City Police Department in 1966, for example, revealed that patrol officers devoted only 32 percent of their time to criminal matters.⁷ This problem is not easy to solve. The nonenforcement tasks the police perform are extremely important, and in most places the police are the only people available to perform them.

In nearly all departments, a patrolman does not conduct follow up investigations on criminal offenses; this task is performed by a detective. However, since there are relatively few detectives in a police department—normally about 10 percent of all sworn personnel⁸—they also are overwhelmed by their caseloads. As a result, extensive investigations can be undertaken only on major crimes, and little, if any, time can be devoted to a systematic search for witnesses, or for leads on the perpetrators of most offenses.

The existing wide range of patrol responsibility hampers efforts to attract more highly qualified personnel into police service. Present police departments are monolithic in structure. All sworn police personnel, regardless of individual qualifications or experience, normally begin their careers as patrolmen, assigned to patrol or traffic duties. Normally, personnel must remain in this category from 1 to 5 years before being eligible for promotion or transfer. Since a police officer serving in this capacity must respond to all demands upon police, whether they involve removing a cat from a roof or arresting a robbery suspect, his status is adversely affected both within and outside of the police agency. Police work, therefore, tends to attract persons who are willing to perform its mechanical aspects and to accept its status and compensation. For example, in a survey conducted of the Metropolitan Police Department of Washington, D.C., in 1966, it was revealed that over 60 percent of the applicants for positions in that department were holding clerical, sales, manufacturing, or transportation jobs at the time of application and that the majority of the remaining applicants were in the military service.⁹

Few persons whose ability or academic achievement gives them other professional career opportunities are willing to spend as many years performing mechanical, undemanding duties which consume a large part of a recruit's time in most police departments. Insofar as personnel assignments diminish the attractiveness of police work they reduce police effectiveness:¹⁰

If progress is to be realized in achieving professional stature, there must be a separating out of functions so that those of a purely ministerial nature are performed by persons of lesser talents receiving compensation commensurate with the job. Admittedly, there are major problems involved in accomplishing such a classification of employees in smaller agencies where flexibility of personnel is important. But the need is greatest within the large departments and it is in these departments that the concept that all police tasks are equally important so seriously impairs the possibility of achieving professional status for those who are engaged in what might be termed the "guts" of police work.

It seems evident that a more rational division of assignments, particularly in the larger departments, would greatly alleviate some of these deficiencies. This was noted by the British Royal Commission in their 1960 Interim Report on Police:¹¹

The reason for this failure [to recruit a proper share of able and well-educated young men] is not in our view, that the police service is inherently unattractive as a career. . . . It lies in the

³ International City Managers Association, "Municipal Yearbook, 1966." (Ann Arbor: Cushing-Malloy, 1966), p. 444.

⁴ National Commission on Law Observance and Enforcement, "Report on the Police." (Washington: U.S. Government Printing Office, 1931), p. 19.

⁵ Statement of Dr. Ruth Levy, Director, Peace Officers Research Project, Health Department, City of San Jose, Calif. Presented at Conference for Police Professors, Michigan State University, April 6-8, 1966.

⁶ In 1933, a job analysis of the police service in California determined that police work required over 3,000 types of skills and applications of knowledge. "Analysis of Police Service." (Sacramento: California State Department of Education, 1933).

⁷ Survey conducted by Public Administration Service for the President's Commission on Law Enforcement and Administration of Justice.

⁸ O. W. Wilson, "Police Administration." (2d ed., New York: McGraw-Hill, 1963), p. 293.

⁹ Century Research Corp., "Recruitment and Retention Factors in the Metropolitan Police Department," prepared for the President's Commission on Crime in the District of Columbia and the Office of Law Enforcement Assistance. (Arlington: Va., 1966), table 11, p. 23.

¹⁰ Herman Goldstein, address delivered at the University of Wisconsin on May 13, 1965, as quoted in "The Police Function in the United States, American Bar Association Project on Minimum Standards for Criminal Justice, Committee on the Police Function." (Sept. 8, 1966), p. 3.

¹¹ Royal Commission on Police, "Interim Report, 1960." (London: Her Majesty's Stationery Office, 1960), p. 19.

neglect of those responsible to adjust the opening stages of a police career, in the way that other professions have found it necessary to do, so as to attract able candidates. It cannot be doubted that it is the early prospects that influence young people to choose one career rather than another. Nor does it call for any great insight or a deep knowledge of psychology to understand how the police service must appear at a disadvantage in this respect compared with almost any other profession today.

THE REVAMPING OF EXISTING PATROL AND INVESTIGATIVE ASSIGNMENTS

A promising way to attract better personnel, to utilize them more effectively in controlling crime, and to provide better service for the community is for departments to divide police functions more rationally among their personnel. At present a patrolman is equally responsible for the most complex and the most menial of police tasks. The wide range of skills required in performing all these tasks seems possible of attainment for only limited numbers of personnel.¹² This being so, these tasks should be divided according to the skills required to perform them. For example, instead of having all patrol officers respond to all demands placed upon a department, the most competent officers should devote their time to the police work that requires the greatest degree of ability, education, and judgment.

To implement this recommendation, police departments in large and medium-sized cities should establish three classes of officers, which for purposes of this report will be referred to as the police agent, the police officer, and the community service officer (CSO). Tasks would be assigned to these officers on the basis of the skills, intelligence, and education necessary to perform those tasks well. An individual would then devote his time to working on matters suited to his level of competence. This proposal has been evaluated and influenced by police practitioners at all departmental levels and by other experts from across the country.

It is recognized that some departments are simply too small to revamp current patrol responsibilities, and that many rural departments devote nearly all of their time to the enforcement of traffic regulations and the performance of services for their communities. These departments, therefore, are compelled to use their personnel for all tasks.

The Police Agent. A critical need exists in law enforcement (1) to identify the tasks that require the highest degree of judgment, intelligence, education, initiative, and understanding of a community and of human behavior; (2) to assign these tasks to the most competent personnel, and (3) to accord proper status to the officers who perform these tasks. Although these are obvious principles, they are not widely followed in the police service.

To accomplish this end, police departments should establish a distinct classification of officers, designated herein as police agents, who would be assigned to the most complicated, sensitive, and demanding police tasks. For example, police agents could be assigned to patrol

high-crime neighborhoods or areas of social unrest, to investigate major crimes, or to respond to the more serious domestic disputes or a gathering of troublesome juveniles.

As described later in this chapter, a police agent should have considerable educational attainment: At least 2 years of college and preferably a baccalaureate degree in the liberal arts or social sciences. For the present, however, the position of agent should also be open to officers who cannot make such an academic showing but who demonstrate a capacity for imaginative and responsible work.

Agents would replace, but have a much wider responsibility than, the existing detective. In most departments, the detective is limited to an investigative function. Many tasks currently performed by detectives, such as routine followup investigations on certain classes of crime, could be assigned to police officers, and in some cases, to community service officers.

An obvious advantage of the police agent position is that it could make police work an attractive career for highly qualified young men. This involves more than merely creating a new title, of course. A police agent must be accorded the status and compensation of a skilled professional who requires a minimum of close supervision. He should be permitted great latitude in his performance and should be judged by his ability to solve problems and to reduce crime as well as apprehend offenders.

While it is not possible to describe, in detail, the scope of police agent responsibility for all departments, the following is illustrative of some functions that could appropriately be performed by the most competent personnel:

- (a) Serve as a uniformed patrol officer in high crime and high tension areas;
- (b) Investigate major crimes in a plainclothes capacity;
- (c) Acquire an understanding of and develop solutions for police-community problems;
- (d) Make difficult arrests;
- (e) Investigate crimes in which juveniles are involved;
- (f) Enforce gambling, vice, and narcotic statutes;
- (g) Maintain contact with citizens in the community to ascertain potential signs of strife.

The character of problems requiring the attention of police agents will necessarily change from time to time. An agent may be needed to patrol a sensitive neighborhood in uniform for a period of time, but could next be assigned to a series of major investigations. The crux of the agent concept is that the best officers in a department should be used flexibly to confront problems placing the greatest demand for talent upon police personnel.

The Police Officer. The police officer would perform the police duties of enforcing laws and investigating those crimes that can be solved by immediate followup investi-

¹² August Vollmer, "The Police and Modern Society." (Berkeley: University of California Press, 1936), pp. 221-223.

gations or are most likely to have suspects close to the crime scene. He would respond to selected calls for services, perform routine patrol, render emergency services, and enforce traffic regulations and investigate traffic accidents. In addition to these responsibilities, the police officer would be an integral part of the police teams discussed in the General Report, working in concert with police agents and CSO's in solving crimes and meeting other police problems.

Since a substantial portion of police time is currently devoted to these tasks, police departments would undoubtedly need a greater number of police officers than agents. The ratio of officers to agents would depend to a large extent on the magnitude and character of a community's crime and social problems. Police officers would be encouraged and assisted to qualify for the position of police agent.

The Community Service Officer. The purposes of creating the position of community service officer are many: (1) To improve police service in high crime rate areas; (2) to enable police to hire persons who can provide a greater understanding of minority group problems; (3) to relieve police agents and officers of lesser police duties; (4) to increase the opportunity for minority group members to serve in law enforcement, and (5) to tap a new reservoir of manpower by helping talented young men who have not been able as yet to complete their education to qualify for police work.

Problems of major proportions confront the police in deprived communities. Aside from the existence of substantial crime in many of these communities, the police face widespread hostility and resentment. One of the primary reasons for this hostility and resentment is the failure of the police and citizens living in impoverished conditions to understand each other's problems. There is a critical need to improve this understanding. For example, although a primary function of the police is to perform many services for the community, there is little recognition of this fact by citizens in slum sections of a city. And it is they that often have the greatest need for such services. Further, since relatively few persons from slum communities become police officers, police personnel have limited knowledge of conditions that encourage criminal behavior in these communities.

The need to improve police operations and efficiency, as described in chapter 3, has further isolated the police from the slum community. To reduce the time it takes for police personnel to respond to calls for services, they have become motorized. Thus, in most cities, a police officer no longer walks his beat. Another movement in police departments is to centralize police operations and reduce the number of neighborhood precincts. For example, in 1961 the Chicago Police Department reduced the number of precincts from 38 to 21, and in a 1966 survey of the Metropolitan Police Department of Washington, D.C., the International Association of Chiefs of

Police recommended that the existing 14 precincts be consolidated into 6 districts:¹³

In the 19th and early 20th centuries police precinct stations were a necessary convenience to the public and served as work centers to reduce the time and distance involved in an officer's travels from his place of duty to his station. Today, however, the widespread use of the telephone and modern police radio and transportation systems have drastically reduced the need for neighborhood police stations. The consolidation of unnecessary facilities can result in considerable economies to the taxpayer because of the savings involved in operational and maintenance costs and in the reduction of utility expenses.

Although the move toward more efficient and economical police operations is a necessary one, it must be accompanied with efforts to gain a greater understanding of slum problems and to provide adequate police services for the poor. It is doubtful that these goals can be accomplished without a greater participation of minority group persons in police service. For these reasons—and because of the need to broaden recruiting efforts—the position of community service officer should be established in urban police departments. This officer would be recruited primarily from neighborhoods of the type he would serve.

It is visualized that the CSO would be a young man, typically between the ages of 17 and 21, with the aptitude, integrity, and stability to perform police work. A CSO would be, in effect, an apprentice policeman—an entirely new type of police cadet working on the street under close supervision, and in close cooperation with the police officer and police agent. He would not have full law-enforcement powers or carry arms, neither would he perform clerical duties as many police cadets do today.

The duties of the CSO would be to assist police officers and agents in their work and to improve communication between police departments and the neighborhood as a uniformed member of the working police. He would render certain carefully selected police services to these neighborhoods. For example, the CSO might play an important role in police work with juveniles; refer citizen complaints and problems to appropriate agencies; and perform services such as emergency aid for the sick, the mentally ill or the alcoholic. The CSO would, moreover, investigate certain minor thefts and loss of property; provide continuing assistance to families encountering domestic problems; and work with specialized police units such as a community relations unit.

To counteract the isolation of the police from the community created by the present centralization of police operations and the motorization of personnel, small neighborhood offices could be established in deprived communities which could serve as locations where the community service officer, the police agent, and police officer could be contacted or could be available for consultation with citizens during certain hours of the day.

Applicants for the position of community service officer would not have to meet the conventional educational requirements of a department. For example, a high school diploma should not be a rigid prerequisite for serving as a CSO. Rather selection should be made on an individ-

¹³ International Association of Chiefs of Police, "A Survey of the Metropolitan Police Department, Washington, D.C." (Washington: I.A.C.P., 1966), p. 448.

ual basis with priority being given to applicants with promising aspirations, honesty, intelligence, a desire and a tested capacity to advance his education, and an understanding of the neighborhood and its problems. And an applicant might well be selected despite a minor offense record. Otherwise, it might be difficult to recruit members of minority groups as CSOs since Commission studies reveal that there is a 60 percent probability that a Negro youth who grows up in the slums will have such a record. Programs to assist CSOs to continue their education and to become eligible to serve police departments in other capacities are discussed in subsequent sections of this chapter.

This new division of functions should increase the attractiveness of police work by making it possible for a college graduate to assume the responsible position of agent after a brief internship but without long prior service as a patrol officer, and for officers and CSOs to become agents as soon as they qualify and vacancies exist. The opportunity to continue with education at the expense of and with the help of a police department would surely increase the attractiveness of police work to members of minority groups—or to any young men who are unable to further themselves because of insufficient schooling. Creating the positions of CSO and agent might do much to solve the manpower problems of those departments that have them, and might be the fastest way of recruiting large numbers of well-qualified and experienced minority group officers. However, it is important to add in the latter connection that every department should strengthen its efforts to recruit minority group police officers and agents who do not need to go through the CSO phase. A department that admits minority group per-

sonnel only at the CSO level will merit the charge that it is practising a subtle kind of discrimination.

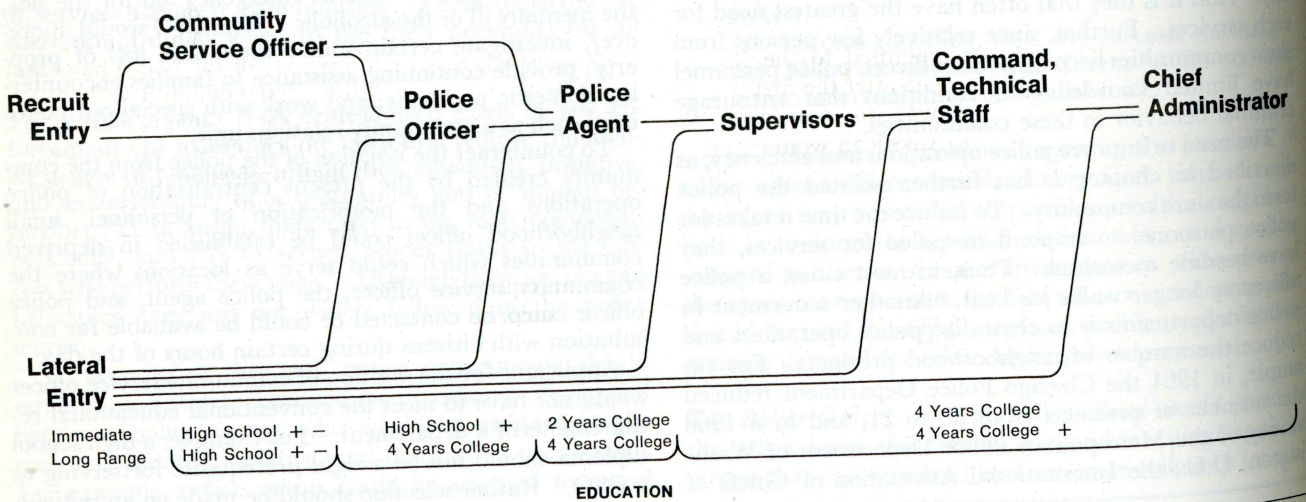
THE ROLE OF CIVILIANS IN POLICE WORK

Many tasks now performed by sworn officers do not require police skills. Police officers are now used in many departments as record clerks, school crossing guards, lab technicians, court bailiffs, receptionists, and mechanics. For example, in 1965, over 100 sworn police officers were used for the purpose of regulating taxicabs in New York City.¹⁴ Many tasks now performed by sworn officers should be assumed by civilian personnel within a department.

Several departments have already recognized the value in utilizing civilian personnel for the performance of collateral police tasks. In 1965, 10.7 percent of the total personnel in police departments were civilians.¹⁵ This represents an increase of nearly 3 percent over the total used in 1960.¹⁶ For example, nearly all large departments are now using "meter maids" to enforce parking regulations. This is an encouraging trend and law enforcement agencies should increasingly utilize civilians to perform clerical and mechanical functions.

Civilians are needed for the performance of more than mechanical tasks, however. There are critical needs in police departments for skilled specialists in such fields as fiscal planning, personnel management, law, research and planning, and science and technology. Many departments now utilize sworn personnel for all staff and technical positions, even when such personnel do not possess the requisite skill for these positions. Police administration and operations will suffer as long as this continues

Career Development and Educational Standards



¹⁴ Law enforcement task force, appointed for the period of governmental transition, "Report to Mayor-Elect John V. Lindsay." (New York: 1965), p. 8.
¹⁵ U.S. Department of Justice, Federal Bureau of Investigation, "Uniform Crime Reports—1965." (Washington: U.S. Government Printing Office, 1966), p. 152.

¹⁶ Bruce Smith, revised by Bruce Smith, Jr., "Police Systems in the United States." (2d rev. ed., New York: Harper and Brothers, 1960), p. 114.

be the case. Hence, because skills needed for fiscal planning or for research are unrelated to the skills required of police officers, police departments should not restrict such positions to sworn personnel. Instead, whether they be civilians or sworn officers, persons should be selected who possess the ability and academic background necessary to meet the demands of specialized positions. Several departments have already recognized the value of using civilians with specialized skills in certain administrative and staff capacities. For one, Superintendent O. W. Wilson, of the Chicago Police Department, has utilized civilians in research and training, and recently hired a civilian as the department legal advisor; and the Ventura, Calif., County Sheriff's Department has a civilian business manager.

The President's Commission on Crime in the District of Columbia, in its "Report on the Metropolitan Police Department," suggested that several divisions within that department could be administered by civilians:¹⁷

In the future more responsibilities should be assigned to highly trained civilians. Civilians can bring needed technical disciplines to the Department as it begins the reorganization and modernization outlined by the IACP and recommended by this Commission. In the new organization plan there are important divisions which could properly be commanded by civilian directors. In the areas of planning, training, communications, public information, recordkeeping, computerization and many others, there are important jobs requiring professional skills not now available within the Department. The reorganization presents a unique opportunity to add to the Department's complement of skills and thereby equip it to provide better service to the community.

The recommendation that certain administrative and staff positions should be assigned to specialists does not mean that sworn personnel should be precluded from serving in these positions. It does mean, however, that sworn personnel should be selected for administrative, supervisory, and staff assignments only if they possess the requisite skills.

THE ROLE OF WOMEN IN POLICE WORK

Women were first appointed to the American police service 56 years ago by the Los Angeles department. This was 4 years before they were appointed to the Metropolitan Police of London and 7 years after the first female was commissioned on the European Continent in Stuttgart, Germany.¹⁸ The first American woman police officer was charged with:¹⁹

The protection of young girls and the prevention or minimization of social evils . . . the return of runaway girls to their homes, the warning of young girls, the suppression of dance hall evils, . . . petty gambling in stores frequented by children . . . [and] the sale of liquor to minors, service at railroad depots, the conducting of investigations and the securing of evidence.

In 1960, there were 5,617 female police officers and detectives in the United States. Of these, all but 400 served in urban areas.²⁰

The role of the policewoman today is essentially what it always has been. Female officers serve in juvenile divisions, where they perform investigative and social service oriented activities for women, teenaged females, preteen youngsters (both male and female), and infants. In addition, some larger forces, including those of New York, Detroit, and Los Angeles, routinely assign female officers to other operational commands, where they participate in narcotics and gambling law enforcement and routine patrolling.

Policewomen can be an invaluable asset to modern law enforcement, and their present role should be broadened.²¹ Qualified women should be utilized in such important staff service units as planning and research, training, intelligence, inspection, public information, community relations, and as legal advisors. Women could also serve in such units as computer programming and laboratory analyses and communications. Their value should not be considered as limited to staff functions or police work with juveniles; women should also serve regularly in patrol, vice, and investigative divisions. Finally, as more and more well-qualified women enter the service, they could assume administrative responsibilities.

NEEDED QUALITIES AND THE SELECTION PROCESS

It has often been stated that policing a community is personal service of the highest order, requiring sterling qualities in the individual who performs it.²² The Commission's evaluation of police work confirms this observation. Few professions are so peculiarly charged with individual responsibility.²³ Officers are compelled to make instantaneous decisions—often without clearcut guidance from a legislature, the judiciary, or from departmental policy—and mistakes on judgment could cause irreparable harm to citizens, or even to the community.

Complexities inherent in the policing function dictate that officers possess a high degree of intelligence, education, tact, sound judgment, physical courage, emotional stability, impartiality, and honesty.²⁴ While innumerable commissions and expert observers of the police have long recognized and reported this need, communities have not yet demanded that officers possess these qualities, and personnel standards for the police service remain low.

The failure to establish high professional standards for the police service has been a costly one, both for the police and for society. Existing selection requirements and procedures in the majority of departments, aside from physical requirements, do not screen out the unfit. Hence, it is not surprising that far too many of those charged with protecting life and property and rationally enforcing our laws are not respected by their fellow officers and are incompetent, corrupt, or abusive. One incompetent officer can trigger a riot, permanently damage the reputation of a citizen, or alienate a community against a police department. It is essential, therefore, that the requirements to

¹⁷ The President's Commission on Crime in the District of Columbia, "A Report of the President's Commission on Crime in the District of Columbia on the Metropolitan Police." (Washington: U.S. Government Printing Office, 1960), p. 31.

¹⁸ Elmer D. Graper, "American Police Administration." (New York: The Macmillan Co., 1921), p. 226.

¹⁹ *Id.* at pp. 228-229.
²⁰ U.S. Bureau of Census, "U.S. Census of Population 1960. Subject Reports: Occupational Characteristics—Final Report PC (2)-(7A)." Washington: U.S. Government Printing Office, 1963, table 1, p. 9.

²¹ This was also recognized by the President's Commission on Crime in the District of Columbia, *supra*, note 17 at p. 30.

²² *Supra*, note 11 at p. 19; and Leonard V. Harrison, "Police Administration in Boston," vol. II. (Cambridge: Harvard University Press, 1934), p. 28.

²³ Leonard V. Harrison, "Police Administration in Boston: Harvard Law School Survey of the Boston Police Department," vol. III. (Cambridge: Harvard University Press, 1934), p. 30.

²⁴ *Supra*, note 12 at p. 223.

serve in law enforcement reflect the awesome responsibility facing the personnel that is selected.²⁵

Higher standards . . . must be established. Whatever may be achieved in remedying police defects must be done through enlisting the services of intelligent men of excellent character, who are sufficiently educated to perform the duties of a policeman. . . . The police organization suffers in reputation and society pays the bill when policemen are dishonest, brutal, stupid, or physically or temperamentally unsuited.

The purpose of this section is to determine what attributes must be possessed by police personnel, what characteristics should preclude an applicant from serving the community as a law enforcement officer, and what deficiencies exist in the current selection process.

EDUCATION

The Need for Advanced Education. The quality of police service will not significantly improve until higher educational requirements are established for its personnel. As was indicated earlier in this chapter, the complexity of the police task is as great as that of any other profession. The performance of this task requires more than physical prowess and common sense:²⁶

It is nonsense to state or to assume that the enforcement of the law is so simple that it can be done best by those unencumbered by a study of the liberal arts. The man who goes into our streets in hopes of regulating, directing or controlling human behavior must be armed with more than a gun and the ability to perform mechanical movements in response to a situation. Such men as these engage in the difficult, complex and important business of human behavior. Their intellectual armament—so long restricted to the minimum—must be no less than their physical prowess and protection.

The need for highly educated personnel was recognized as early as 1931 in the report of the Wickersham Commission.²⁷ But despite the admonition of that commission to improve low entrance standards, educational requirements remain minimal in most departments.

In 1961, a survey conducted of over 300 police departments showed that 24 percent of those departments had no minimum educational prerequisite, while less than 1 percent required any level of college preparation.²⁸ In one region of the country, the New England States, over 72 percent of the departments surveyed did not even require their applicants to have high school diplomas.²⁹

Although minimal educational requirements have not prevented some persons with higher academic achievement from pursuing careers in law enforcement, these exceptions are few in number. In a survey conducted of 6,200 officers in 1964, only 30.3 percent had taken one or more college courses and only 7.3 percent possessed a college degree.³⁰ A more recent survey of over 5,700 police officers employed by police agencies in the metropolitan area of Detroit revealed that over 75 percent of these officers had not attended college.³¹ In the Metropolitan Detroit survey, it was further shown that nearly 13 percent of the officers had not received high school diplomas. In many departments, particularly in New England

and Southern States, a majority of the officers are high school graduates. For example, a 1962 survey of one Connecticut department revealed that 53 percent of sworn officers had not completed high school.³²

Sworn personnel, who, in various unpredictable situations, are required to make difficult judgments, must possess a sound knowledge of society and human behavior. This can best be attained through advanced education.

A superior officer of any police department should be conversant with the structure of our government and its philosophies. He must be well grounded in sociology, criminology, and human relations in order to understand the ramifications of the problems which confront him daily. He must understand what makes people act as they do and what impact his actions in the performance of duty will have on them.

Minimum Educational Requirements. Due to the nature of the police task and its effect on our society, there is a need to elevate educational requirements to that of a college degree from an accredited institution for future personnel selected to perform the functions of a police agent. The demands on the police should be a lower requirement for persons responsible for controlling major crime and social problems. Functions performed by the police officer, although not as demanding, are also complex. Hence, all future personnel in that capacity should be required to have completed at least 2 years of college preparation at an accredited institution.

While such educational requirements could be implemented in only a limited number of departments, it is imperative that all law enforcement agencies attempt to achieve these goals as quickly as possible. As an appropriate first step, all departments should immediately establish a requirement that no person be employed in a police capacity until he has received a high school diploma. This has been demonstrated by appropriate achievement tests in many cities and counties which fail to recognize the vital importance of upgrading the educational levels of their departments. Many departments are guilty of perpetuating ineffective police services and are not providing their citizens with adequate law enforcement and protection. To assist departments in immediately reaching desirable requirements, educational standards should be increased progressively as conditions permit. The ultimate goal is that all personnel with law enforcement powers have baccalaureate degrees.

At least twenty-two departments, twenty-one of which are in California, have already established minimum college requirements, varying from one semester of college education to a 4-year degree. For example, the San Francisco Police Department has had a minimum entrance requirement of 2 years of college since 1957 and the Berkeley Police Department has had the same requirement since 1960.³⁵ The only non-Federal law enforcement agency now requiring that all entering officers have a college degree is the Multnomah County Sheriff's Department in Oregon.³⁶

Although it is recognized that most departments are encountering difficulty in filling current positions

²⁵ August Vollmer, "The Police in Chicago," in "Illinois Crime Survey," John H. Wigmore, ed. (Chicago: Association of Criminal Justice, 1929), p. 360.

²⁶ Quinn Tamm, "A Change for the Better" in "The Police Chief." (Washington: I.A.C.P., 1962), p. 5.

²⁷ *Supra*, note 4 at p. 56.

²⁸ George W. O'Connor, "Survey of Selection Methods." (Washington: I.A.C.P., 1962).

²⁹ *Ibid.*

³⁰ George W. O'Connor and Nelson A. Watson, "Juvenile Delinquency and Youth Crime: The Police Role." (Washington: I.A.C.P., 1964), p. 79.

³¹ Michigan State University, Institute for Community Development, "Police

Training in the Detroit Metropolitan Region: Recommendations for a Regional Approach." (Detroit: The Metropolitan Fund, 1966), p. 69.

³² "Police and Fire Services of the City of Meriden, Conn." (Chicago: Administration Service, 1962), p. 121.

³³ Statement of Stephen Kennedy, former Commissioner of Police, and Franklin M. Kreml, "The Role of Colleges and Universities in Police Management." (Washington: I.A.C.P., 1966), p. 40.

³⁴ National League of Cities, "National Municipal Policy." (Washington: National League of Cities, 1966), p. 67.

³⁵ Donald E. Clark and Samuel G. Chapman, "A Forward Step: Police Backgrounds for Policemen." (Springfield: Charles C. Thomas, 1966), p. 2.

³⁶ *Id.* at p. 3.

ing entrance requirements, little attempt has been thus far to attract college students and graduates to the police service. In 1966, 55 percent of all high school graduates enrolled in college and this percentage continues to increase.³⁷ The police service can be one of the most rewarding and challenging callings in government and police departments should be in a position to compete for college graduates. Positive programs for attracting highly qualified students into law enforcement careers will be discussed in a later section of this chapter. The need to elevate educational standards is not limited to police officers of lower rank. The 1964 national survey conducted by the International Association of Chiefs of Police disclosed that only 33.6 percent of the police administrators had attended college, and of this figure, only 15 percent possessed one or more college degrees.³⁸ These percentages approximate the educational level of subordinate officers, and with reason. In nearly all agencies, chief administrators are selected from among men of lower rank within the department. Although a great majority of the chief administrators in our nation's police departments have achieved enviable records as outstanding police officers, only a few have achieved the appropriate level of training and education in management and administration to administer a law enforcement agency.³⁹

A police officer who has walked his beat as a patrolman, investigated crime as a detective, and managed the technical aspects of stationhouse activity as lieutenant or captain, is not qualified by this experience to administer the complex affairs of a police department.

In the early part of the 20th century, a police chief would usually be appointed by a mayor. On many occasions this appointment was used as a method of rewarding friends or repaying political favors. The misuse of this appointing authority was illustrated in the Wickersham Commission "Report on Police" in 1931: ⁴⁰

An illustration, a few years ago the mayor of Indianapolis called upon to introduce the police chief of that city to an audience of police chiefs during one of their conferences. In the course of his introductory remarks the mayor said, "I know of no man is going to be a good chief because he has been a patrolman for 20 years. He knows how to make good clothes; that to be a good chief."

Stringent civil service regulations were enacted in many communities to counter this evil, and the requirement that a chief of police had to be selected from among men already in the department ensued. Stamping out one evil, however, simply created another, since the men selected were often not qualified to assume the administration of the department. The operation and management of a large police department is as complex as administering a business of comparable resources and requires similar skills.⁴¹

In that respect, there are problems of police management that are quite similar to problems of big business, and soluble in modern managerial techniques; efficiency, planning, communication and technological innovation.

It can no longer be assumed that the affairs of a police department can be administered effectively by a person whose single qualification is extensive police experience. With few exceptions, the completion of 4 years at a college or university is a minimum requirement for top administrative and staff positions in other branches of government.⁴² No less should be demanded of administrative and supervisory personnel in our police departments.

Therefore police departments, and particularly larger departments, should take immediate steps to establish the minimum educational requirement of a baccalaureate degree at an accredited institution for all major administrative and supervisory positions. The need for an influx of trained or experienced persons possessing college credentials into top management positions is a current and critical one. Although the educational requirements for many supervisory and middle management positions may have to be increased progressively—in the same manner as for the police officer and the police agent—a baccalaureate degree requirement should immediately be established for all future chief administrators. Further, and as will be more fully discussed in the later section on career development, all present supervisors, middle managers, and administrators should be exposed to advanced training in supervisory and management principles. If no candidate within a department is fully qualified to fill a vacancy for chief of police, this position should be opened to applicants from outside of the department who do possess the requisite qualifications. In some jurisdictions, this will require a revision of civil service regulations. The position of chief administrator has already been opened to outside applicants in such large cities as Chicago, Boston, Philadelphia, New York, Syracuse, Detroit and Baltimore, as well as numerous medium-sized and small departments.

Educational Programs for Law Enforcement. There is a current and rapidly growing movement among colleges and especially junior colleges to develop degree programs for potential and existing law enforcement personnel. In 1966, there were 134 degree programs which could be identified as oriented toward police service, 100 of which were 2-year degree programs in police science offered at junior colleges.⁴³ To encourage the development of such programs, the U.S. Department of Justice, through its Office of Law Enforcement Assistance, has been providing grants to institutions interested in establishing such programs or improving existing ones.

The Commission's examination of these programs disclose that many of them are highly vocational in nature and are primarily intended to provide technical skills necessary in performing police work. College credit is given, for example, for such courses as traffic control, defensive tactics and patrol procedures. Although there is a need for vocational training, it is not and cannot be a substitute for a liberal arts education:⁴⁴

The trained man has developed skills and attitudes needed to perform a complex task. The educated man has developed his capacity to judge the worth, the performance, and the excellence of human action.

³⁷ Figures obtained from the National Center for Educational Statistics, Office of Education, and Welfare, Aug. 1966.

³⁸ *Ibid.*, note 30 at p. 79.

³⁹ Raymond B. Fosdick, "American Police System." (New York: The Century Company, 1911), p. 220.

⁴⁰ *Ibid.*, note 4 at p. 20.

⁴¹ Franklin M. Kreml, "The Role of Colleges and Universities in Police Management," "The Police Yearbook." (Washington: I.A.C.P., 1966), p. 36.

⁴² *Supra*, note 1 at p. 168.

⁴³ "Police Science Programs of Universities, Colleges, Junior Colleges in the United States," "The Police Chief." (Washington: I.A.C.P., 1966), p. 50.

⁴⁴ *Supra*, note 41 at p. 39.

The wisdom of giving degree credit for technical courses, therefore, must be questioned. Training may be properly offered at college or junior college facilities but not as part of the school's basic program. The facilities of these institutions, since they are designed for teaching, may serve as the location for basic or specialized police training programs. Twenty-six out of forty-four California certified police academies are, for example, coordinated and financed through the junior college system in that State.⁴⁵ When courses are offered for vocational training, however, they should be considered as such and not as degree credit offerings of the institution.

While there has been some progress made in determining the training needs of police personnel, there has been far too little analysis either by the police or by colleges and universities of their educational needs. First of all, the diverse demands on the police dictate that departments recruit persons with specialized educational backgrounds in various disciplines. For example, lawyers are needed as legal and administrative advisors; business and public administration experts are needed for fiscal and management positions; engineers and scientists are needed for communications and other technological programs; and personnel with a variety of backgrounds are needed for planning and research.

That being the case, the educational requirements cannot be identical for all police positions. A police agency must select personnel on the basis of their qualifications to fulfill a particularized need. Although it is obvious that certain subjects such as sociology, psychology, history, and political science should be taken by police agents and officers in order to give them greater insight into human behavior and the governmental process, much more research is needed to determine which specific courses of study are most beneficial. Colleges and universities have long ignored the problems and educational needs of law enforcement.⁴⁶ As FBI Director J. Edgar Hoover has observed, these institutions "should be initiating and increasing courses of study oriented toward the development of a career police profession."⁴⁷

Until the educational needs of field officers are more fully evaluated, however, undergraduate programs should emphasize the social sciences and liberal arts. The complex responsibilities and duties of police work require that field personnel understand their community and conditions which breed criminal and delinquent conduct. This understanding can best be gained through a liberal education.

Independent Examination of Educational Qualifications. There are pitfalls in relying upon a college or junior college degree as the sole means of measuring whether an education is suitable to meet minimum requirements. Experience in other disciplines and in law enforcement has revealed that there are "diploma mill" institutions that award the requisite degree but that fail to provide a meaningful education.⁴⁸ For this reason, police departments should either require that a college degree be obtained from an institution accredited by a

recognized accrediting body or should independently evaluate candidates to measure their educational achievement.

Also, until such time as educational requirements are elevated to acceptable levels, police departments should administer tests to all applicants to determine their aptitude and potential and should accept only those applicants who demonstrate an ability to perform successfully in university level studies. Nearly all departments today administer written examinations to their applicants. A survey conducted in 1961, 98 percent of the departments surveyed conducted entrance examinations to test applicants' ability.⁴⁹ However, many of these examinations are tests for knowledge of police work alone or do not appropriately measure intelligence. For example, one examination given to applicants of a metropolitan police department in Tennessee measured memory, general knowledge of police practices, local government, and general information only.⁵⁰ The written examination given to applicants of the Metropolitan Police Department of Washington, D.C., consists of an 80-question multiple choice aptitude test. When the examination was administered to 206 applicants in three cities in June of 1961, 51 percent passed.⁵¹

If a department accepts applicants with an education which is the equivalent of a high school diploma or less, it should administer and have interpreted by trained experts an intelligence test of trustworthy reliability and validity, such as the Wechsler Bellevue, the California Institute of Living Sciences Maturity Test, or the Otis Quick Scoring Mental Tests.⁵² Too, it should accept only those applicants whose intellectual capacity is above average.

INDIVIDUAL CHARACTERISTICS

Just as advanced education and above average intelligence are fundamental requisites for law enforcement personnel, so are emotional stability, commonsense, and integrity. In addition, the law enforcement officer should be free of prejudices which might interfere with the carrying out of his responsibilities:⁵³

The police are frequently confronted with emotional situations that tempt strong responses from them. Important to success in dealing with such situations is a stability of mind to work-related and other emotional stresses and unhappiness by prejudices and undesirable attitudes in getting along with people under trying circumstances. . . . Police service offers unusual opportunities and temptations to accept graft, to engage in other forms of dishonesty, immorality, and excesses, to wreak vengeance on persons who have offended. Such police service is predicated on the integrity, morality, and loyalty of the members of the force.

It is doubtful whether current selection procedures in most police departments effectively screen out persons unsuited for police work. In the early years of this century, personal qualifications were deemed sufficient. Laudatory letters were received from friends or "heelers" in support of a candidate.⁵⁴ Although there have been improvements in procedures for evaluating personal characteristics in the past 35 years, they are not widely used. Further, there are as yet no reliable screening

⁴⁵ State of California, Department of Justice, Commission on Peace Officer Standards and Training, "California Peace Officers Standards Program." (Sacramento: California Department of Justice, 1966).

⁴⁶ L. Dana Gatlin, "Police Chiefs Win Diplomas," Christian Science Monitor, (Boston), August 20, 1966, p. 3, col. 1.

⁴⁷ J. Edgar Hoover, "Message from the Director, FBI Law Enforcement Bulletin," editorial. (Washington: U.S. Department of Justice, Federal Bureau of Investigation, May, 1964.)

⁴⁸ Supra, note 41 at p. 39.

⁴⁹ Supra, note 28.

⁵⁰ I.A.C.P., "A Survey of the Department of Metropolitan Police, Nashville, Davidson County, Tennessee." (Washington: I.A.C.P., 1964), p. 86.

⁵¹ Supra, note 13 at p. 100.

⁵² Robert L. Thorndike and Elizabeth Hagen, "Measurement and Evaluation in Psychology and Education." (New York: John Wiley & Sons, 1956), p. 254.

⁵³ Public Administration Service, "Police Services in Portland, Maine." (Chicago: Public Administration Service, 1955), pp. 109-110.

⁵⁴ Supra, note 4 at p. 66.

devices to identify applicants who are emotionally unfit for police employment.⁵⁵ Although reliable methods may have been devised for measuring suitability for a limited number of other occupations and professions, these methods are not as effective in measuring fitness for police work.⁵⁶

Selection techniques in law enforcement cannot merely emulate those devised for business, industry, or teaching. Law enforcement, which vests authority and power in its representatives, also imposes on them stresses unlike those encountered in any other profession.

Even though it is not yet possible with existing knowledge to ascertain all factors which contribute to the development of a good or an unfit policeman, procedures for discovering undesirable traits in applicants do exist and are being used by some departments.⁵⁷ These methods, their value, and their limitations, are the subject of this section.

Character Investigation. If properly conducted a background investigation can provide invaluable information on the character of applicants.⁵⁸

In a recent survey by the National League of Cities, 278 of the 284 cities surveyed reported that a background investigation was employed to investigate the character of police applicants.⁵⁹ This survey indicated that a majority of the cities checked identification records at the local, State, and Federal levels, and also checked character references supplied by the applicants.⁶⁰ In many cities, however, character investigations are extremely limited in scope and investigators seldom probe deeply enough to uncover the information needed for professional evaluation.⁶¹

Few municipal forces have yet devoted enough attention to the character investigation of applicants. Civil Service routines often merely require that the applicant provide character vouchers or "references" which are accepted without further question.⁶²

This is not true, however, of all departments. For example, during the period between August 1957 and October 1964 over one-fourth of the applicants of the Los Angeles Police Department were rejected on the basis of intensive background investigations after they had successfully passed written, oral, and medical examinations.⁶³

No department should admit any person into the police service until his background has been comprehensively investigated. Trained investigators should examine school, credit, and criminal records; interview persons used as references and other persons in the applicant's neighborhood; and interview past and present employers. The investigative process should extend to other communities as well, if the applicant has lived elsewhere. To assist in the check of criminal records, the fingerprints of each applicant should be obtained. Prior convictions, work habits, prejudices, emotional stability, among other characteristics, should be determined to ascertain whether

the applicant is fit to perform police work.⁶⁴ Since background investigations are expensive, if properly conducted, they should be restricted to those who otherwise have qualified.⁶⁵

Emotional Stability. Within the past 30 years, many police administrators and educators have contended that prospective policemen should be examined for personality defects prior to their appointment.⁶⁶ The emotional stability to withstand the stresses of police work must, of necessity, be a primary requisite of police personnel. Officers must rationally cope with violence, verbal abuse, resentment, and emergencies. The emotionally unfit cannot meet these stresses. Although a comprehensive character investigation will eliminate many socially maladjusted applicants, personality defects in some of the applicants will be latent and not easily discernible.⁶⁷

For this reason, several police departments conduct psychological and psychiatric examinations. A survey of over 300 police departments by the International Association of Chiefs of Police in 1961 revealed that 50 departments administered such examinations.⁶⁸ In 1955, Thomas W. Oglesby, then a personnel technician for the city of Pasadena, Calif., conducted a survey that disclosed that 14 cities with population of over 100,000 had formalized programs for psychiatric or psychological testing of police applicants.⁶⁹ These examinations vary considerably. For example, in Philadelphia, applicants are interviewed by a psychiatrist; in Kansas City, a clinical psychologist interviews applicants. In Los Angeles, the psychiatrists who interviews applicants also administers two tests—The Minnesota Multiphasic Personal Inventory (MMPI) and the Group Rorschach, primarily to determine neurotic and psychotic tendencies.⁷⁰

Between 1953 and 1957, of the 760 persons tested by the Los Angeles Police Department for personality disorders, 86, or 11.3 percent, were rejected as not meeting acceptable psychiatric standards.⁷¹ Fifty-one percent of these applicants were found to be latently or borderline psychotic and 22 percent were diagnosed as schizoid personalities.⁷² Although there is considerable conflict over the reliability of such tests as they relate to vocational success or failure in police work,⁷³ properly administered tests and interviews can eliminate many of the emotionally unfit.

Psychological tests, such as the MMPI, and interviews to determine emotional stability should be conducted by all departments. These examinations should be administered only by trained professionals and their limitations should be fully understood. Federal and State funds should be made available in the form of research grants for the purpose of devising reliable tests or other means of evaluating the characteristics of applicants which may be detrimental to successful police work.

A majority of police departments use another procedure, the oral interview, to assess the character of applicants.⁷⁴ Under this procedure, a selected group of offi-

⁵⁵ Dr. Ruth Levy, "Summary of Report on Retrospective Study of 5,000 Peace Officer Personnel Records," "The Police Yearbook," (Washington: I.A.C.P. 1966), p. 61.

⁵⁶ *Id.* at p. 61.

⁵⁷ Dr. James H. Rankin, "Preventive Psychiatry in the Los Angeles Police Department," "Police," (Springfield: Charles C. Thomas, July-August 1957), p. 28.

⁵⁸ Richard H. Blum, "Police Selection," (Springfield: Charles C. Thomas, 1964), pp. 157-177.

⁵⁹ Raymond L. Bancroft, "Municipal Law Enforcement, 1966," "Nation's Cities," (Washington, D.C.: National League of Cities, February 1966), p. 20.

⁶⁰ *Id.* at p. 20.

⁶¹ *Supra*, note 50 at p. 86.

⁶² *Supra*, note 16 at p. 130.

⁶³ Samuel Haig Jameson, "Controversial Areas in 20th Century Policing: Quest for Quality Training in Police Work" in Walter C. Reckless and Charles L. New-

man, "Interdisciplinary Problems in Criminology: Papers of the American Society of Criminology, 1964," (Columbus: Ohio State University, 1965), p. 130.

⁶⁴ *Supra*, note 58 at pp. 157-177.

⁶⁵ *Supra*, note 8 at p. 148.

⁶⁶ Thomas W. Oglesby, "The Use of Emotional Screening in the Selection of Police Applicants," "Police," (Springfield: Charles C. Thomas, Jan.-Feb. 1958), p. 49.

⁶⁷ *Supra*, note 57 at p. 24.

⁶⁸ *Supra*, note 28.

⁶⁹ *Supra*, note 66 at p. 49.

⁷⁰ *Supra*, note 28.

⁷¹ *Supra*, note 57 at p. 27.

⁷² *Id.* at p. 27.

⁷³ *Supra*, note 5.

⁷⁴ *Supra*, note 28 at Table 22.

cers or a combination of officers and civilian personnel specialists interview individual applicants, then subsequently determine the applicant's suitability. This procedure has numerous advantages. Representatives of the department have the opportunity to evaluate the demeanor and attitude of the applicants, and through probing questions can determine their ability to handle stress situations and to respond appropriately to judgmental questions.⁷⁵ However, since this technique of screening is primarily a subjective one, it has received criticism which arises out of three considerations:⁷⁶ (1) the difficulty of developing valid and reliable oral tests; (2) the difficulty of securing a reviewable record on an oral test; (3) public suspicion of the oral as a channel for the execution of political influence through the destruction of anonymity.

Although each department, utilizing skilled representatives, should have the opportunity to evaluate its applicants for police positions, the opinions derived from an oral interview, which is necessarily subjective, should not be the sole method used for disqualification. If this procedure is appropriately utilized along with background investigations and psychological testing, the selection process could become a reliable method for screening out the unqualified.⁷⁷

Even if more reliable devices for screening applicants were used in all departments, candidates with personality disorders or other defects cannot always be discovered before they are accepted into police service. It is essential, therefore, that procedures exist to remove such officers before permanent tenure makes removal extremely difficult. Such procedures are discussed in a later section on probationary period.

Physical Requirements. Any police officer working in the field must possess physical courage, stamina and agility. These qualities may help to save his own life or the lives of others. But existing requirements on physical stature and condition in many departments are unduly restrictive, with the result that many applicants, who may otherwise have exceptional qualifications, are summarily rejected because of height, weight, or vision. For example, in 1956, a survey conducted by the International Association of Chiefs of Police revealed that nearly 85 percent of the police departments surveyed had a mandatory height requirement of 5'8" or higher.⁷⁸

All departments should eliminate inflexible mandatory physical requirements. While physical characteristics and conditions such as freedom from disabling diseases or physical handicaps should be carefully considered in the selection process, factors such as height should be considered along with other attributes of the candidate, rather than be automatically disqualifying.⁷⁹

Height, like age, is a factor which must be evaluated in terms of the full abilities of the candidate. It should not be used as a hurdle with a fixed standard except to eliminate persons below normal standards lacking other compensation qualities. Physical stature is a single factor which should not deprive the police service of individuals who are capable of physically defending themselves. The police image is not likely to suffer any severe

damage if fully capable men are employed despite their lack of height.

Likewise, there is little justification for requiring near perfect uncorrected vision of all applicants. Sight requirements are often set at 20/20 uncorrected for both eyes, or slightly less for one eye, correctable to 20/20.⁸⁰

Other occupations, in which excellent vision is of equal necessity, have less stringent standards. For example, the Federal Aviation Agency will license commercial pilots whose vision is 20/100 as long as the vision is correctable to 20/20.⁸¹ Professional athletes, who participate in body contact sports such as basketball or football, often wear corrective contact lenses, and this does not adversely affect their ability to perform. Also, police departments continue officers in employment after selection even though they subsequently require corrective lenses.

Many departments are beginning to recognize the arbitrariness of traditional standards. In 1965, the Philadelphia Police Department lowered the height minimum from 5'8" to 5'7" and began accepting recruits with vision defects correctable by spectacles.⁸²

In place of mandatory rigid requirements for all entering personnel, physical requirements should be assessed on an individual basis. The opinion of an examining physician on whether an applicant is fit to serve would prove far more reliable than mandatory civil service requirements.⁸³

For this reason, a police administrator should be given the discretion to establish flexible standards. These standards may vary in relationship to the position being filled. For example, if a person is hired from outside of the department to fill a staff position, physical stature and vision would not have to meet minimum standards required of sworn personnel.

Residency Requirements. A major deterrent to recruiting is local restrictions on the residency of applicants. A 1961 survey by the International Association of Chiefs of Police revealed that nearly 75 percent of the responding departments had preservice residency requirements varying from 6 months to 5 years.⁸⁴

These requirements can be traced back to the depression era when employment was scarce and municipalities attempted to give job preferences to local residents.⁸⁵ Since nearly all police departments are encountering great difficulty in filling current positions, these restrictions now serve only to inhibit attempts to improve the quality of police personnel. Many departments, such as the Metropolitan Police Department of Washington, D.C., and the Public Safety Department of Dade County, Fla., have deleted residence requirements and nearly all police experts are calling for their removal:⁸⁶

Preemployment residence in the community should not be required of candidates, for it reduces the number of qualified applicants from whom the most promising may be selected. Qualified young men who are residents of other cities or of small communities and rural areas often lack attractive opportunities in their local police service and are frequently interested in service in the departments of a larger community. Local-residence candidates deny the community the opportunity to recruit prom-

⁷⁵ *Supra*, note 28.

⁷⁶ Statement from Stahl, as quoted in Blum, *supra*, note 58 at p. 182.

⁷⁷ A. C. German, "Police Personnel Management." (Springfield: Charles C. Thomas, 1963), pp. 51-55.

⁷⁸ *Supra*, note 28.

⁷⁹ *Supra*, note 28.

⁸⁰ *Supra*, note 50 at p. 82.

⁸¹ Federal Aviation Agency, "Regulations: Part 57, Medical Standards and Certification" (Washington: U.S. Government Printing Office, Nov. 23, 1965).

⁸² The Sunday Oregonian (Oct. 30, 1966), sec. 4m, p. 24, col. 5.

⁸³ *Supra*, note 77 at p. 17.

⁸⁴ *Supra*, note 28.

⁸⁵ Federal Bureau of Investigation, "Police Management—Recruitment and Selection of Personnel," "FBI Law Enforcement Bulletin," (Washington: U.S. Dept. of Justice, FBI, Oct. 1966), p. 16.

⁸⁶ *Supra*, note 8 at p. 137.

ising candidates who may, in some instances, provide a quality of leadership lacking among local applicants.

Each department should attempt to obtain the best policemen that can be recruited anywhere in the country.⁸⁷ Police and city administrators should immediately take steps, therefore, to remove local residency requirements and should also encourage the removal of State residency requirements, if they exist. This is consistent with the recent recommendation of the American Bar Association in their minimum standards for police recruit qualifications and selection.⁸⁸

Age Requirements. In most cities, the minimum permissible age for becoming a policeman is 21, although some cities require that recruits be 25.⁸⁹ Thus, police departments that accept applicants who have completed high school or less cannot actively recruit persons until they have been out of school for at least 3 years. The effect of this delay is that many of the talented high school graduates will begin other careers, and therefore, will be otherwise committed before they are eligible for the police service.⁹⁰

The 21 years of age standard restricts recruitment. Potential police applicants who graduate from high school find it necessary to obtain other employment and are likely to fall in career channels which take them away permanently from their original police interests and aptitudes.

As a result, police departments often attract applicants who have already experienced one or more job failures.

If police departments required all applicants to possess a college degree, a minimum age requirement of 21 would not create a significant problem. But as long as the police continue to recruit high school graduates or even junior college graduates—and this is likely for some time—it is essential that the police be permitted to compete more effectively for younger men.

There are at least two potential methods of overcoming this problem. First, the minimum age requirement for police service could be reduced to 18, 19, or 20. This would allow the police to recruit persons before they become committed to other careers. At least five cities, Chicago, Oak Park (Michigan), Minneapolis, Houston, and Dallas, already hire persons under the age of 21 to serve as police officers.⁹¹ The Houston Police Department in 1964 hired 26 men under the age of 21. It was the unanimous view of that department's supervisors that these officers performed successfully and that the department would continue to select mature men of 19 and 20 to become police officers.⁹²

Police departments should carefully evaluate their existing minimum age requirements. In the light of the great responsibility of policemen, however, there is some question whether age requirements should be automatically lowered for all applicants. It may be more appropriate to establish a special procedure whereby the minimum age requirement could be waived when a person under the age of 21 demonstrates the necessary maturity and intelligence to merit special consideration.

The second, and possibly the most promising, method of bridging the period between graduation from high school and the age of 21 is the development of an entirely new type of cadet program—the CSO concept.

Under the traditional cadet or trainee program, a police department hires persons between the ages of 17 and 21 and assigns them the responsibility of performing non-sworn police tasks or assisting sworn officers until they qualify to take the entrance examination. Such a program has been in existence in England since the 1930's and now constitutes the primary source of recruiting men to police service.⁹³ In a 1966 survey by the National League of Cities it was reported that 52 police departments in the United States now have cadet programs.⁹⁴ In the New York City Police Department, those in its trainee program perform certain clerical and other tasks not directly related to crime control, receive police training and earn salaries competitive with other salaries paid to high school graduates. The trainee can take his qualifying examination before reaching 21 and when he reaches the minimum age required for sworn status, can immediately enter the service as an officer.

Many of the departments that initiated cadet programs found them wanting.⁹⁵ The primary reasons are that the work done by cadets often did not justify the expenditures for the program, that a limited number of persons were attracted to the program, and that many cadets left the program and did not become sworn officers.⁹⁶

Most cadets now perform clerical functions only and, therefore, learn little about police work or the rewards of a police career. If cadets were given financial aid to continue their education and received extensive police training as CSOs, assisting police officers and police agents, as well as performing noncrime related functions, CSO programs could serve as a valuable recruiting device and a method of upgrading the quality of personnel. Education and incentive programs for CSOs will be more fully described in the next section of this chapter.

In summary, the current minimum age in most police departments may unnecessarily restrict the recruiting base and discourage persons, otherwise qualified, from pursuing careers in law enforcement. Communities should adjust current requirements and should experiment with CSO-type programs for the purpose of interesting qualified persons in law enforcement careers.

Concomitant with minimum age restrictions, most communities impose maximum age restrictions on police department applicants. A 1961 survey by the International Association of Chiefs of Police revealed that 30 percent of the departments surveyed barred persons over 30 years of age and 80 percent barred men over 35 years.⁹⁷ Many police experts favor lowering the maximum age requirement to 29. For example, the International Association of Chiefs of Police has recommended that the maximum age be reduced to 29:⁹⁸

The upper age limit of 35 is considered to be too high. There are many advantages in lowering the upper limit. It assists in reducing turnover because young men, not having established themselves in a trade or occupation, are less likely than others to leave the force during periods of economic prosperity . . .

⁸⁷ *Supra*, note 53 at p. 110.

⁸⁸ "Minimum Standards for Police Recruit Qualifications and Selection: American Bar Association Project on Minimum Standards for Criminal Justice," Committee on the Police Function (Sept. 8, 1966), sec. II, p. 6.

⁸⁹ *Supra*, note 28.

⁹⁰ *Supra*, note 58 at p. 52.

⁹¹ Glenford S. Leonard, "Police Career Development", "The Police Yearbook" (Washington: I.A.C.P., 1966). pp. 87-89. *Supra*, note 82 at cols. 1-8.

⁹² *Id.* at p. 87.

⁹³ *Supra*, note 11 at p. 30.

⁹⁴ *Supra*, note 59 at p. 17.

⁹⁵ Indiana University, Department of Police Administration, "Recommendations Based Upon a Study of Police Cadet Programs in the United States," submitted to Office of Law Enforcement Assistance, Department of Justice (April 1966).

⁹⁶ *Ibid.*

⁹⁷ *Supra*, note 28.

⁹⁸ I.A.C.P., "A Survey of Police Services in Metropolitan Dade County, Fla." (Washington: I.A.C.P. 1963), p. 39.

Younger men can also be expected to fulfill their maximum working years with greater endurance for the tremendous physical exertions required of the working officer. In addition, younger men present easier training subjects and are probably more readily amenable to the discipline necessary in a police operation. For these reasons a maximum age should be established that is no higher than 29.

While every effort should be made to recruit younger men for police service, it is doubtful that mandatory maximum age requirements of 29 would always serve the best interests of a department. In some cases, a highly qualified person, who had pursued a successful career in another law enforcement agency or in another profession, such as the military service, may possess skills needed by a police department. To prevent the automatic rejection of such persons, maximum age requirements should be maintained at higher levels—the Federal Bureau of Investigation has a maximum age requirement of 41⁹⁹—or police administrators should be given wide latitude in waiving a lower maximum age requirement when they consider such waiver to be justified.

PROBATIONARY PERIOD

Regardless of how carefully a department may select and screen its personnel in accordance with the best techniques known today, these procedures alone do not accurately measure fitness to perform police work.¹⁰⁰ The police service and other government agencies have long recognized that a period of probation is necessary to judge the qualities of new employees. Full evaluation must be made of a police recruit's ability to determine whether he can cope with the unusual demands of the police service and to detect weaknesses which may develop under actual working conditions. Since civil service commissions, central personnel agencies, or police boards often select police personnel, a probationary period is the only method, aside from a brief oral interview, by which a chief administrator can evaluate officers and eliminate those who do not meet the needs of the department.¹⁰¹

In a 1956 survey of 368 departments by the International Association of Chiefs of Police, it was reported that 93 percent of these departments required new appointees to serve a period of time on probationary status.¹⁰² However, in over 74 percent of these departments, the probationary period was limited to 6 months or less.¹⁰³ Only 2 percent of the departments had a probationary period longer than 1 year.¹⁰⁴ In contrast, the probationary period for the police in England and Wales is 2 years.¹⁰⁵

Few departments today make appropriate use of the probationary process. An earlier national commission indicated that this was common of all government agencies:¹⁰⁶

In spite of the frequently heard complaint that the examinations are even now unsatisfactory, and that the departments are now filled with incompetents, this commission was able to find scarcely a single jurisdiction which is giving systematic attention to the probationary period.

Probation should involve a systematic evaluation of performance and a correction of deficiencies in the selection

process by "dismissing the inept recruit in the early stages of his service . . . before he has acquired the extraordinary protection thrown about him by tenure-of-office acts."¹⁰⁷ Since current selection methods cannot screen out all persons who are unsuited for police work, a comprehensive evaluation of recruits during probation is extremely important. For example, in the Berkeley, Calif. Police Department an average of 20 percent of the recruits initially accepted into the department are removed prior to the end of their 2-year probationary period.¹⁰⁸ Between October of 1961 and September 1962, 10 percent of the recruits hired by the Department of Public Safety of Dade County, Fla., were dismissed during their probationary period.¹⁰⁹

In most departments, however, the length of the probationary period and methods of evaluation are insufficient to measure the effectiveness or the personal characteristics of recruits. The first 3 to 6 months of a recruit's employment should be devoted to a training program. Thus, little opportunity will exist to observe performance in a variety of working situations until after training is completed. A reliable evaluation cannot be made in a few months. For this reason, a probationary period should be 18 months in length, and certainly no less than 1 year.

Even an extended period of probation will not be meaningful, however, unless a careful evaluation of each recruit is undertaken. In many departments, probationary officers are not closely supervised and no formal reports are made of their performance. As a result, it is typical for officers to be elevated to regular status automatically upon the completion of their probationary period. The performance of all officers, both during and after recruit training, should be systematically observed and formally rated by all training instructors, immediate supervisors, and carefully selected officers who have worked with the probationary officer.¹¹⁰ And if, for example, a probationary officer demonstrates biases which prevent him from impartially performing police work, he should be rated as unqualified. Along with ratings, citizen complaints rendered against probationary officers should be evaluated both to protect the officer and to determine possible derogatory qualities and conduct. All noted deficiencies in performance and aptitude should then be assessed to determine whether they are rectifiable. If they are not, the officer should be dismissed from the service.

Dismissal of probationary officers is complicated by the civil service law in many jurisdictions.¹¹¹ A 1961 survey showed that civil service regulations in 82 of the 345 cities surveyed required police departments to show the same documented cause for dismissing probationary officers as for dismissing regular personnel. Far greater latitude for dismissal should be granted to the hiring authority during a probationary period.

In many cities, however, incompetent personnel is not removed during probationary periods solely because of the unwillingness of chief administrators to exercise their power of dismissal.¹¹²

While much remains to be done to improve civil service law and regulations with respect to police probation, the whole prob-

⁹⁹ U.S. Department of Justice, "Facts About a Career in the FBI." (Washington: U.S. Government Printing Office, 1966).

¹⁰⁰ *Supra*, note 28.

¹⁰¹ *Supra*, note 77 at p. 67.

¹⁰² *Supra*, note 28.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*

¹⁰⁵ *Supra*, note 16 at p. 132.

¹⁰⁶ Commission of Inquiry on Public Service Personnel, "Better Government Personnel." (Washington: 1946, U.S. Government Printing Office), pp. 48-49.

¹⁰⁷ *Supra*, note 16 at p. 132.

¹⁰⁸ *Supra*, note 58 at p. 152.

¹⁰⁹ *Supra*, note 98 at p. 50.

¹¹⁰ *Supra*, note 13 at p. 104.

¹¹¹ *Supra*, note 28.

¹¹² *Supra*, note 16 at pp. 132-333.

lem will remain unchanged until municipal police administrators more frequently exercise the powers of dismissal lodged with them. Until this is done, little sympathy need be accorded to the police chief who complains that he does not possess sufficient power to discipline the rank and file; for even when the chief's powers in this respect are complete and unrestricted during the probationary period, almost never are they exercised, with the result that the errors arising out of inadequate selection processes quickly come under the full protection of civil service laws and regulations.

Thus, it is incumbent upon all chief administrators to take action quickly and remove any officer who does not possess the requisites to meet effectively and impartially the demands placed upon police personnel.

AUTHORITY FOR REMOVAL

Even the careful screening of officers during probation will not insure that a department will be free of personnel who are corrupt, incompetent, or emotionally unqualified to perform police work. While the need to protect career officers from arbitrary dismissal by chief administrators is recognized, civil service regulations in a majority of our cities unduly restrict the authority of an administrator to weed out undesirable officers. In many cities, he has no authority to dismiss, but only the authority to recommend that a civil service board determine whether there is cause for dismissal.

The experience of removal procedures under civil service has revealed that officers are normally dismissed only under flagrant circumstances. Even if an administrator is desirous of upgrading the quality of his personnel and removing all officers who do not meet the standards of his department, it is doubtful whether, under current procedures in many cities, he would be able to do so. Commission surveys report that these conditions contribute to a situation where too many officers remain in police departments even though they are unsuitable for public service and tarnish the image of all police personnel.

The primary authority for removal should be vested in the chief administrator of a police department. To curb abuses of authority, an independent agency, such as a civil service commission, should review dismissals.

THE EFFECT OF RAISING STANDARDS

This report has strongly urged that selection standards be significantly raised. This has been done with the full realization that the nation's police departments are seriously understaffed.

The raising of standards, however, should actually have the overall effect of attracting more and better candidates by bolstering the prestige of police service. There are many able young men who will be willing and even eager to enter police work if police departments offered professional opportunities. As a former Chief of Police of Kansas City, Mo., recognized almost 10 years ago:¹¹³

Some have reasoned that current police working conditions, longer hours, and lower salaries than private industry, are large

enough obstacles in the way of obtaining new police personnel. They say that if we add another barrier, such as preservice State examinations, the employment problem will become more acute. I have reminded them that there is no permanency to *status quo*; there must either be progression or regression in our push to better standards. If we make the acquisition of a police position too easy, we discourage incentive and invite inefficiency. Any move on our part that tends to make the attainment of the policeman role a more honorable and proud accomplishment will tend to attract more and better recruits, men of the kind and type we now seek with eagerness.

Departments which have college requirements, such as the Multnomah County Sheriff's Department, have reported that the elevation of standards has enhanced, not hindered, recruiting efforts.¹¹⁴

This of course will require more than a mere appeal to college men or better public relations. First, as was emphasized above, police departments should relax unduly restrictive standards relating to height, weight, eyesight and residency. Police departments will often have to decide which is more important—an officer who is intelligent and has insight into community enforcement problems or an officer with lesser intelligence and education who meets all the present rigid physical and residency requirements. The decision should be that modern professional policing must place a priority on education, intelligence, and emotional stability, and provide greater flexibility in physical requirements.

Second and most important, higher educational standards can be successfully implemented only if police organizations are drastically reorganized and improved to attract able recruits. The two can only be accomplished together. Consequently, the police departments of this nation must simultaneously work to recruit better educated personnel and to examine and change their own operations to make police service a challenging and rewarding career.

ATTRACTING PERSONNEL

The Nation's police departments are encountering serious difficulty in maintaining their forces at authorized strength. A survey conducted by the National League of Cities in 1966 disclosed that over 65 percent of the departments surveyed were understaffed; that these departments were 5,840 officers, or 5 percent below authorized strength; and were 11,864 officers, or 10 percent below preferred strength.¹¹⁵ In 1965, for example, Baltimore was 229 officers below strength; Cleveland, 512; Pittsburgh, 80; Kansas City, 215; and Memphis, 78.¹¹⁶

Since, on the average, police departments are currently 5 percent below authorized strength, since the authorized strength of police departments has increased at the rate of approximately 3 percent each year,¹¹⁷ and since an average of 5.4 percent of existing personnel leave their departments each year (due to resignation, dismissal, retirement, or death)¹¹⁸ 50,000 new police officers will be needed in 1967 alone.

Commission recommendations for the addition of community service officers and staff specialists will require

¹¹³ Bernard C. Brannon, "The Set of the Sail," "Police," (Sept.-Oct. 1957), p. 17.

¹¹⁴ Letter from Donald Clark, former Sheriff, Multnomah County, Portland, Oreg. (September, 1966).

¹¹⁵ *Supra*, note 59 at p. 16.

¹¹⁶ Police Department, Kansas City, Mo. "1965 Survey of Municipal Police Departments" (Cities of 300,000 population, 1960 Census), Oct. 25, 1965.

¹¹⁷ Memorandum from Michael S. March, Assistant Chief, Education, Manpower, and Science, U.S. Bureau of the Budget, May 11, 1966, table 4.

¹¹⁸ *Supra*, note 59 at p. 16.

even greater numbers of police personnel. But mere addition of manpower without accompanying efforts to make the best use of existing personnel strength might serve only to aggravate the problem of inefficiency. In many departments police personnel are being wasted on trivial duties. In others, increased investment in staff work or more sophisticated equipment would do more to improve police work than investment in more men. Switching from 2-man to 1-man patrol cars would in some instances free large numbers of policemen for added patrol or investigative duties. Each department should assess its manpower needs with considerations such as these in mind and ask for additional men only when the organization, policies, and practices of the department are such that the increased personnel can be effectively utilized in the reduction of crime. When the case for this need has been made, it is the responsibility of each jurisdiction to see that this need is met.

Although police departments are encountering difficulty in hiring new officers, this is not due to a dearth of applicants, but to a lack of qualified applicants. In 1961, only 22.3 percent of the applicants for positions in 368 police departments were accepted.¹¹⁹ The applicant success rate in many departments is far lower. For example, in 1965, only 2.8 percent of the candidates for the Los Angeles Police Department were eventually accepted into the force.¹²⁰ In 1966, only 29 of 1,033 applicants were hired by the Dallas Police Department.¹²¹

There is a critical need, therefore, for police departments to attract more acceptable applicants to careers in law enforcement. This is particularly true in light of the recommendation that educational standards be elevated and that candidates be more carefully screened to insure acceptable emotional stability. As was noted by the British Royal Commission on Police in 1962, police work is not inherently unattractive as a career.¹²² The investigation or prevention of crime, the protection or assistance of citizens, and the administration of a complex governmental agency all provide stimulating career opportunities for the talented and the educated.

This chapter has already discussed the inhibiting effect on police recruitment of the single level of entry into police work for recruits, and of restrictive physical and residency requirements. These are by no means the only deterrents to attracting able police recruits. There are other "policies and practices that are obsolete and inadequate in today's competitive labor market."¹²³

THE POLICE IMAGE

There is limited understanding by the public of the nature of the police task. The public as a whole may see the police as a whole as the front line of defense against crime, but more often than not individual citizens encounter individual policemen when the policemen are directing traffic, rendering emergency treatment, issuing citations for parking or traffic violations, providing information, or performing other routine duties. On the other hand, to some persons who are poor or who are in minority groups, the police are viewed as oppressive enforcers of

the status quo. Although support and respect for the police is increasing, the status accorded to the police is still far lower than that of other professions that compete for college graduates. In a 1961 survey of status given to occupations, the police ranked 54th out of 90 occupations, which tied them with playground directors and railroad conductors.¹²⁴

In short, the primary challenges confronting law enforcement are often not apparent to the public, and the police, to date, have done little to highlight the demands on their personnel that do call for professional skills. Little effort is devoted to describing the complexity of investigating or preventing crime, of reducing delinquent behavior, of administering police operations, or of solving community problems. Instead of promoting the advantages of a career in the police service, police departments, all too often, tarnish the attractiveness of police service. Police administrators frequently bemoan the plight of the policeman, the low compensation, the long hours, and the hostility and resentment of the public. Although the police should publicly discuss their problems, this can be accomplished, as it is in other professions, without undermining the attractiveness of police service itself. The hardships confronting the police, if positively presented, are precisely the challenges that could make the police service attractive to the highly skilled. As Glenford S. Leonard, the Director of Public Safety of Oak Park, Mich., recently stated:¹²⁵

If we continually complain that our image is being adversely affected by our problems . . . (then) it is being affected. I believe that we should start insisting and advertising that it is a career service of action, of prestige, and of the greatest importance in our democracy. We may even convince ourselves of this, and if we do, we have taken a big step toward attracting people. . . .

CONDITIONS OF EMPLOYMENT

Compensation. If the police service is to be an attractive career opportunity, it must offer compensation that is competitive with other occupations or professions that seek men of education or ability. In most communities, the police service presently does not offer competitive salaries to the college graduate or to other talented persons.

In 1966, the median starting salaries for patrolmen ranged from \$4,920 in smaller communities to \$5,834 in cities of over 500,000 population.¹²⁶ Starting salaries varied from \$2,820 in Durant, Okla., to \$8,790 in Anchorage, Alaska.¹²⁷ In most cities, the maximum salaries paid to patrolmen were not significantly higher than the entrance salary. The maximum median salary in 1966 was \$5,650 in smaller communities and \$7,008 in larger cities or an average increase of only \$730 and \$1,174 respectively over starting salaries.¹²⁸

Of the 228,798 sworn personnel reported in the 1960 census of occupational characteristics, only 464 earned salaries of more than \$15,000 and only 4,500 earned over \$10,000.¹²⁹ These figures clearly reflect the limited financial opportunities in the police service today.

¹¹⁹ *Supra*, note 28.

¹²⁰ American Trial Lawyers Association, "Crime and Its Causes in Los Angeles." (Lancaster, Calif.: Golden West Publishing Co., 1966), p. 7-8.

¹²¹ "Police Academy Accepts Only 3%," *The Times-Herald* (Dallas, Tex., Aug. 28, 1966), p. 1, col. 1.

¹²² Royal Commission on Police, "Royal Commission on the Police, 1962, Final Report" (London: Her Majesty's Stationary Office), p. 94.

¹²³ *Detroit Free Press*, Aug. 4, 1965, sec. B, p. 6, col. 1.

¹²⁴ Albert Reiss, "Occupations and Social Status." (New York: McMillan Co., 1961).

¹²⁵ *Supra*, note 91 at p. 84.

¹²⁶ *Supra*, note 3 at p. 435.

¹²⁷ *Id.* at p. 436.

¹²⁸ *Id.* at p. 435.

¹²⁹ *Supra*, note 20 at p. 304.

Although it is difficult to determine what occupations or professions compete with the police for personnel, it can be seen that police salaries are below those of most skilled occupations. In 1960, the median salary for professional and technical workers was \$7,124; for craftsmen and foremen, \$5,699; and for police, \$5,321.¹³⁰

In Seattle, policemen are paid \$375 a month less than cable splicers;¹³¹ in Nashville, electricians earn an hourly rate of \$3.22 in contrast to the police rate of \$2.55;¹³² and retail buyers in Los Angeles earn a median salary of \$9,492 as compared with maximum salary of \$8,820 paid to patrolmen.¹³³

As earlier indicated, starting and maximum salaries for the police service should be competitive with salaries offered by other employers who seek men of the same age, ability, education, and experience. This will require that police salaries for all positions be increased in nearly all cities. For example, police departments must attract competent college graduates to perform as police agents. In many cities, this will require that starting salaries range from \$7,000 to \$10,000—based upon 1967 wage levels—with maximum salaries for police agents exceeding \$15,000. Special agents for the Federal Bureau of Investigation now earn starting salaries of \$8,421 and can ultimately earn \$16,905 in that same position.

Not all police salaries, at least in the foreseeable future, will have to be competitive with salaries offered college graduates. Many police officers will continue to be high school graduates or will have only completed 2 years of college. Salaries for this position, however, should at least be competitive with salaries paid to craftsmen and other skilled laborers.¹³⁴ In many communities this will require a starting salary—again based upon 1967 wage levels—between \$6,000 and \$9,000 with a maximum salary of at least \$12,000. Many large departments are already paying beginning salaries to patrolmen which fall within this range. For example, the San Francisco Police Department has a starting salary of \$8,220; Los Angeles, \$7,692, and New York, \$7,032.¹³⁵ But in these departments, as well as nearly all others, the maximum salary opportunity is limited. Although the starting salary in San Francisco is comparatively high, the maximum salary for patrolmen is only \$600 higher.¹³⁶ Since the number of supervisory and administrative positions in any police department are limited, relatively few sworn officers advance to these levels. Also, since it is essential that highly skilled personnel remain as police officers and police agents, all departments should create greater career opportunities within these positions.

The median salary for the top police executive, the police chief, ranges from \$7,504 in smaller communities, to \$17,600 in cities of over 500,000 population.¹³⁷ In only 8 of 38 cities of between 300,000 and 1 million population, do captains receive more than \$11,000. Sergeants receive \$9,600 or more in only nine cities.¹³⁸ Supervisors and administrators in police departments must receive salaries comparable with the magnitude of their responsibility. Administering a police department requires skills similar to those required of management in private industry. Before a police department can attract

persons who could ultimately assume management responsibility and who aspire to do so, the salary paid to supervisors and administrators must be closely competitive with analogous responsibility in that community.

In many cities, police salaries are tied to the salaries of other government employees. For example, it has been a tradition for police and fire department salaries to be identical. Police compensation should be based solely on the nature of work being performed by various classes of personnel within the department as well as within the entire structure of local government. Since policemen and firemen perform entirely different jobs, neither service should base its salaries upon those of the other. If, considering all factors, firemen require higher salaries, they should be so compensated. The opposite should also be true.

In addition to competitive salaries, all police departments should insure that fringe benefits such as retirement plans, group health and life insurance, and vacation and sick leave are comparable to those offered in private industry. At one time, many police departments had fringe benefits which were superior to those offered by private industry, and they assumed that benefits such as early retirement or lengthy vacation periods were a substitute for competitive salaries. However, since most occupations and professions now have comparable or superior fringe benefit programs, police departments can no longer rely upon these benefits as the sole means of attracting personnel.

In summary, the police cannot be expected to recruit competent personnel until communities are willing to pay the price for improved police performance. Many communities have already recognized this need, but starting and maximum salaries are still insufficient in nearly every department. Until salaries are increased to competitive levels, the police service will fight a losing battle in its efforts to upgrade the quality of its personnel.

Working Conditions. Another deterrent to the attractiveness of careers in law enforcement is the working conditions of many police departments. All too often, police precinct stations are old, cramped and badly maintained; equipment is deficient; and clerical help is limited. These conditions adversely affect police morale and detract from the professional nature of police work:¹³⁹

Police morale is adversely affected as long as police activities are housed in outmoded buildings and personnel are forced to work with inferior equipment. Without proper facilities and equipment even the most conscientious officer finds it difficult to perform his tasks properly. Good police buildings and equipment also create a favorable public impression enhancing the prestige of the department.

Recent surveys of several departments indicate that deplorable working conditions are widespread. For example, in Baltimore, the walls of the police headquarters building "were dirty, inadequate lighting made the lobby appear dingy, and the disinfectant used to clean the floors permeated the air with a pungent smell."¹⁴⁰ In Woodbridge, N.J., "police headquarters was inadequate in area,

¹³⁰ Id. at p. 232-233.

¹³¹ Seattle Police Officers Guild, "A Study of Wages and Working Conditions in the Seattle Police Department." (Seattle: Police Officers Guild, 1966).

¹³² Supra, note 50 at p. 111.

¹³³ Los Angeles City Government, "Wage and Salary Survey in Los Angeles County." (Los Angeles: Printing Division, 1966), p. 6. The patrolmen's salary was obtained from the 1966 "Municipal Yearbook," supra, note 3 at p. 444.

¹³⁴ Supra, note 50 at p. 111.

¹³⁵ Supra, note 3 at pp. 444-445, 450.

¹³⁶ Id. at p. 445.

¹³⁷ Id. at p. 436.

¹³⁸ Supra, note 116.

¹³⁹ I.A.C.P., "A Survey of the Police Department, Baltimore, Maryland." (Washington: I.A.C.P., December 1965) p. 475.

¹⁴⁰ Id. at p. 478.

poorly laid out, inadequately lighted, unsanitary, and unattractive."¹⁴¹ There are 900 persons in the headquarters building of the Washington, D.C., police occupying less space than had been allocated for 385.¹⁴² Further, in many departments uniforms are drab; the numbers of automobiles and other equipment are totally inadequate; and sworn officers are often required to write or type their own reports and maintain their own records.¹⁴³

Competent officers cannot easily be attracted or retained under conditions such as those described above. All police buildings should be attractive, provide adequate space and be well maintained. Modern equipment such as dictating machines should be used for reports, and officers should only be required to perform work suited to their ability.

Professional Climate. As was earlier indicated, the police service will not stimulate the interest of the college graduate unless tasks are more rationally separated among different classes of officers and immediate opportunities are provided for the qualified to confront the most difficult law enforcement problems. It will also be essential that police departments encourage the use of professional skills. At the present time, personnel are closely regimented in most departments and initiative is not encouraged. For example, there is far more emphasis on making arrests and following orders than on questioning traditional procedures or solving community problems. This is not an appealing environment for a person of professional stature. Thus, the overregimentation of personnel, which was noted in a 1934 survey of the Boston Police Department, continues to exist today:¹⁴⁴

Too often the military aspect of organization pushes the essentially individual character of police work into the background. A policeman is regimented with his fellows. He is given a uniform, badge, and number; he is assigned to a squad and platoon; he carries a book of rules in his pocket and a schedule of duty calls in his mind. He is a cog in a machine. Everything seems to be numbered, labeled, covered by rules, and arranged far in advance. Yet, when he goes out on post he is alone and on his own responsibility.

Unquestionably, police organizations must have certain military characteristics; officers must be responsive to departmental policies and must act in a disciplined fashion during emergency situations. However, police work also requires considerable independent judgment and an ability to adjust police practices to complex and changing conditions. Extreme regimentation prevents these needs from being fulfilled.

Therefore, if the police sincerely want professional recognition, they must afford professional status to their sworn officers. Unnecessary regimentation should be removed, independent judgment should be encouraged, and criticism of existing practices should be solicited. Police departments traditionally have resisted change and have been wary of the intellectual. As long as this attitude prevails, the police will never successfully compete for the type of person they so desperately need. Although other factors, such as compensation, bear heavily on the ability

to attract qualified applicants, none bears as heavily as the professional opportunity available to the officer.

RECRUITMENT PROGRAMS

The Commission has suggested many reforms calculated to enhance the attractiveness of careers in law enforcement for the college graduate or other qualified persons. But improvements in career opportunities alone will not alter the current crisis. Concomitant with reforms, the police must adopt vigorous recruiting programs. At the present time there is little coordinated effort among law enforcement agencies to stimulate interest in careers in law enforcement. As a result, each of the 40,000 separate agencies must undertake its own recruiting program, and these programs rarely extend to the college campus.

If law enforcement is ever to upgrade the existing levels of personnel, it must do so by concentrating recruiting efforts among college students or among persons who have the capacity to perform college work. In light of the current unfortunate image of police work, successes in such recruiting programs may initially be limited. It will be necessary, therefore, to develop programs to stimulate interest in law enforcement. The following proposals suggest some methods for attracting the college graduate or other persons with needed skills. There is an additional need to attract persons with less education, but with a knowledge of the community, to serve as community service officers. Methods to accomplish this end are explored in chapter 6.

The Coordination of Recruiting Efforts. While many police departments currently have extensive recruiting programs, recruiting efforts by a majority of the law enforcement agencies are haphazard, poorly financed and limited to the community where the individual department is situated. Several of the smaller police departments do not have sufficient funds to undertake extensive recruiting efforts, and because of strict residency requirements, the search for candidates must be restricted within city boundaries.

It is imperative that all departments be permitted to recruit on a nationwide basis. Residency requirements currently imposed on police departments should, therefore, be removed, as has already been done in such cities as Washington, D.C., and Miami, Fla. Also, aside from recruiting programs conducted by individual departments, all law enforcement agencies within a State should jointly engage in statewide campaigns—and even campaign nationally—for the purpose of describing the challenge of law enforcement careers and the available opportunities for qualified candidates. Innumerable advantages exist in jointly administered recruitment programs: (1) potential candidates would be informed of all vacancies in police departments throughout a State; (2) comprehensive efforts to promote careers in law enforcement could be undertaken; (3) more extensive budgets could be appropriated for recruiting at substantially less cost than would necessarily have to be incurred by individual departments; and (4) common procedures for applying for

¹⁴¹ The New York Institute of Criminology, "Report of Survey: Police Department Township of Woodbridge, Middlesex County, New Jersey." (New York: The New York Institute of Criminology, May 19, 1962), p. 52.

¹⁴² *Supra*, note 17 at p. 41.

¹⁴³ *Id.* at p. 43; See also Bureau of Police, St. Paul, Minn., "A Study and Report." (East Lansing: The Eastmans 1962) pp. 79, 142.

¹⁴⁴ *Supra*, note 23 at p. 30.