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# POLICE SCIENCE

## RECENT DEVELOPMENTS IN THE METROPOLITAN LAW ENFORCEMENT\*

GORDON E. MISNER

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Discussion of the weaknesses and problems of metropolitan law enforcement is not new. Since 1950, for example, ample evidence has been published in professional literature to confirm the generally disorganized character of law enforcement in our highly urbanized and metropolitan areas.<sup>1</sup> The continued dispersal of our population to the fringe area, the increasing concentration of our population in the metropolitan areas has further aggravated the problems of administering the police function in these areas. Generally, police administration has made significant strides in the last decade. There have been advances in police technology. Important as the above improvements

are, however, they still leave us with an unorganized approach to law enforcement in our major metropolitan areas.

Under our federal system of government, each level is responsible for the performance of basic police functions. Each level is quite independent of each other. It is the local level of law enforcement which presents the most pressing and perplexing problems. In one form or another, law enforcement may be the responsibility of counties, townships, municipalities, villages, or special districts. Law enforcement organization reflects, therefore, in degree the problems of metropolitan or regional government, generally.

Despite gross changes in other facets of our society, the basic organizational structure of law enforcement has remained relatively unchanged since the turn of the century. Our traditional pattern of law enforcement is a historical accident, followed by no other civilized nation in the world. Regardless of size, location in relation to other units of general local government, or financial resources, each unit of local government is deemed "capable" of administering basic law enforcement within the confines of its own jurisdiction. Conflicts and inadequacies of service arise because the police function normally includes the enforcement of state statutes as well as local ordinances. Conflicts arise because the investigation of a certain offense may involve skills and resources not possessed by the law enforcement officials of a particular jurisdiction. Conflicts arise because a particular police situation or hazard may have region-wide ramifications.

*The total police resources of our metropolitan areas are dissipated by the very nature of their organization.*

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<sup>1</sup> GORDON LINKON (ed.) Disorganization of Metropolitan Law Enforcement and Some Proposed Solutions, *JOURNAL OF CRIMINAL LAW, CRIMINOLOGY, AND POLICE SCIENCE*, 43: 63-78 (May-June, 1952); DONAL E. J. McNAMARA, American Police Administration at Midcentury, *PUBLIC ADMINISTRATION REVIEW*, 10: 181-90, (Summer, 1952); MORRIS PLOSCOWE, Consolidation of Law Enforcement Units, *CASE AND COMMENT*, 58: 10-4 (Jan-Feb., 1953); —, ORGANIZED CRIME AND LAW ENFORCEMENT, Vols. I and II, Grosby, 1952; —, The Significance of Recent Investigations for the Criminal Law and Administration of Criminal Justice, *UNIVERSITY OF PENNSYLVANIA LAW REVIEW*, 100: 805-31, (April, 1952); ADLAI E. STEVENSON, Crime and Politics, *JOURNAL OF CRIMINAL LAW, CRIMINOLOGY, AND POLICE SCIENCE*, 41: 397-405 (Nov-Dec., 1950); —, Organized Crime and Law Enforcement: A Problem for the People, *AMERICAN BAR ASSOCIATION JOURNAL*, 38: 26-9 (Jan, 1952).

Viewed from a regional point of view, police agencies are seldom based upon administrative needs and convenience. A given governmental area may be quite inadequate as a police administrative area. Territorial expansion—or contraction—may adversely affect the administrative ability of a given police agency. This has been particularly true of many county law enforcement agencies which have continued generally to lose territory to the encroachments of incorporations and annexations. The inability of police agencies in many metropolitan areas to keep pace with the increased demands placed upon them has not entirely been a matter of insufficient money or manpower. Just as important, perhaps, has been the dissipation of police resources by the nature of their metropolitan organization.

Police officials cannot be held responsible for the presently confused pattern of metropolitan law enforcement. The police function is presently inextricably linked to local government. Law enforcement reflects the degree of dynamism of local government, itself. Since metropolitan government, generally, is characterized by lack of central co-ordinating authority and control, by service deficiencies, and tax inequalities, the local police function can seldom do anything but reflect these same qualities. Police officials must bear the responsibility, however, for not making the nature of their problems more generally known, for examples of uncooperativeness which often arise, and for instances where a lack of imagination has been shown in solving the pressing problems at hand.

Perhaps, however, the very nature of the police function negates the possibility of the police official from becoming an "opinion leader" in the community. Pre-occupation with the dichotomy of administration and policy—especially with the dichotomy of *police* administration and policy—may have excluded the police official from taking a leading role in developing solutions to metropolitan or regional problems.

The individuality of each metropolitan or regional community precludes the possibility of developing one over-all solution. There are no "pat" answers. In recent years, a number of studies have been made in various metropolitan areas in order to determine the best approach to solving the specific governmental problems of those areas. A variety of approaches have been suggested. A review of the suggested approaches, as they relate to the police function, is revealing. Implicit in each study was the recommendation that more mean-

ingful police administrative areas must be fashioned in order to meet the policing problems of the areas. Solution of the problems of metropolitan law enforcement involve, however, more than concepts of "bigness" or the mere consolidation of police resources. Mere consolidation will guarantee neither police efficiency or a professional caliber of police service. Police efficiency is impossible, however, under the presently confused pattern of metropolitan police organization.

For the purposes of this paper, a survey has been made of various metropolitan studies. From these studies have been abstracted the specific recommendations relating to police organization and the police function. A discussion of such recommendations, as well as the development of certain generalizations may prove useful in assessing the present state of metropolitan and/or regional law enforcement. Such a study may prove useful in plotting avenues of future development in the field of law enforcement. If the concepts of area-wide planning and administration are valid for sewage collection and disposal, for street construction and maintenance, and for many other governmental functions, there would seem to be reasons just as valid and compelling to utilize these concepts in police administration.

#### IS THERE REALLY A PROBLEM?

There are now 174 Standard Metropolitan Areas<sup>2</sup> in the United States. These areas center about cities which have more than 50,000 inhabitants,<sup>3</sup> and it has been estimated that nearly two-thirds of the nation's population reside in these major urban centers. Socially and economically, the central cities and peripheral communities of these metropolitan areas are integrated and interdependent. Governmentally, however, these areas are administered by congeries of innumerable

<sup>2</sup> U. S. Bureau of Census, *LOCAL GOVERNMENT IN STANDARD METROPOLITAN AREAS*, Vol. I, No. 2, 1957 Census of Government, p. 1.

<sup>3</sup> U. S. Bureau of Census, *CENSUS OF POPULATION: 1950*, Vol. I, Number of Inhabitants, p. XXXIII: "Except in New England, a standard metropolitan area is a county or group of contiguous counties which contains at least one city of 50,000 inhabitants or more. In addition to the county, or counties, containing such a city, or cities, contiguous counties are included in a standard metropolitan area if according to certain criteria they are essentially metropolitan in character and socially and economically integrated with the central city.

"The criteria of metropolitan character relate primarily to the character of the county as a place of work or as a home for concentrations of nonagricultural workers and their dependents."

autonomous units of local government. A unified approach to regional governmental problems, therefore, is made difficult—if not impossible—by the very existence of these numerous autonomous units.

In terms of volume alone, metropolitan areas are the situs of the bulk of the nation's criminal activity. Certainly, the incidence of crime is affected by a plethora of geographical and ecological factors. The fact remains, however, that highly-concentrated urban areas seem to be the natural habitat of criminality. The Federal Bureau of Investigation reported, for example, that in 1957 the crime rate for the nation's cities was 2,253.6 "major" crimes per 100,000 inhabitants;<sup>4</sup> and "rural"<sup>5</sup> crime rate for the same period was reported to be 881 crimes per 100,000 population.<sup>6</sup> In addition to a great volume of criminal activity,

<sup>4</sup> The author is aware of the present inadequacies of the Uniform Crime Reporting System of the F.B.I. As inadequate as the system is, however, it still remains the most reliable index of nation-wide criminal statistics.

In the past, the figures derived from this system were most easily challenged on the following two counts: some of the crimes which the F.B.I. categorized as "major" crimes were, in fact, neither major nor reliably reported; the "crime rate" per 100,000 population which the F.B.I. computed semi-annually was computed on the basis of the 1950 census. The crime rate, therefore, reflected most seriously on those areas in the nation which had experienced the greatest growth in population since 1950.

In November, 1958, the F.B.I. revised its reporting procedures in line with the recommendations of a Consultant Committee on Uniform Crime Reporting of the International Association of Chiefs of Police. Under the new system, crime classifications will include only the following: Murder, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny over \$50, and Auto Theft.

<sup>5</sup> By definition, the crimes reported to be "rural" by the F.B.I. are actually those crimes which occur outside of the corporate limits of cities. This group of statistics includes, therefore, crimes which occur in the unincorporated urban fringes of metropolitan areas as well as crimes which occur in sparsely-populated and essentially agricultural areas.

<sup>6</sup> U. S. F.B.I., UNIFORM CRIME REPORTS, Vol. 27, No. 2, 1957, pp. 92 and 96. The break-down of crimes per 100,000 inhabitants is:

	<i>City</i>	<i>Rural</i>
Murder and non-negligent manslaughter.....	5.1	4.6
Manslaughter by negligence.....	3.5	5.9
Rape.....	15.1	13.7
Robbery.....	64.3	18.9
Aggravated Assault.....	90.2	40.7
Burglary.....	302.9	282.7
Larceny.....	1,317.8	437.2
Auto Theft.....	254.7	77.3
Total.....	2,253.6	881.0

large urban complexes seem also to be attractive areas for organized crime, for gambling, and for prostitution.<sup>7</sup> Even if these latter criminal activities take place in rural areas, the environment which gives rise to these activities is the urban area. Urban areas, especially metropolitan areas, therefore, seem to present a particularly pressing need for progressive, high-caliber law enforcement.

The investigations of the Kefauver Committee in 1950 and 1951 gave dramatic testimony of the frustrations and feelings of impotence which may confront competent and conscientious police officials in their encounters with organized crime. A recitation of these instances would be interesting, but the fact remains that the dangers of organized crime, in themselves, have not been compelling enough to result in the reorganization of metropolitan law enforcement. Without minimizing the threats to our way of life which organized crime may pose, it seems that there are other compelling reasons for re-examining our present concepts of police organization and jurisdiction. A more basic reason is the belief that optimum police efficiency is not possible within the context of present patterns of police organization in our metropolitan areas.

There are many specific weaknesses which characterize the present pattern of metropolitan police organization. These are categorized and discussed in the following sections.

#### THE PERSISTENCE OF INADEQUATE ADMINISTRATIVE AREAS

Each police official in a metropolitan area is generally responsible for the fulfillment of the *total* police function, but he commonly possesses tools which are inadequate for the job. Generally, these officials have a jurisdiction which represents but a fraction of the total metropolitan area. The matter of limited jurisdiction is complicated by the existence of a large number of minuscule law enforcement agencies. Many of these smaller agencies are—to put it rather bluntly—incapable of rendering an adequate level of law enforcement. Size, of course, is no guarantor of either police efficiency or enlightened law enforcement. There are, of course, numerous instances of departments with less than 30 personnel rendering outstanding levels of police service. These instances are exceptions, for there are countless examples of smaller departments

<sup>7</sup> U. S. Senate, 82nd Cong., 1st Sess., (1951) REPORT #307; see also ESTES KEFAUVER, CRIME IN AMERICA, Doubleday, 1951.

being incapable—for a variety of reasons—of rendering more than the most rudimentary of police service.

Research is needed on the question of the optimum and minimum size of a police administrative area. It seems unlikely, except under the most fortuitous circumstances, that a jurisdiction with less than 50,000 population can support a police department which is self-sufficient and sustaining. Self-sufficiency, as used in this paper, is considered to include the ability to support adequately the following phases of the police function:

A. Field Operations:

1. basic and specialized patrol, to include traffic enforcement;
2. specialized field services, to include the investigation of major crimes, juvenile delinquency, and vice conditions;

B. Auxiliary Services:

1. communications, to include agreements to monitor radio and teletype transmissions on a regional basis;
2. identification and records;
3. laboratory services, to include at least criminalistics examinations of blood; latent, visible and plastic fingerprint and other impressions; and basic chemical analysis of alcohol, narcotics, and poisons;
4. detention facilities for misdemeanants awaiting court disposition and for felons awaiting preliminary hearings;

C. Administrative Functions:

1. personnel services to include at least advisory participation in the recruitment and selection process and participation in the disciplinary process;
2. training, to include arrangements for basic recruit and in-service programs for all levels of personnel;
3. police planning: continuous critical self-analysis and evaluation of police procedures and methods;
4. internal and external public relations;
5. administrative "housekeeping" duties of budgetting, payroll, reporting, purchasing, and maintenance to the extent that these duties are not performed by a central agency of the jurisdiction.

Many of the duties on the above list may be shared by some other agency in the metropolitan area. Criminalistic laboratory services may, for example, be provided to all police agencies by the

prosecuting attorney, as it is in Santa Clara County, California. Where such arrangements are impossible, however, smaller police departments will, of necessity, be required to practice a system of "selective neglect."<sup>8</sup> Available manpower and material in such situations will have to be utilized to perform the "absolute essentials." Attention to only the "essentials," however, involves the neglect or failure to perform the services on the above list which are deemed only to be "desirable to perform after everything else is done."

*Inadequate Police Units.* A principal characteristic of most metropolitan areas is the existence of congeries of governmental units. In our 174 standard metropolitan areas there are 15,658 units of local government.<sup>9</sup> More than 3,600 of these are involved in the administration of at least a portion of the police function. There are, therefore, an average of more than 20 police agencies in each of our metropolitan areas. In 1950, 93.1% of the municipalities within metropolitan areas had less than 50,000 population; 70% of them had less than 5,000.<sup>10</sup>

In the Chicago metropolitan area, encompassing six counties, there are 204 units of local government which share the responsibility for performing a part of the police function. In St. Louis County, Missouri—prior to the establishment of the County Department of Police in 1955—there were 97 police jurisdictions.<sup>11</sup> In Allegheny County, Pennsylvania there are 130 police jurisdictions.<sup>12</sup> Eight of these jurisdictions have no police at all; 20 of them have only part-time police protection. In Marin County—a small, suburban sub-community of the San Francisco-Oakland metropolitan area—there are 10 police jurisdictions, employing a total of 134 personnel. Three of these jurisdictions were served by two-man departments.<sup>13</sup>

<sup>8</sup> Although used in a different context, credit for the application of this term to law enforcement belongs to Professor Willard E. Schmidt, Director, Police School, San Jose State College.

<sup>9</sup> U. S. BUREAU OF CENSUS, LOCAL GOVERNMENT IN STANDARD METROPOLITAN AREAS, p. 5, Table 1.

<sup>10</sup> *Ibid.*, p. 6, Table 2.

<sup>11</sup> GORDON E. MISNER, The St. Louis County Department of Police; A Study in Functional Consolidation, *JOURNAL OF CRIMINAL LAW, CRIMINOLOGY, AND POLICE SCIENCE*, 48: 652-9 (Mar-Apr, 1958).

<sup>12</sup> Allegheny County, Pa., Metropolitan Study Commission, *AN URBAN HOME RULE CHARTER FOR ALLEGHENY COUNTY*, 1955, p. 189.

<sup>13</sup> GORDON E. MISNER, A SURVEY OF THE POLICE RESOURCES OF MARIN COUNTY, CALIFORNIA, 1954. Regions which may not conform to the strict definition of "metropolitan area" may, nevertheless, suffer from the dissipation of government effort. If, within

Small police departments are the rule—rather than the exception. In 1952, Earle W. Garret reported that at least 90 per cent of the nation's police departments employed less than 24 men each.<sup>14</sup> In a more recent study California's Attorney General reported that 63 per cent of the state's municipalities employed less than 20 sworn police personnel.<sup>15</sup>

The existence of small police departments complicates the administration of police effort. Unfortunately, there are few alternatives open to small, isolated communities. Within our large metropolitan complexes, however, the existence of such units leads to a dissipation of regional police resources. The expenses of administrative and staff services are disproportionately high in such departments. Furthermore, the duty rosters in smaller departments may be so limited as to be inflexible and incapable of meeting emergency conditions.<sup>16</sup> Such departments often find it necessary to rely excessively upon "reserve" and untrained personnel. From a regional point of view, such a system of police organization is inefficient.

*Inadequate Police Planning.* Limited administrative areas also deny police officials in metropolitan areas adequate planning tools. Socially and economically integrated and interdependent, metropolitan areas represent realistic units for police planning. Only with rare exceptions, however, have these areas been utilized as unitary areas for police planning. How much, for instance, is really known of the spatial distribution of called-for-services, of crimes, of other police hazards? How much is really known of the administration of criminal justice within our metropolitan areas? Significant studies have been made, but all of these have been fragmentary in character.<sup>17</sup>

the same region, there are a number of governmental units administering or attempting to administer a function, this region may suffer the same debilitations as do the nation's metropolitan areas.

<sup>14</sup> The Police and Organized Crime, in MORRIS PLOSCOWE (ed.) ORGANIZED CRIME AND LAW ENFORCEMENT, Vol. I, p. 179, 1952.

<sup>15</sup> California, Attorney General, SURVEY OF CALIFORNIA POLICE AND SHERIFF'S DEPARTMENTS, 1957.

<sup>16</sup> The relation of field personnel and "total police employees" is deceptive. It takes, for example, 4.89 patrol personnel to provide one one-man patrol unit to an area 24 hours per day, 7 days per week, if a department employs personnel on a 40-hour week basis and permits "normal" vacations, holidays, and sick-leave benefits. This, of course, does not take into account personnel needed to perform administrative and clerical tasks, nor for fluctuating crime conditions.

<sup>17</sup> See, for example, HARRY ELMER BARNES AND NEGLEY K. TEETERS, NEW HORIZONS IN CRIMINOLOGY, 2nd Ed., Prentice-Hall, 1952, pp. 126-41, and DONALD

The existence of a complex of interlocking jurisdictional patterns precludes the systematic analysis of metropolitan crime. Although police reports contain much of the information which is needed, its accumulation for such an analysis is often impossible. What are the possibilities of making a systematic study of the character and distribution of crime in the Detroit, Chicago, New York, or Los Angeles areas? Cooperative agreements for the accumulation of such data are often impossible to arrange in the police field. Jealousies and suspicions which may be aggravated by the present pattern of metropolitan police organization become a crucial weakness of such attempts.

In one metropolitan area, the suggestion of adopting an area-wide system of uniform police reporting districts met with opposition and lack of interest. Adoption of such a system would have permitted the accumulation of area-wide police and judicial data. There were of course many complicating factors, but the inability of police officials sometimes to agree on procedural matters as simple as this highlights the problems of metropolitan law enforcement. Coincidentally, this opposition arose concurrently with indications that the administration of metropolitan police resources would become more complicated in the future. Annexations in many areas have conferred upon some cities already-established urban fringe areas which they are now responsible to police—but for which they lack adequate information. As each metropolitan area grows, so will the interdependence of its subunits; so will the need for unified police planning.

*Inadequate Staff Services.* The existence of in-

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R. TAFT, CRIMINOLOGY, 3rd Ed., MacMillan, 1956, pp. 204-22. Cf. STUART LOTTIER, Regions of Criminal Mobility, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, 28: 657-73 (Jan-Feb, 1938); —, Distribution of Criminal Offenses in Metropolitan Regions, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, 29: 37-50 (May-June, 1938); —, Distribution of Criminal Offenses in Sectional Regions, JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY, 29: 329-44 (Sep-Oct, 1938); ROBERT E. PARKS, The Urban Community as a Spatial Pattern and Moral Order, in ERNEST W. BURGESS (ed.) THE URBAN COMMUNITY, Univ. of Chicago Press, 1926; CLIFFORD R. SHAW, BROTHERS IN CRIME, Univ. of Chicago Press, 1938; —, THE NATURAL HISTORY OF A DELINQUENT CAREER, Univ. of Chicago Press, 1931; CLIFFORD R. SHAW AND HENRY D. MCKAY, Social Factors in Juvenile Delinquency, in U. S. National Commission on Law Observance and Enforcement, REPORT ON THE CAUSES OF CRIME, Report #13, Vol. 2, Government Printing Office, 1931; and R. CLYDE WHITE, The Relation of Felonies to Environmental Factors in Indianapolis, SOCIAL FORCES, 10: 498-513 (May, 1932).

adequate central staff services is a third effect of inadequate police administrative areas. From the police administration point of view, there is agreement that "central staff services" include at least the following functions: 1. records and identification; 2. communications; 3. custody of prisoners; and 4. criminalistic laboratory services. Some authorities consider this group of functions also to include criminal investigation, training, and the compilation of criminal statistics.

It has been in the area of central staff services that the police field has made its greatest advances in centralization and cooperative action. Paradoxically, however, it is in this same sphere of activities that there remains the greatest need for reorganization and the widest latitude for promising action. In 1930, the F.B.I. was given the authority to maintain a national clearinghouse of criminal identification. Since that time a large number of state identification bureaus have also been established. The F.B.I. and several states also perform criminalistic laboratory examinations for local police agencies.

These early developments were attributable to agitation by local police officials.<sup>18</sup> As important as these developments were, however, they do not satisfy the current needs of metropolitan police organization. The value of police records is in direct proportion to their accuracy, volume, completeness, and administrative convenience. Even more important, perhaps, is the retrievability or accessibility of those records. It commonly takes from ten to fourteen days for the F.B.I. to process fingerprint records from the Pacific Coast.<sup>19</sup> Such routine time is understandable when one considers the distances involved, mailing time and processing time. As valuable as these facilities are, therefore, they cannot—nor were they intended to—meet the routine, day-to-day inquiries from metropolitan police agencies. There is need—dire need—to centralize many police records on the local metropolitan area level.

To the author's knowledge, local police records have not been centralized in any of the nation's metropolitan areas. This is true of such routine, day-to-day matters as fingerprint records, known offender files, property identification records, *modus operandi* records, and the case reports for

felonies. It is incongruous to maintain decentralized sources of criminal information in our metropolitan areas. It is ludicrous, however, to maintain these collections in close proximity to other collections. The sizeable collections of criminal information maintained by the Los Angeles Police Department and the County Sheriff's Department are within four blocks of each other. Four separate and sizable collections of police records are maintained within a five-mile radius of each other in Alameda (Oakland) County, California. These examples may sound extreme, but similar situations prevail in most of the metropolitan areas throughout the nation.

Contemporary research in the fields of information theory and data processing would seem to make this a propitious time to re-examine our traditional concepts of police records management. We still have a need to have our records collected and collated on three separate levels of government: *viz.* national, "regional," and "local." Our presently narrow concepts of the terms "regional" and "local" should be re-evaluated. In addition to the national clearinghouse in Washington, it is not unreasonable to envision the possibility of eight regional centers of criminal information.<sup>20</sup> There would seem to be little need for each state to maintain a bureau of criminal information. Finally, the presently narrow, parochial concept of the term "local" should be re-evaluated in terms of present-day population concentrations in our metropolitan areas.

Metropolitan disorganization in the field of police communications is often as pronounced as it is in records and identification. There are few police jurisdictions in the nation which are not served by some form of police radio facilities. Disorganization, therefore, does not involve a scarcity of resources. On the contrary, in many metropolitan areas there would seem to be an overabundance of transmitting stations. Theoretically, any police jurisdiction is entitled to one base station and one mobile broadcast frequency. The number of additional broadcast frequencies which a jurisdiction may be assigned is based upon need, primarily upon the number of mobile units served by the base station. Consequently, a metropolitan area or region may have a large number of frequencies assigned. Coordination of radio broadcasts in such an area becomes a problem.

<sup>18</sup> Cf. BRUCE SMITH, *POLICE SYSTEMS IN THE UNITED STATES*, Rev. Ed., Harpers, 1949, pp. 272-315.

<sup>19</sup> The time given is for routine inquiries. Emergency inquiries via radio or wirephoto may be answered in a matter of hours.

<sup>20</sup> The California Bureau of Criminal Identification and Investigation routinely exchanges information with agencies in Arizona, Nevada, Oregon, and Utah.

The Federal Communications Commission exerts some staff supervision over the number of broadcasting frequencies which are assigned in an area. "Conservation of frequencies" has been a guiding principle of the F.C.C. and the Commission has fostered cooperative agreements in police broadcasting.<sup>21</sup> Contracts and informal agreements dealing with radio communications are found throughout the nation. Regional Frequency Advisory Committees have been established by the F.C.C., and one of the responsibilities of these bodies is to recommend frequency assignments to the F.C.C. In addition, county communication departments have become a common institution in some sections of the country, particularly in California. These departments serve many smaller jurisdictions whose personnel strength makes it difficult to render 24-hour communications service.

Coordination of police radio broadcasting in a given area involves, however, more than a tacit limitation on the number of frequencies. It involves a realization—particularly on the local level—that coordination involves the physical facilities and equipment needed to monitor radio broadcasts on a regional basis. It involves also the ability to direct operations from one, central communications base station. This is presently impossible in a majority of the metropolitan areas.

Relative to metropolitan jail facilities, experts seem agreed that local jails are a black spot on the panorama of American penological practices.<sup>22</sup> In many areas, the misdemeanant sentenced to the county jail is actually dealt with more harshly than is the felon sentenced to a short term in a state penitentiary. At least the felon in many areas will be confined in an environment conducive to rehabilitation. For the first offender, the county jail or local lock-up is often the first encounter with American penology. In the worst of our local jails, the experiences of that first encounter may cause the arrested person to be permanently unresponsive to reform or rehabilitation.

Professor Taft estimates that there are 10,000 local lock-ups and some 3,100 county and city jails in the nation.<sup>23</sup> As with other phases of the police function, it is not the paucity of local jails which aggravate the problems of metropolitan

organization. It is rather the organization of these jail resources. The existence of so many local jails in our metropolitan areas means that many of them are small units, definitely a secondary consideration to the police jurisdiction. Strict adherence to the philosophy that every local police jurisdiction is entitled to perform basic jail functions has taken its toll in American corrections.

Adherence to local autonomy in jail management and practices has created the following deficiencies in local jail practices: 1. inadequate facilities; 2. over-crowded facilities; 3. non-segregation of first offenders from experienced criminals; 4. inadequate supervision of prisoners; and 5. lack of any rehabilitation program for inmates. In addition, many of the nation's county jails are the responsibility of elective sheriffs. The political nature of that office, along with its uncertain tenure, makes it improbable that any long-term, stable correctional and rehabilitation program will be formulated.

There are many bright spots in the usually dark continent of local jail practices. There have been discussions in some sections of the nation relative to the establishment of regional jail facilities for convicted misdemeanants.<sup>24</sup> In California, the Sheriffs of Alameda, Los Angeles, and Santa Clara Counties have developed fine jail facilities and have been following well-developed rehabilitation programs. In addition, California and Wisconsin law permits sentenced misdemeanants to be given probation under the Work Furlough Program, allowing them to work at their normal jobs during the day and to return to custody at night and on week-ends.<sup>25</sup>

Of the four functions identified earlier as being "central staff services," police crime laboratories seem most amenable to metropolitan solution. This fact is probably partially attributable to the nature of that particular function: the expense of establishing and maintaining a laboratory; the degree of expertise required; the non-emergency character of the work; the professional attitude of many of the practitioners; and the absence of competing agencies vying for the chance to examine a particular specimen. Police laboratories are found in most population centers, and their services are

<sup>21</sup> Section 10.7, Part 10, FEDERAL COMMUNICATIONS CODE.

<sup>22</sup> BARNES AND TEETERS, *Op. Cit.*, pp. 459-82 and TAFT, *Op. Cit.*, pp. 414-27. See also: RAY CASEY, *Catchall Jails*, ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCES, 293: 28-34 (May 1954).

<sup>23</sup> TAFT, *Op. Cit.*, p. 415.

<sup>24</sup> BARNES AND TEETERS, *Op. Cit.*, p. 471.

<sup>25</sup> Section 1208, CALIFORNIA PENAL CODE; initiated originally in Wisconsin as the Huber Plan, the Work Furlough Program was pioneered in California by Melvin L. Hawley, until recently Sheriff of Santa Clara County.



quite frequently offered to other agencies. The F.B.I. maintains one of the world's most complete laboratories in Washington D. C. Numerous states also provide the services of criminalists. On the local level, some degree of laboratory service is available from most of the larger agencies. In some areas, the maintenance of the laboratory has become the function of the prosecuting attorney.

Criminal investigation lends itself less readily to metropolitan solution.<sup>26</sup> As long as metropolitan areas are characterized by a large number of police jurisdictions, conflict between detective forces seems almost inevitable. In the first place, the function of criminal investigation is not a staff service. Rather, it is an indispensable part of the field operations of any police agency, an arm of the service responsible for accomplishing an important share of the agency's objectives. In the second place, many of the controversies, jealousies, and competitions which now exist between jurisdictions were generated originally and precisely by the conflicts between investigators. Many investigations have area-wide ramifications. Harmony between forces is most likely when the detectives of separate agencies are allowed to pursue their related investigations within their own jurisdictions. Cooperation breaks down when the success of such an investigation makes it desirable for outside detectives to pursue leads within another jurisdiction. Such an "invasion" by outside investigators may be necessary because: the jurisdiction is small and lacks the necessary specialists in investigation; the reputation or competence of the jurisdiction's detectives is in question; the investigation involves the political or social leaders of the jurisdiction and the cooperation of the local police cannot be taken for granted.

Appreciating something of the nature of criminal investigation makes it possible to understand some of the conflicts which arise periodically between detective groups. Few agencies welcome the "invasion" of their jurisdictions, even upon request. Since public confidence is an indispensable part of law enforcement in a democratic society,

<sup>26</sup> The function of criminal investigation, of course, is often performed by uniformed personnel. This is true even of the investigation of major offenses. Participation of uniformed personnel in criminal investigation is fairly unique, and varies from agency to agency. On the Berkeley Police Department, uniformed personnel are encouraged to participate in the investigation of major crimes which occur on the beats. In many of the larger departments, however, such participation is almost non-existent.

few agencies relish even the prospect of calling in another agency to perform investigation within their jurisdiction. This may be construed by the public as an open admission that the local agency is unable to perform basic functions.

Solution to this aspect of metropolitan police problems, therefore, would appear to reside almost exclusively in the realm of reducing the total number of police jurisdictions. Local autonomy is no guarantor that a particular jurisdiction has the resources necessary to provide competent specialists in criminal investigation. The character of criminal investigation clearly precludes it from being treated as a central staff service. It is infeasible, therefore, in most areas to centralize this portion of the police function while leaving to local jurisdictions only a vestige of police power.

In the area of police training, important advances have been made in the last ten years. In that time, virtually all large police departments have recognized the importance of training police recruits. Many of the larger departments have superior training programs, not only for recruits, but also for supervisory and command personnel. The smaller departments still find it impossible, however, thoroughly to train their recruits. Even in the smaller departments an imaginative training officer may uncover a wealth of community resources to aid him in his job. Preservice training on the college level has become more common, although this approach has not won universal support and could scarcely hope to keep up with recruitment demands. Furthermore, the propriety of such training on the college level has not been resolved. A number of regional police training academies have been established, and these offer some promise. Zone schools operated cooperatively by state departments of education and state peace officers associations have become more common. Finally, the F.B.I. offers a variety of training opportunities to local police agencies. As important as these developments have been, however, much remains undone in the realm of local police training. In too many metropolitan centers there are still many instances of untrained officers attempting to fulfill the police function.

*Service Deficiencies.* The present pattern of metropolitan police organization is characterized by the existence of police agencies with varying abilities to perform the police function. This fact is implicit in the discussion of inadequate police administrative areas. Many police jurisdictions

are unable to perform even full-time police service. A majority of the police agencies within metropolitan areas are small, minute organizations. Most of these are incapable of mustering the resources necessary for an adequate level of field operations. The financial burden of maintaining a police department may be so great that the jurisdiction is forced to pay inadequate salaries which may attract undesirable persons to the law enforcement field. "Economies" are sought, often at the expense of systematically screening of police personnel. The importance of training is often overlooked in the face of rising police budgets.

Many of the smaller agencies are able to provide only a minimal level of rudimentary police service. The proximity of the suburban departments to major population centers aggravate suburban police problems. Alone, the traffic problems of many metropolitan areas, and their region-wide effects, inflict an especially heavy burden on many of the suburban forces. The investigation of major crimes, of juvenile delinquency, and of vice conditions often assume secondary importance to the resolution of traffic control problems. Because of the paucity of metropolitan police records, it is likely that many of the smaller departments operate without the benefit of adequate criminal information.

*The Lack of a Single Executive.* Absence of a single executive in metropolitan law enforcement aggravates many of the already existing problems and permits the growth of divisive influences which are potentially destructive to police work. The fractionated character of metropolitan police jurisdictions means that no one official is responsible for co-ordinating police operations throughout the area. The authority of each police official is normally limited to the confines of his jurisdiction. This fact encourages a local perspective in law enforcement matters. The police of many jurisdictions often work on the same or related criminal matter, each unknown to the other. The flow of criminal information is decentralized along the pattern of jurisdictional boundaries. Without the centralization of criminal information, no one official is in a position to evaluate the processes of criminal justice. No one official is capable of resolving the policy difference existing between police jurisdictions.

*Lack of Co-ordination.* No one official is responsible for the co-ordination of police effort throughout a metropolitan area. The authority of municipi-

pal officers is normally confined to the limits of their jurisdiction, and these boundaries seldom coincide with the boundaries of a metropolitan area. Only the sheriff and the prosecuting attorney normally possess county-wide jurisdiction. A majority of the metropolitan areas in the nation include the territory of but one county. The offices of sheriff and prosecuting attorney would seem, therefore, to possess inherently the greatest potentialities of bringing order out the the present disorder of metropolitan law enforcement. With few exceptions, however, neither of these two officials have used the power of their offices to promote such co-ordination.

Is not the sheriff actually the villain in the history of metropolitan law enforcement? The potentialities of his office gave him power to act; his office and position gave him innumerable opportunities to act. Invariably, however, the sheriff has failed to act, thereby creating a power vacuum. In most states, the sheriff has been given county-wide police power. Within municipal areas the sheriff has concurrent jurisdiction with the chief of police. In some states, the sheriff has been given the additional authority as coroner, giving him the responsibility of co-ordinating the investigations of suspicious deaths. Traditionally, however, the sheriff has confined his activities to the unincorporated areas of the county, despite the fact that he was elected by county-wide vote. He has normally refrained from "interfering" with municipal police problems. New incorporations have come about because residents have been dissatisfied with the county level of service. Deficiencies in county police service has been a prime moving force for incorporations in many areas.

The lack of leadership and impotence which has been so characteristic of the American sheriff system may be due to a variety of factors: 1. to the nature of the office itself, with its strongly political base; 2. to the restrictive features of tenure, which in many areas limits the length of time one person may hold the office; 3. to the nature of the police function, which makes police officials particularly susceptible to charges of political aggrandizement; or 4. to the nature of the men who have generally been attracted to the office.<sup>27</sup> Although criticism of

<sup>27</sup> Weaknesses of the sheriff system involve at least the following: political character of the office; lack of preentrance requirements; limited tenure, coupled in many states by laws prohibiting successive terms; lack of a merit system and employment standards in many offices; the fee system of remuneration; and the de-

the sheriff system has been general and persistent, the office has shown durability. In a few instances, the office of sheriff has been divested of its police duties. In selected counties of Maryland, Missouri, New York, and Virginia the law enforcement power of the sheriff has been vested in county police departments or highway patrols. In a few areas, the office of sheriff has shown renewed vitality and a desire to refashion some of its concepts. In California, for example, the sheriffs of some of the metropolitan areas have built dynamic institutions. There are, therefore, in a few instances, recent indications that the county law enforcement unit may yet exert some integrative influence on metropolitan police effort.

In the absence of co-ordination from the police ranks, the initiative for action has passed in many areas to the prosecuting attorney. In some states, this official has been designated as the chief law enforcement officer of the county. In addition to possessing this statutory authority, however, the prosecutor has other factors in his favor as a co-ordinator of police effort. His responsibility for prosecution places him in a strategic position, overseeing the administration of criminal justice. His power to prosecute, even in the face of police opposition, gives him a discreet measure of police control. His inquisitorial power as the attorney for the Grand Jury increases his effectiveness in monitoring the efficiency of the police process. Furthermore, his normally elective position gives the people some measure of control over his actions.

Co-ordination of police effort does not necessarily involve participation in the day-to-day operations of police work. In fact, perhaps, it should not. Rather, such co-ordination may take simply the form of staff supervision over operational procedures. The participation of prosecutors in the police function varies from state to state. In some areas, the prosecutor's power has grown to the extent that he has a large investigative staff of his own. In addition, a few prosecutors have centralized communications and the records of felony investigations. A precise delineation between duties that properly belong to the police and to the prosecutor is difficult to make. Where the police fail to act, however, they are running the risk of having some of their functions taken over

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emphasis of law enforcement which has been the tacit policy of sheriffs in many urban counties. Cf. BRUCE SMITH, *Op. Cit.*, pp. 75-120.

by other agencies. The increased power of prosecutors in some areas has come about precisely because of the default by police agencies.

*Policy differences.* Interagency disputes over policy matters are common in administration. Police administration is certainly no exception. Such disputes appear to be inevitable in as vital a public function as law enforcement. This is true especially where there are many centers of policy and power within the same metropolitan area. Each police jurisdiction represents a different power and policy center. Each chief of police is normally responsible either to his city's chief executive or to its legislative body. An elective sheriff is responsible to a county-wide electorate. On important policy matters, reconciliation between these power centers appears insurmountable. The local origin of police authority and responsibility introduces the element of parochialism, of local orientation, to the resolution of area-wide problems.

When policy disputes are irritated by personal resentment and acrimony between police executives, the disharmony often affects the relationship of field personnel. *Esprit de corps* and loyalty to the organization are common in police work. These phenomena increase the likelihood of police employees identifying themselves with the executive, of "doing battle" in the name of the chief. A chief's personal dislike for the sheriff or for another chief of police, his resentment toward the policy of another, becomes the dislike and the resentment of many of his subordinates. Often unaware of the subtleties of the dispute, field personnel nevertheless may find themselves acting as the extension of their leader's personality.

The deleterious effects of interdepartmental disputes often finds expression in the behavior of field personnel. Where cooperation is most desired, relationships may be most strained. The writer has observed a number of instances of field operation which, in his opinion, were the direct extension of arguments between police executives. In the most aggravated cases, evidence has been withheld or concealed, or actual physical violence has erupted. Field personnel have at times embarked on a concerted campaign to tear down the reputation of another agency. This has been particularly true in situations where a central city has been seeking to annex certain unincorporated areas.

Policy differences between police agencies may

arise over practically any phase of police operations. Some of the more common areas of policy differences are, as follows:

General policies:

1. recruitment policies;
2. proficiency of police personnel;
3. cooperativeness of personnel;
4. general law enforcement policies;

Operations:

1. patrol procedures;
2. intensity or frequency of patrols;
3. quality of investigation;

Exchange of information:

1. readiness to exchange information;
2. accuracy of information;
3. willingness to establish central pool of information;
4. confidence of privileged communications;

Custody of prisoners:

1. jail procedures;
2. treatment of arrested persons;
3. accessibility of arrested persons for interrogation;
4. bail procedures;
5. release of "floaters".<sup>23</sup>

More often than not, policy differences between agencies arise from varying attitudes toward the enforcement of certain laws, particularly the enforcement of laws against gambling and prostitution. At best, the enforcement of these laws is a difficult matter. A successful enforcement program entails not only enlightened and diligent police work, but also it involves the cooperation of the public and of public agencies. Illegal vice operations on anything but the smallest scale cannot exist in a community which has competent and honest law enforcement personnel. The conditions cannot exist without police or governmental cooperation.

When organized racketeering infiltrates a community, the effects are pernicious. The existence of an "open town" in a metropolitan area creates all sorts of enforcement problems. The investigation of crimes and the prosecution of offenders is made more difficult. Public confidence in law en-

forcement is affected, and the vast majority of police personnel who are honest are degraded. Furthermore, police officials of open towns or formerly open towns are under perennial suspicion. Police cooperation is hampered, for misplaced trust has an adverse effect upon important investigations. Confidence violated is not easily restored.

Solution of the disputes which arise from interdepartmental policy differences will not be effected merely by improving the quality of police personnel. Surely, in many areas, the problems are made possible and aggravated by the attitude of personnel. These disputes, however, should not necessarily be an indictment of police personnel. Rather, they should be an indictment of the system. The quality of personnel has been raised tremendously in the past twenty years. The basic pattern of metropolitan law enforcement—which gives rise to the disputes—has remained virtually unchanged. In many areas, police personnel represent a quality product of new concepts in police administration. Nevertheless, these personnel are still organized and deployed along jurisdictional lines which gives rise to conflicts and makes their resolution so difficult.

*Confused jurisdictional lines.* The jurisdictional boundaries in many metropolitan areas defy description and present a confusing array of interlocking governmental areas. Complete with strip annexations and islands of governmental autonomy, these jurisdictional patterns are symbolic of the irregular and disorderly growth of administrative areas. To the governmental executive the service areas represent some of his most pressing and seemingly insoluble problems. To the citizen they represent confusion and formidable obstacles to understanding and participating in the governmental processes. For the administration of criminal justice these jurisdictional lines represent areas of service deficiency, differing policies of enforcement, and unequal protection and treatment under the law.

From the police administration point of view, the service area of many jurisdictions do not conform to administrative convenience. The writer knows of police service areas which are a few hundred yards wide and several miles long. The provision of efficient patrol service alone to such an area represents an impossible task. Points within these areas are more accessible to police units of other jurisdictions than they are to the units

<sup>23</sup> In police parlance, a "floater" may be given to an arrested person, in effect dismissing the charges against him if he will agree to leave the jurisdiction. Normally given only in minor offenses, the effect upon surrounding areas may, nonetheless, be considerable. The use of "floaters" for alcoholics simply moves the subject to another jurisdiction, and does not hope to effect any rehabilitation.

assigned to the area. Normally, however, the police do not possess extraterritorial authority. Unless they are providing police service outside their jurisdiction in response to a declared emergency and under some mutual aid agreement, police often are not covered by workmen's compensation and disability insurance.<sup>29</sup> In areas which are growing rapidly, the police and the public find it impossible to keep up with changes in the jurisdictional pattern. The seemingly simple task of keeping up-to-date maps becomes a problem of first order.

<sup>29</sup> For example, in the Cicero, Illinois riot of 1951, the sheriff was prevented from using the Chicago Police Department as it was claimed Chicago policemen were not covered by their disability and death benefits for service outside their jurisdiction.

The determination of correct jurisdiction sometimes becomes a problem for the engineers.

The presently confused pattern of many jurisdictional boundaries also obscures police responsibility. The citizen suffers because he is normally unacquainted with the vagaries of jurisdiction. When he calls for police service, he knows only that he is in need of police assistance; he seldom cares what color uniform the responding policeman wears. If the citizen lives in a recently annexed area or soon-to-be annexed area, the police of several jurisdictions may respond; if none of the agencies accepts responsibility for the area, none will respond.

(Part 2 of this article will appear in a later issue of this Journal)