

ARTICLE 29

Law Enforcement

by Chet Jernigan

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THE PRIMARY PURPOSE of local law enforcement agencies is to protect the lives and the property of both the community's citizens and people who visit and work in the community. This large umbrella covers such functions as answering calls for service, preventing and investigating crimes, enforcing laws, and providing education to reduce the community's fears about its safety. In the case of sheriffs' offices, this includes additional functions relating to detention or jail operations, civil process, and court security. These functions are covered in separate articles in this volume.

Kinds of Law Enforcement Agencies

Municipal Departments

Law enforcement powers are conferred on cities by G.S. Chapter 160A, Article 13. North Carolina law is simple and specific in authorizing a city to create a police department. G.S. 160A-281 empowers a city "to appoint a chief of police and to employ other police officers who may reside outside the corporate limits of the city unless the council provides otherwise." The law further allows a city to authorize auxiliary law enforcement personnel, who still must undergo the same training as sworn personnel and must come under the authority and the direction of the chief of police (G.S. 160A-282).

A police officer within the corporate limits of the city has the powers vested in all law enforcement officers by statute and common law. He or she has the power to serve criminal and civil processes and to enforce the ordinances and the regulations of the city and the laws of the state (G.S. 160A-285). This authority applies within the city's corporate limits, within one mile of the city limits, and on any property, wherever located, owned, or leased by the city (G.S. 160A-286).

Any city may ask another city for help in emergencies if a prior aid agreement appears in the minutes of both governing bodies. When the assistance is granted, the law enforcement officers who are sent to the requesting municipality have the same authority to make arrests and to execute criminal process in the requesting community as the law enforcement officers of that city (G.S. 160A-288).

The size of a jurisdiction's law enforcement agency directly reflects the size of the community. The majority of North Carolina's cities have a population of 10,000 or less. Many of the very smallest cities have no police officers, while many police departments employ ten or fewer police officers.

Sheriffs' Offices

The office of sheriff is established by the North Carolina Constitution. The sheriff, elected directly by the county's voters, operates the sheriff's office independently of the board of county commissioners, except that the commissioners receive and pass on the sheriff's budget and appropriate funds for operating his or her office.

The North Carolina Constitution in no way specifies the sheriff's duties. G.S. Chapter 162 defines the civil duties, but makes no reference to law enforcement functions. Nor does any other statute specify that it is the sheriff's duty to protect life and property. Even so, because the sheriff's office originates in common law, it is considered to carry common-law responsibilities for providing law enforcement protection.

At one time the sheriff in North Carolina had broader responsibilities than he or she now does. For example, the sheriff was once the county tax collector. Still, the sheriff continues to be both a judicial officer and a law enforcement officer with jurisdiction within city limits. Nonpolice functions performed by the sheriff's deputies include transporting prisoners between jails and courts, maintaining confinement facilities, serving as bailiffs or court officers, and transporting persons to mental institutions.

Most counties have fewer than 100,000 residents. All 100 counties have a sheriff in North Carolina, and most sheriffs' offices employ at least ten deputies.

County Police Departments

County police departments have been established in Gaston and Mecklenburg counties by local acts of the legislature, although the Mecklenburg County Police Department has since merged with the Charlotte Police Department to form the Charlotte-Mecklenburg Police Department. Officers of county police departments have the same powers as municipal officers; and they assume much of the general responsibility for enforcing the criminal law traditionally associated with the sheriff's office. In counties that establish police departments, responsibility for executing court-issued civil process remains with the sheriff, as does the responsibility for detention and court security matters.

Mutual Aid

Under G.S. 160A-288, municipalities and counties may seek cooperative arrangements with other jurisdictions for the shared use of law enforcement officers. That statute permits city and county law enforcement agencies to assist each other, on written request from the head of one local law enforcement agency to the head of another. The assistance may involve lending officers, equipment, or supplies. The governing body of the lending agency must adopt guidelines under which any loaned officers are used. If a county considers this type of arrangement, the commissioners should be careful to resolve issues of insurance coverage and the like before the agreement is completed.

G.S. 160A-288.2 permits city and county law enforcement agencies to assist state law enforcement agencies in a manner similar to that described earlier. Also, G.S. 160A-288.1 allows the governor, on request of a city or county, to assign state law enforcement officers temporarily to a locality in an emergency.

State Agencies

State law enforcement agencies operate in specific areas in which it is impractical and expensive for local law enforcement to take complete jurisdiction because of the specialization required. Nevertheless, the local and state agencies must work together closely to accomplish the overall purposes of both.

State Highway Patrol

North Carolina's State Highway Patrol is a division of the Department of Crime Control and Public Safety (G.S. 20-184). It enforces the laws and the regulations respecting travel and use of vehicles on state highways (G.S. 20-188). Patrol officers have the power and the authority of peace officers to serve any warrant or process that is issued by the courts, and they may make arrests for violations of any laws that regulate travel and the use of vehicles or highways. Their jurisdiction is statewide, and they are fully authorized to perform any other peace officer's duties that the governor may direct. They may also, at any time on their own motion or at the request of any local police authority, arrest persons accused of highway robbery, bank robbery, murder, or other crimes of violence. Further, they are authorized to make arrests for any crime committed in their presence or on any North Carolina highway.

State Bureau of Investigation

The State Bureau of Investigation (SBI) is a division of the Department of Justice under the direction of the Attorney General. North Carolina statutes define the mission of the State Bureau of Investigation as securing a more effective administration of the criminal laws of the state by investigating crimes, identifying and apprehending criminals, scientifically analyzing evidence, and preparing evidence for use in criminal courts. The State Bureau of Investigation responds to requests for investigative assistance in criminal investigations from other local, state, and federal agencies. The State Bureau of Investigation has original jurisdiction in drug investigations, arson investigations, election laws, child sexual abuse in day care centers, and theft and/or misuse of state property. The State Bureau of Investigation operates a state crime laboratory and is responsible for receiving and collecting criminal justice information for purposes of comparison, classification, and dissemination statewide and nationally.

Other State Law Enforcement Agencies

There are other significant state law enforcement agencies dedicated to specific enforcement efforts. Alcohol Law Enforcement (ALE) agents enforce the state's alcohol, tobacco, and controlled substances laws. ALE agents monitor the sale, consumption, distribution, and transportation of alcoholic beverages in North Carolina. The North Carolina Wildlife Resources Commission Enforcement Division is charged with enforcing the rules and regulations established by the Wildlife Commission and the General Assembly. In particular, wildlife officers enforce game, fish, and boating laws in North Carolina. The North Carolina Marine Patrol employs sworn officers that work to ensure sustainable marine and estuarine fisheries by enforcing state law and regulations of the North Carolina Marine Fisheries Commission. Several other state agencies maintain law enforcement functions with dedicated personnel.

Governor's Crime Commission

The Governor's Crime Commission is the state's criminal justice planning entity and is housed in the Department of Crime Control and Public Safety. Over the past decade the commission's role has evolved in response to congressional mandates, the needs of the criminal justice system, and state priorities. G.S. 143B-479 delineates five major goals of the criminal justice system that form the basis of the commission's planning: (1) to reduce crime, (2) to protect individual rights, (3) to achieve justice, (4) to increase efficiency in the criminal justice system, and (5) to increase professional skills. The commission also disburses federal funds.

Criminal Justice Education and Training Standards Commission

The Criminal Justice Education and Training Standards Commission is established under G.S. Chapter 17C. It promulgates rules and regulations and establishes the minimum education and training standards required for all entry-level employment as a criminal justice officer (with the exception of sheriffs' personnel, as described below). It certifies officer candidates as qualified under the law and establishes minimum standards for certifying criminal justice training schools. It advises in such areas as (1) identifying the types of criminal justice positions that require advanced or specialized training and education and (2) establishing standards for certifying candidates for these positions on the basis of specified education, training, and experience.

Sheriffs' Education and Training Standards Commission

The Sheriffs' Education and Training Standards Commission is the sheriff's counterpart to the Criminal Justice Commission described above. The Sheriffs' Commission similarly promulgates rules and establishes minimum education and training standards for deputy sheriffs, detention officers, telecommunicators, and other sheriff's personnel who are regulated under Chapter 17E. The Sheriffs' Commission, as well as the Criminal Justice Commission, has established very successful training recognition programs for regulated personnel.

Crime Factors and Agency Effectiveness

The factors that cause crime are many and varied. Care must be used in comparing the amounts of crime reported in any two localities. The methods used to collect the data may differ, and the reliability of crime statistics varies from jurisdiction to jurisdiction. Furthermore, a number of demographic factors that affect the amount of crime in a community are beyond the agency's direct influence or control: the population's density and size; its composition in terms of age, sex, and race; its economic status; its relative stability; its educational and cultural level; its attitude toward law enforcement; and its religious characteristics and mores.

A local law enforcement agency's effectiveness can best be measured by the absence of incidents that it is charged with preventing. How can it be determined how much crime a sheriff's office or police department prevents? The success, the failure, or the efficiency of the local law enforcement is most often measured by clearance rates, number of arrests, and conviction rates. Domestic security is a precious commodity, and maintaining it is a continuing expense that everyone must share. Law enforcement services cannot be reduced to a balance sheet with a final figure representing profit or loss.

Crime Data

Uniform Crime Reporting

A system called Uniform Crime Reporting (UCR) provides a nationwide view of crime in the United States that is based on statistics contributed by local law enforcement agencies. It also serves as a guide for a standard method of crime reporting in most local police agencies. The Federal Bureau of Investigation collects the data on the incidence of crime reported by local law enforcement agencies to a designated office in their state. It then publishes summarized information quarterly and annually for the use of local enforcement agencies and others interested in the crime problem. North Carolina agencies provide monthly data to the State Bureau of Investigation.

The UCR system has seven categories of criminal offenses known to the police as Index crimes: murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft. It uses twenty-two additional categories for all other classes of criminal offenses.

Each month the police report the number of Index offenses that became known to them in the past month. *Unfounded* complaints are eliminated from the count before the report is made. Cases *cleared by arrest* and those *exceptionally cleared* are also reported. In the UCR, arrests for all categories of crimes are reported.

Although the UCR reports only Index offenses, local agencies usually report both Index and non-Index crimes. For these reports the following clearance classifications are recommended:

1. *Unfounded*. This classification is applied when the police investigation clearly establishes that no offense actually occurred or was attempted. The recovery of property or the refusal of a victim to prosecute an offender does not mean that the crime did not occur, and in these instances the crime is not "unfounded," but "exceptionally cleared."

2. *Cleared by arrest.* This classification is applied when at least one person is (a) arrested, (b) charged with the commission of the offense, and (c) turned over to the court for prosecution through any of several methods. Several crimes may be cleared by the arrest of one person.
3. *Exceptionally cleared.* This classification is used when the police are not able to follow the three steps outlined under *cleared by arrest*, yet have done everything possible to clear the case. If all of the following questions can be answered yes, then the offense may be listed as an exceptional clearance:
 - Has the investigation clearly identified the offender?
 - Is there enough information to support arresting, charging, and turning the offender over to the court for prosecution?
 - Is the offender's exact location known so that he or she could be taken into custody now?
 - Is there some reason beyond police control that stops an officer from arresting, charging, and prosecuting the offender?

For example, an offense can be exceptionally cleared if the offender committed suicide or was killed by police, or if extradition from another state was denied.

The UCR system is evolving into a more data-intensive program. Known as NIBRS, the National Incident Based Reporting System allows local agencies and state reporting points to gather supplemental crime data that can be used for planning and analysis purposes. NIBRS data are built upon the crime incident and associated details, rather than mere summary tabulations characteristic of the traditional UCR. Some North Carolina local agencies report UCR data in the traditional format, while others are reporting incident-based data that models the NIBRS data elements. Still some other agencies in North Carolina report a hybrid set of data elements that fall somewhere between the traditional UCR and model NIBRS formats.

Crime and Clearance Rates in North Carolina

Generally when reports are made concerning the “crime rate” in North Carolina, this is referring to the seven Index Crimes discussed above. Usually sometime in September, the UCR data for the prior calendar year have been fully tabulated and this information is released to the public and the media in a document entitled *Crime in North Carolina*, published by the North Carolina Department of Justice. The FBI publishes a similar document that includes nationwide data.

Murder, rape, robbery, and aggravated assault are classified as violent (assaultive) crimes. The number of murders has decreased from 764 reported incidents in 1994 to 503 reported incidents in 2003. The rate of rape, robbery, and aggravated assault has also decreased during this period, although not as much as homicide. Overall, the rate of violent crime has decreased some 32 percent from 1994 to 2003. There are exceptions to this downward trend in some jurisdictions for some types of violent crime.

Burglary, larceny, and motor vehicle theft are crimes against property. An analysis of reported property crime incidents in North Carolina also indicates a downturn. While the number of reported incidents has remained level, the rate of property crime relative to population has declined nearly 17 percent from 1994 to 2003.

Clearance rates are an indication of the percentage of crimes solved by police. Clearance rate averages vary to some degree by the type, size, location, and degree of urbanization of various communities. Interestingly, while crime rates are widely reported and discussed, crime clearance rates are less widely discussed in the media and to a large extent, within local communities and agencies themselves. As noted below, there are many and varied observations concerning how and why crime rates rise and fall. But there is general agreement that law enforcement agencies may measure their investigative effectiveness by tracking the extent to which the agency *clears* cases. Some local agencies make such comparisons on a yearly basis as a measure of investigative effectiveness.

Over time, clearance rate averages have been on a downward trend. In the early 1980s the clearance rate for violent crimes was near 70 percent, while over the last five years this average has been closer to 50–55 percent. As for property crimes, the clearance rates for the two periods are both near the 20 percent range. Crime clearance data may be unstable due to differences in local reporting standards, among other factors.

Factors Affecting Crime Rates

Crime rates across the nation and in North Carolina began to fall in the 1990s. Crime rates have continued to fall into the 2000s. There were few previous predictions of such a significant decrease in crime. Conversely, there were predictions that changing demographics would contribute to a crime rate increase; that the “have-nots” of the 1980s

would increasingly demand equity through crime; and that the “superpredator” children of crack addicts, lacking any sense of societal norms, would also contribute to an increase in violent crime rates. Like many other major issues, crime in North Carolina is difficult to forecast accurately.

Success has many fathers. And indeed the decline of crime throughout the 1990s and today probably is a family matter. Many observers say changing age demographics are contributing to the decline. The economy and employment rate were also favorable for most of the nineties. Economists and criminologists generally agree that the availability of good jobs is inversely related to the incidence of crime. The federal community-oriented policing programs of the 1990s placed additional officers on the street nationally, and in North Carolina. Other federal initiatives, such as the Weed & Seed program, provided a strategy to identify and target locales and seek to rid them of serious crime, drug and gang activity, and the physical plight often associated with neighborhoods in decay. Moreover, many local law enforcement officials believe that community-oriented policing and a greater focus on crime geography and agency accountability measures contributed to crime reductions. Most observers also agree that a major factor affecting crime in North Carolina was the implementation of structured sentencing guidelines that put the most serious criminals behind bars for longer periods of time. Additionally, state and federal task forces initiated intense investigations that focused on drugs and firearms crimes and on the most violent offenders. Many of these offenders were arrested, convicted, and given long federal sentences.

Conversely, some programs, such as Drug Abuse Resistance Education (DARE), have been abandoned by some communities based upon research indicating the programs are ineffective. While others may dispute these findings, it is significant that practical research is affecting local programs in policing. Hopefully, we will see more of this in the future.

There are other programs growing at an explosive rate. School resource officers (SROs) are in middle and high schools across the state. High profile school shootings, on a national level, have fueled concerns of school safety and SROs are in place as a security measure. Other SRO program goals concerning law-related education and counseling amount to an effort by local law enforcement and public schools to maintain order and positively affect crime and victimization among high-risk age groups.

From 33 to 50 percent of the calls received and answered by a law enforcement agency in the United States are known as miscellaneous service calls. Each community should carefully evaluate these calls to assess whether other agencies might more effectively respond to certain service calls. For example, what is the cost to the community in terms of time and money when the police act as bank escorts or funeral escorts? And just as important, how much community support is generated toward local law enforcement by providing such services? Each local community should carefully evaluate these issues.

Management of a Law Enforcement Agency

Philosophy

It is the responsibility of the agency head to create an environment in which people can produce at their highest level, continually grow, mature, and feel safe and secure. Further, it is the chief executive’s responsibility to establish high standards of personal behavior. Police chiefs and sheriffs are teachers of their people and are constantly demonstrating by their behavior the values, the beliefs, and the principles of their departments so that all personnel—sworn and nonsworn—may learn to think and act in accordance with their philosophy. The work environment of the agency should be designed so that the chief or sheriff encourages people to use their individual skills. Chiefs and sheriffs should demonstrate high concern for ethics, justice, and opportunity for others to grow and mature.

Philosophy is the sum of the values and the beliefs of the leader. It is almost impossible to state a philosophy in a short statement. However, philosophy is demonstrated in the behavior of the agency head and his or her commanders.

Values are assumptions about ends that are worth striving for. When combined with beliefs, they develop into a set of principles that can serve as standards for others regarding what is important for law enforcement agencies.

Beliefs are assumptions about what is true. They are based on a combination of facts and judgments. Beliefs, when combined with values, begin to form a basis for the principles on which a law enforcement agency must operate.

Principles are statements of right conduct. Principles underlie policies, practices, and procedures. Principles are best stated in a policy manual that gives guidance to all members of the agency, enabling them more effectively to perform and implement day-to-day decisions.

An example of principles that help govern the operation of a law enforcement agency is the following:

We shall—

1. Work in partnership with the community to identify and mitigate crime-related problems, including the fear of crime.
2. Promote an open and trusting flow of information within our organization and with the public.
3. Make decisions consistent with legal and ethical standards to guarantee justice to all.
4. Protect the constitutional rights of all persons.
5. Treat all persons with dignity, respect, courtesy, and compassion.

Organization

Organization is the orderly arrangement of functions, personnel, and resources to carry out the institution's purposes, which in law enforcement are to protect the public and provide auxiliary services to it. How a corporate body is organized is very important to its efficiency. The presence or the absence of organizational units and the relationships of these units are critical factors in controlling, coordinating, directing, and supervising an agency.

All local law enforcement agencies have the same basic mission: enforcing the law, that is, protecting citizens from criminal attack and the negligence of others and ensuring the public right to tranquility and freedom of movement. Naturally, how the agency is organized to do this varies from place to place, depending on a community's form of government, the quality of its administrators, the scope and the quality of services expected by the public, and the number and the quality of personnel available to provide the service. Nevertheless, contemporary principles of organization derived from military, government, business, and industrial experiences find use in all local law enforcement agencies, though each agency applies them according to its own needs.

Sheriff's offices present unique organizational concerns. The sheriff serves as the executive as well as the political official guiding the agency. Some issue identification and guidance may come from the county manager's office and county commissioners, but the sheriff alone is ultimately responsible to the public for the performance of the agency and its role in community safety. This factor leads some sheriffs to designate a chief deputy or chief deputies that focus attention on administering the operational aspects of the agency, which frees the sheriff to allocate more time to the political aspects of the office.

The sheriff is also responsible for civil process activities in the county as well as court security and the operation of the local jail. Civil process responsibilities are complex and time consuming, sometimes necessitating additional personnel and organizational units that police departments do not need. Court security requires special knowledge and additional manpower in most sheriffs' offices. Jail operations demand even greater numbers of personnel, physical plant, and organizational sophistication. Some sheriffs report that jail management presents challenges that rival or exceed the law enforcement responsibilities of the office. All these additional responsibilities must be considered organizationally in a sheriff's office.

Relatively few problems of a law enforcement agency can be resolved or cured solely by changing the organization. Developing or streamlining a particular structure does not necessarily ensure organizational success. Applying the principles of proper organization cannot, for example, overcome deficiencies in the personal character of personnel, nor alone substitute for the initiative necessary for proper direction and control.

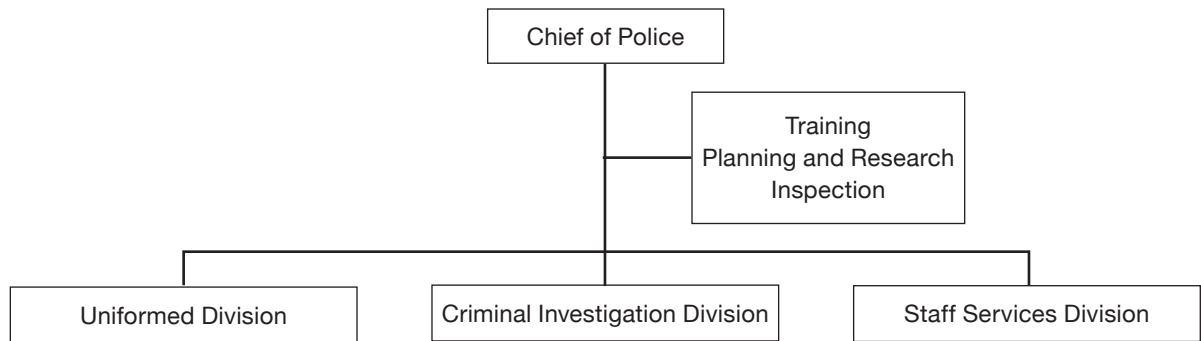
The nature and the form of the basic structure does, however, directly and profoundly influence how efficiently an organization functions. An organizational structure that eases the flow of information in every direction, clearly and understandably depicts the chain of command, and precisely illustrates the organizational and functional relationships in an agency can greatly increase a department's operational and administrative efficiency.

Occasionally an enterprise appears to operate satisfactorily despite a poor organizational structure; however, a close examination of the actual relationships usually reveals that the theoretical organization has no relationship to the structure that actually exists. It is unlikely that an enterprise of any considerable size can be effective with a faulty organization.

Common Ways to Group Law Enforcement Activities

There are five common ways to group police activities: by process, by area, by clientele, by time, and by function.

By process. Grouping police activities by process involves assigning all personnel who use a given type of equipment to one unit. For example, all of those personnel who are radar certified or qualified to use certain crime scene equipment.

Figure 29-1. Model Organizational Structure for a Small Police Department

By area. Grouping by area—that is, into local commands—is helpful when activities are widespread over any given location. For example, some large counties and cities are geographically and organizationally divided into districts or precincts.

By clientele. Tasks that involve the same group of people lend themselves to specialization. For example, personnel who deal with narcotic users, juveniles, or burglary suspects are assigned to specialized units.

By time. Grouping activities by time is used when a certain function or service must be performed within a specified period. For example, the patrol division and detention staff typically work shifts.

By function. Tasks that share the same methods of work are grouped according to operation and purpose. For example, depending on how they work and why, personnel are assigned to patrol, investigation, or traffic. In sheriffs' offices, personnel may be assigned to civil process, court security, or detention duties.

Model Organizational Structures

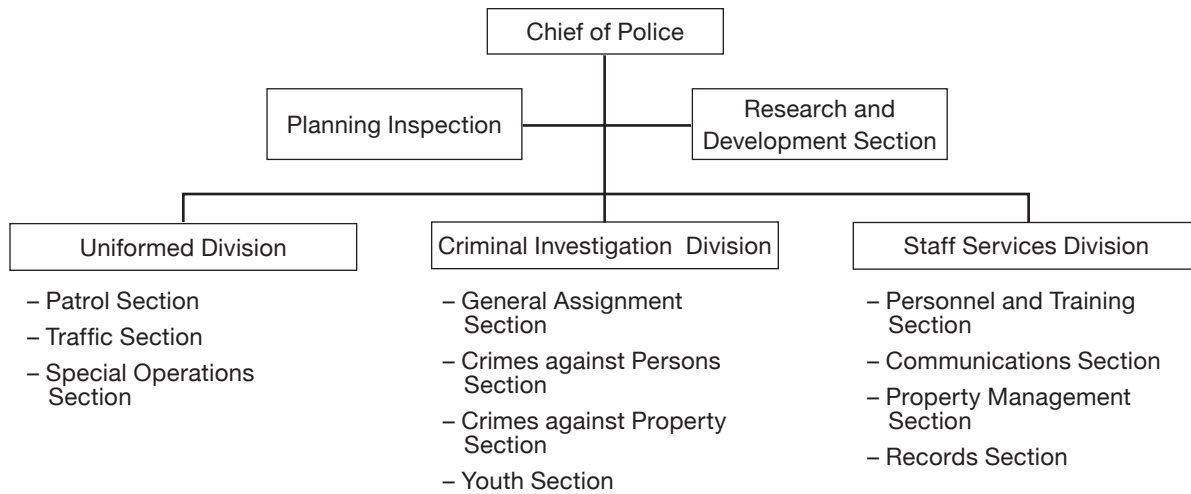
The following model organizational structures can serve as guides in developing agencies of varying sizes. They are presented to indicate the variety of structures developed to serve specific needs. In use they should be adapted to permit expansion and/or consolidation of functions as the need arises.

Small police department. Figure 29-1 shows the recommended structure for police departments with up to 100 persons. This organization divides the department into three fundamental divisions: Uniformed, criminal investigation, and staff services. Planning and research, training, and inspection may be performed by the chief or be delegated to someone else. In very small agencies, the organization chart might just consist of the chief with three patrol watches reporting to the chief.

Large police department. Figure 29-2 depicts a model organizational structure for departments with 100–300 persons. It retains the division structure, but each division contains specialized units. In addition, planning and inspection are also distinct functions. In police departments with more than 300 or so officers, the inspection and planning functions might be given separate status, and staff functions will likely be divided between an administrative services bureau and a technical services bureau. In addition, there is usually an operations bureau that consists of highly specialized activities including the patrol division, the traffic division, and the criminal investigation division. Specialized activities are especially important in large police agencies. Particular units (bureaus, divisions, etc.) throughout the organizational structure must be specifically identified. Giving entities with equal organizational status different designations confuses their true relationships.

Small sheriff's office. Figure 29-3 describes the structure of a small sheriff's office. Sheriffs must organize to provide patrol or field operations services and investigate violent and property crime. They must also, in some cases, devote deputies to drug and vice investigations and arrange for all the administrative and support activities that must occur within the organization. Sheriffs must also organize to provide civil process services, operate the jail, and provide a variety of other services required of sheriffs, such as issue gun permits.

Large sheriff's office. Figure 29-4 shows an organizational template for a large sheriff's office. Sheriffs in large departments must accomplish everything that sheriffs in smaller agencies accomplish—just more of it. The larger sheriff's office is apt to designate field operations or patrol units by district and have separate units dedicated to crime prevention, K-9 operations, specialized field units such as motorcycles, horse patrol, and possibly SWAT operations. Large sheriff's offices will likely have very specialized investigative units for violent, property, and financial or com-

Figure 29-2. Model Organizational Structure for a Large Police Department

puter crime. These investigators may be assisted by crime and intelligence analysts, as well as polygraph operators and stakeout or surveillance personnel. Detention, civil process, and court security operations may be assigned to entirely separate divisions in a large sheriff's office.

Selection and Employment

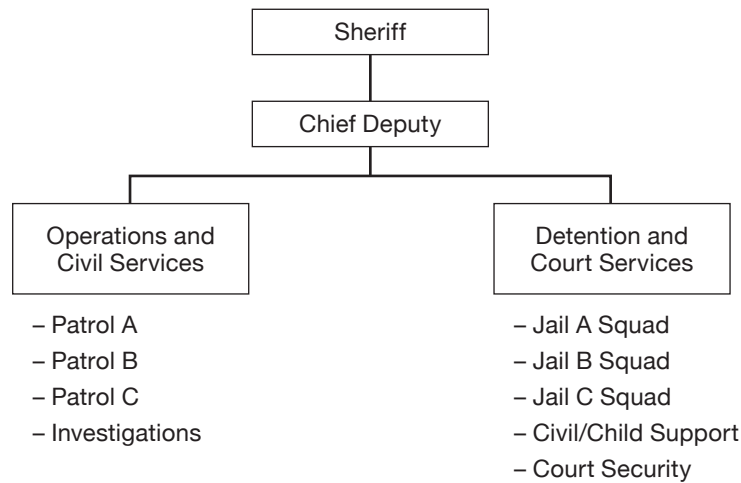
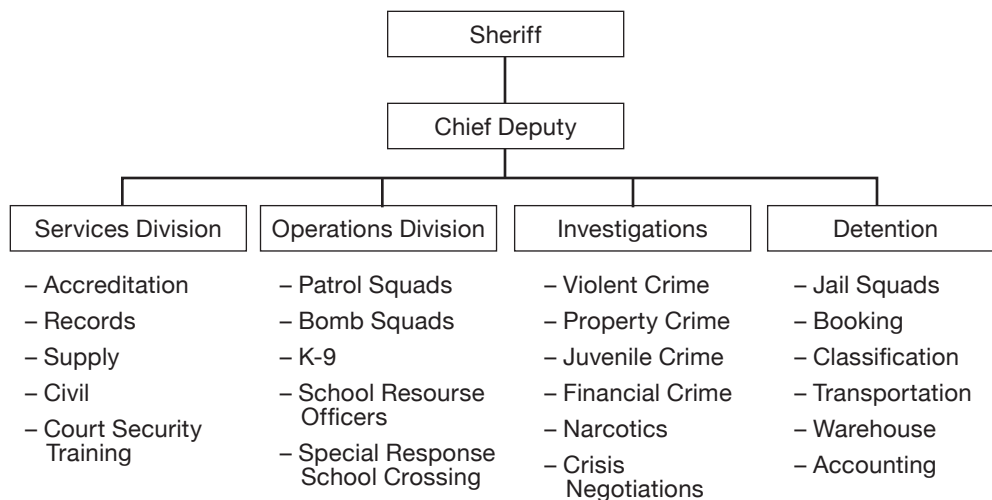
Employment Relationship

Personnel working under the direction of a sheriff have a unique employment relationship in that they work at the pleasure and discretion of the sheriff. Deputies are thus "at will" public employees that may be dismissed at the will of the sheriff. Police officers in North Carolina are "at will" employees in many jurisdictions. In some cases local police officers have employment protections defined by the municipality's charter or local personnel ordinance. In all cases, persons hired as law enforcement officers must meet certain minimum qualifications.

Recruitment

Agencies compete for the best and the brightest personnel. Turnover among agencies does vary, but the common understanding is that turnover is fairly high in law enforcement agencies. There are many reasons for this. The job is demanding for the individual and for law enforcement families. Opportunities for promotion are somewhat limited in many agencies. Although retirement plans are favorable for law enforcement officers, the salaries in many agencies are not high. Many officers migrate employment from agency to agency. Often, larger agencies are able to offer better pay, more opportunity, and better benefits.

Changing demographics in North Carolina have created additional recruitment challenges. Most law enforcement agencies seek to reflect the community served to the extent possible. However, according to state demographic records, in the year 2000 nearly 5 percent of North Carolina's population was Hispanic. This contrasts with only 1 percent Hispanics in 1990. Most agencies have not had success in recruiting many Spanish-speaking officers, particularly those of Latino descent. The immigration status of many Latinos poses problems, as do the educational levels of these immigrants. Having Hispanics as law enforcement officers is important because this population, in many communities, is disproportionately victimized. Also, there is a tradition of law enforcement corruption in many Hispanic countries, hampering efforts here to build trust with these communities.

Figure 29-3. Model Organizational Structure for a Small Sheriff's Office**Figure 29-4.** Model Organizational Structure for a Large Sheriff's Office

Qualifications

The minimum qualifications for employment as a law enforcement officer are established by the Criminal Justice Education and Training Standards Commission for municipal and state officers and by the Sheriffs' Education and Training Standards Commission for deputies. All local and state law enforcement officers in North Carolina must meet these minimum qualifications. Once the proper documentation is submitted to the relevant commission, staff will issue a certification to work as a law enforcement officer in North Carolina. Each commission is empowered to suspend or revoke the certification of any officer not complying with rules as specified in the administrative code. Under present minimum requirements a law enforcement officer must

- be a citizen of the United States;
- be at least twenty years of age (twenty-one years of age required for deputies);
- be of good moral character as determined by a thorough background investigation as prescribed;
- be fingerprinted and be subject to a search of local, state, and national fingerprint files to disclose any criminal record;
- not have a prohibitive criminal history record;

- be a high school graduate or have passed the General Educational Development Test indicating high school equivalency;
- be examined by a licensed physician or surgeon and meet physical requirements for properly fulfilling the responsibilities of a law enforcement officer;
- complete a psychological screening (only in the case of those officers seeking certification under the Criminal Justice Commission);
- be interviewed personally, before employment, by the department head or his or her representative(s).

Additional requirements and further details are available in 12 NCAC 9B.0101 (2005) and 12 NCAC 10B.0301 (2005). These are minimum standards for employment. Higher standards are recommended whenever enough qualified applicants are available. Many agencies choose to set standards higher. However, the department head or the agency may never employ anyone whose qualifications are below the statutory minimums for the position of law enforcement officer.

The State of North Carolina requires that those who aspire to law enforcement careers complete a probationary period of at least twelve months. An agency may extend this period. If during this probationary period, an officer shows traits or behavior that make him or her a liability to the department, he or she should be dismissed without right of appeal.

Training

G.S. 17C-8 requires that the Criminal Justice Education and Training Standards Commission establish a Criminal Justice Education and Training System. This system is designed as a cooperative arrangement between the state and local criminal justice agencies and criminal justice education and training schools, both public and private. The system includes the North Carolina Justice Academy and all other public or private agencies or institutions in the state that are engaged in criminal justice education and training.

State law now defines entry-level training, requiring that the curriculum contain 618 hours of basic training as of January 1, 2006. For the most part, Basic Law Enforcement Training (BLET) is offered through the community college system. Some larger agencies conduct their own entry-level BLET programs as authorized by the administrative code.

Police officers certified under the Criminal Justice Education and Training Standards Commission were mandated to receive twenty-four hours of in-service training in 2005. The Sheriffs' Commission mandated a similar amount of in-service training for deputy sheriffs beginning in 2006. These mandates built upon the previous requirement of eight hours of firearms training for both police officers and deputy sheriffs.

Salaries

There are three ways to determine salaries for law enforcement officers. The first relies on what is commonly referred to as the *comparison principle*. Following this principle, one jurisdiction compares the salaries for its officers with those being paid by jurisdictions of similar size and in the general region.

The second approach involves the *attract-and-retain principle*. Under this principle, local governments approve a pay scale that will attract potential candidates for the agency and that provides for raises and benefits sufficient to maintain a low turnover rate.

The third principle is *standard of living*. Under this principle an officer's salary is determined by the amount needed to maintain the standard of living for middle- to upper-middle-class people living in that city, county, or region. This principle, though followed elsewhere in the United States, is not very popular in North Carolina.

Civilian and Exempt Positions

A number of tasks in law enforcement do not require a qualified commissioned officer and indeed can be better performed by others. The range of positions to be considered is very broad. For example, a qualified secretary can perform clerical tasks better than a sworn officer. After study, administrators will realize that civilian specialists can be employed for several types of agency functions, such as records management, communications, and data processing. The decision to civilianize a position should not be based upon the desire to save money, however.

Well-trained, highly educated, and experienced civilians are ideal for staff positions in planning and research, finance, personnel, training, laboratory, and records. Similarly, there may well be sworn police command personnel who can head legal, administrative, public relations, and community relations activities. The advantage in being flexible about filling certain staff positions with either civilians or force personnel is that recruitment for the job can be based

primarily on expertise in the field. Also, a properly trained newcomer is likely to bring a fresh approach and be free of limiting, traditional ideas. Furthermore, a well-qualified civilian, in his or her daily communications with the agency's sworn personnel, will broaden their perspective. Conversely, the civilian will gain a new understanding of law enforcement problems, and another avenue into the community will be established.

Operations

Patrols and Investigations

The principal function of law enforcement agencies is not to detect offenses, identify and apprehend violators, recover property, or help present the state's case; rather, it is to prevent crimes. The primary means by which this is accomplished is through patrol and engaging the community in the public safety mission.

The patrol unit of any local law enforcement department is the agency's greatest user of personnel; only to the extent that the agency cannot achieve its primary objective—eliminating the actual or believed opportunity to commit crimes successfully—are other police services needed. The following are specifically accomplished as a part of the patrol function:

- ensuring the safe movement of vehicles and people
- protecting the lives and the property of the city's residents and visitors
- maintaining the public order
- establishing a field reaction force
- transmitting information to other governmental agencies that operate on less arduous schedules

A uniformed officer patrolling in a marked vehicle can prevent certain types of crimes. Similarly a detective who promptly identifies and apprehends a criminal and takes him or her before a court that swiftly prosecutes and adjudicates the case deters would-be perpetrators.

Some people construe the commission of a crime as a failure by the law enforcement agency. However, the agency simply cannot prevent all crimes. Consequently, following up on incidents is an important continuing activity for the agency. How these investigations are conducted depends on the agency's evaluation of their importance, the personnel involved, and the extent of the community's crime problem.

Because a crime must be investigated as soon as it is known, no single unit of the agency can be exclusively responsible for all criminal investigation. Therefore criminal investigation is carried out by both the patrol force and investigators.

Criminal investigations fall into two distinct yet closely interrelated phases: the preliminary investigation, which includes the activities conducted by officers who first arrive at the scene and the functions that immediately follow; and the follow-up or continuing investigation, which involves identifying the perpetrator, recovering stolen property, and preparing the case for court. Whether this follow-up is conducted by a specialized investigative unit or by the patrol officer depends on the offense, the agency's total workload, and its size. Most communities cannot afford to have a specialized investigator follow up on every incident or crime. The amount of time that should be spent on a specific case should also be determined by probable success in solving the crime by apprehending the perpetrator and recovering stolen property.

Preliminary Investigations

A preliminary investigation begins when an incident is reported and continues until the point at which a delay is not likely to jeopardize the successful conclusion of the case. It is usually performed by the officer who arrives first at the scene and may include the following steps:

1. Obtain aid for an injured victim.
2. Determine whether a crime has actually been committed, and if so, what crime.
3. Apprehend the suspect if he or she is at the scene, or pursue the suspect if it appears that he or she can be caught by immediate pursuit.
4. Inform telecommunications of the description, the direction of flight, and other information that should be broadcast to other officers engaged in pursuit or search, and to those who might participate.
5. Protect the crime scene and determine whether physical evidence exists, as required by departmental policy or order.
6. Notify appropriate agency units to assist in collection of evidence, immediate follow-up investigation, etc.

7. Gather information about the crime, the victim, suspects, and witnesses.
8. Search for suspects and witnesses not present at the scene.
9. Determine in detail how the crime was committed, what evidence is available, and to what extent there has been injury or loss.
10. While abiding by legal constraints, obtain written statements at the scene from victims or witnesses and suspects.
11. Record all information clearly and accurately on the appropriate report form(s).

The nature of the patrol force, deployed twenty-four hours a day in radio-equipped patrol cars, makes it the logical unit to be assigned preliminary investigations. The fact that the patrol officer is responsible for the preliminary investigation does not necessarily mean that an investigator should not be directed to a crime scene. Sometimes, particularly for offenses against the person, an investigator is immediately needed at the scene, but usually only when his or her greater skill, knowledge, and freedom of movement are required and when the investigation should be continued without further delay.

Continuing Investigations

The follow-up investigation begins when the preliminary investigation or the patrol officer's activities reach a point that demands the specific skills and freedom of movement of a specialized follow-up investigator. Its basic purpose is to investigate designated serious crimes in order to arrest and convict the offender and to recover stolen property. To carry out the continuing investigation properly, the investigator should do the following:

1. Review, consolidate, and analyze officers' field reports relating to their actions during the preliminary phase.
2. Interview the victim and witnesses again to see whether they have discovered or recalled any other facts since the preliminary interview. Even in cases where there are no leads, the victim should generally be recontacted at least once.
3. Review departmental records to establish modus operandi, known suspects, and other recognized patterns.
4. Interview other sources, including informants, petty criminals, people in the neighborhood, and anyone else who may have information about the suspect or the crime.
5. Check pawnshops, junkyards, retail stores, and other places where stolen property may be sold or advanced.
6. Arrange to obtain results of the scientific investigation when items have been forwarded to the crime laboratory.
7. Arrange for information about the crime, stolen property, and the suspect to be disseminated; prepare look-outs, messages, and wanted posters; distribute handbills to merchants, the news media, and the like.
8. Plan organized police action like raids, neighborhood canvasses, and stakeouts that are aimed at discovering additional physical evidence, witnesses, and information about the suspect.
9. Prepare the case for presentation in court when all information and evidence have been obtained.
10. Confer with prosecuting attorneys to (a) review information and evidence to ensure a complete investigation, and (b) help prepare the case for court.

Assignment of Responsibility

A reasonable policy assigns the entire investigation of noncriminal incidents (except deaths and missing persons) and almost all misdemeanors (except certain vice cases) to the uniformed force. In felony cases the uniformed officer generally performs the preliminary investigation, and the responsibility for the continuing investigation is transferred to an investigation division or office in agencies that have one.

Allocation of Personnel

Local law enforcement agencies attempt to establish the necessary number of patrol officers in three ways. The first method is comparison: community A compares itself with communities B, C, and D, which are the same size as A. The difficulty with this approach is that the problems faced by communities B, C, and D may be entirely different from those faced by community A. In addition, the level of service demanded by community A may be different from that demanded by communities B, C, and D.

The second method uses a ratio based on the number of sworn personnel per 1,000 people. At present the number is approximately 2.2. This figure is a national average and nothing more. It is not one recommended by any police organization, but results from computing statistics compiled by the Federal Bureau of Investigation under the Uniform Crime Reporting System.

The third and most accurate method is based on workload. This approach uses the formula demonstrated in Table 29-1. It permits a more accurate assessment of the number of officers needed to answer the calls for service that come from a specific community.

Table 29-1. *Calculating the Number of Patrol Officers Needed for a Given Community*

Number of calls for service (one year)	25,000
Average time per call (45 min.)	$\times .75$
Number of officer hours spent	18,750
Buffer factor ^a	$\times 3$
Number of officer hours needed	56,250
One officer's annual hours ^b	$\div 2,920$
Number of officers needed	19.3
Assignment availability factor ^c	$\times 1.7$
Total number of officers needed	32.7 (33.0)

a. For this example, officers spend 33 percent of their time answering calls, 33 percent on preventive patrol, and 33 percent on administrative duties, so the number of hours spent answering calls must be multiplied by 3 to determine the total number of hours of patrol officers' time needed.

b. Eight-hour day \times 365 days.

c. Adds allowance for days off, vacations, etc.

Once it is determined how many patrol officers the community needs, the next question is how to distribute these officers in the community and around the clock. Alternatives again are available. Most workload studies indicate that departments usually handle about 33 percent of their calls during the day, 45 percent during the evening, and some 22 percent on the graveyard shift. Technically, each patrol shift should be distributed geographically consistent with measured workload. In the past, this has generally involved studying the origination of calls for service. More currently, this process might include additional consideration of problem spots or other community public safety goals not so easily categorized as calls for service. A variety of shift arrangements may be used, as long as provisions of the Fair Labor Standards Act are not violated. Most agencies adopt some form of eight-, ten-, or twelve-hour shifts for standard staffing needs. In some agencies, community policing objectives may be accomplished by other work scheduling strategies.

Workload for other job categories can also be measured. For example, the hours associated with courtroom security, conducting criminal investigations, and calls handled by telecommunicators can all be measured and converted to required manpower.

Safeguarding of Information

One major police function is information gathering. Much information is routine in nature, but some is personal and sensitive. Safeguarding information is an important responsibility of the agency. Failure to do so can cause irrevocable damage both to the agency as a whole and to individuals, and it can ultimately lead to a loss of public confidence in local law enforcement. Moreover, the legal environment is placing increased security responsibilities upon the holder of personal information. For example, the North Carolina Identity Theft Prevention Act of 2005 prohibits many state and local government agencies from obtaining a person's social security number, except in very limited circumstances.

The agency records system must be made secure. The information center should be organized to provide physical barriers to unauthorized traffic through it. Only employees assigned to the records function should have access to the records. Other personnel should be served at a counter and not permitted inside the center without specific written permission from the agency head. Admission to the communications facilities should also be firmly restricted to authorized and properly identified personnel.

Ordinarily, information should not be given over the phone to an unknown caller. Procedures should be established for handling telephone requests for information.

Areas of High Risk Liability

Local law enforcement agencies are subject to civil litigation from many areas of operation. Sheriffs, as constitutional officers, are held strictly accountable for the actions of their personnel. Three areas of greatest concern include the use of force, arrest search and seizure, and vehicle operations.

Use of Force

Law enforcement officers are allowed to use force, including deadly force, within closely defined statutory and constitutional guidelines. Agency policy may be more restrictive than these statutory guidelines. G.S. 15A 401(d)(2) provides that an officer is justified in using force to defend himself or a third party from what he reasonably believes to be the use or imminent use of deadly physical force; to effect the arrest or prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; to prevent the escape of a person from custody imposed upon him a result of conviction for a felony. The statute also states that “Nothing in this subdivision constitutes justification for willful, malicious or criminally negligent conduct by any person which injures or endangers any person or property, nor shall it be construed to excuse or justify the use of unreasonable or excessive force.” G.S. 15A 401(d)(1) authorizes the use of nondeadly force.

First of all, there is extensive case law concerning the constitutionality of the use of force, and this is perhaps the area of greatest civil litigation concern for agency heads. Law enforcement officers use force routinely, and agency policy should consider a variety of issues in addition to statutory and case law. Law enforcement agencies should address the use of force options that identify the different elements of force available to officers. Mere presence can sometimes be deployed as force deterrent. The use of firearms or other deadly force measures constitute other force options. Agencies should specify approved weapons, the training required to attain and maintain proficiency in using the weapons, and when and how those weapons are to be used. The policy should incorporate examples of how various weapons are most effectively used.

For example, many agencies now allow oleoresin capsicum (pepper) spray to be used by street officers. Does agency policy specify: (1) that pepper spray should be issued by the agency (or what particular products are approved if officers supply pepper spray themselves), (2) that certain training proficiencies should be maintained by those carrying the weapon, (3) replacement schedules, (4) where and when the weapon is most effective, and (5) safety measures to be implemented after use? Also, are case examples written into the policy or provided in a collateral training document; and are officers tested on this and other features of the policy? These are just some of the issues associated with a single force option.

This is a crucial policy area for managers. The public will expect that agencies have a thorough use of force policy, and are using state-of-the-art technology in search of less than lethal weapons alternatives. The latest weapon to begin to take hold at the local level is the Taser. This tool, as well as a number of others currently on the market, provide officers and the community with force alternatives that may result in fewer deaths and fewer serious injuries, both for the law enforcement officer and the public they police.

Arrest, Search, and Seizure

Officers may arrest persons only in precisely defined circumstances. G.S. 15A-401 specifies that officers may arrest someone on the basis of a properly prepared and issued arrest warrant. This same statute specifies that officers may arrest someone without a warrant only under certain conditions; for example, when an offense is committed in the officer’s presence. There are many other details associated with an arrest. For example, anyone arrested must be taken before a judicial official. Law enforcement officers receive extensive training on this subject matter in Basic Law Enforcement Training (BLET), and should receive in-service training updates concerning arrests on a regular basis.

Law enforcement officers may also conduct searches under a variety of circumstances. The Fourth Amendment provides that, generally, searches are to be conducted with probable cause. Officers may ask for consent to search without probable cause. Absent consent, however, officers will need probable cause with exigent circumstances or probable cause with a warrant to conduct a search. In North Carolina, searches are statutorily addressed in Chapter 15A of the General Statutes. The law related to search and seizure is also defined to a great extent by case law. Officers may seize items for which they have conducted a lawful search, as long as the items are contraband or otherwise evidence of a crime.

Searches without a warrant are also allowed under very specific circumstances, such as:

Search Incident to Arrest. Officers may search an arrestee for weapons and evidence without a warrant. The area under the arrestee’s immediate control may be searched for such items

Search of an automobile. When officers have probable cause to believe an item subject to seizure is anywhere in the automobile and the vehicle is in a public place then the car and all containers therein can be searched without a search warrant. The courts consider a motor vehicle in a public place to be an exigent circumstance. Officers can even have the vehicle towed and still search it later without a search warrant. *The only time a search warrant is needed is when it is parked on the curtilage of a dwelling and consent to search cannot be secured.*

Vehicles may also be searched for inventory purposes upon impoundment when seized as part of a legitimate police function, if agency policy allows and specifies procedures for such searches. If officers have a reasonable suspicion that a person is dangerous and might have a weapon in his vehicle that could harm the officer or the public, then officers may conduct a frisk of the passenger compartment of his vehicle *for weapons only!* This search may be no more intrusive than required to find weapons where they are likely to be hidden.

Stop and frisk. Officers may stop and frisk a person without a warrant when: (1) they have a reasonable suspicion that the person is involved in criminal activity and is being stopped for investigative detention, and (2) the officers have a reasonable suspicion that the person stopped is armed and dangerous, thus (3) officers may frisk the outer shell of this person's clothing for weapons concealed on this person.

Plain touch, plain view, and plain smell. An officer conducting a stop and frisk as defined above may intrude into an individual's outer clothing to seize an item reasonably believed to be contraband or a weapon. Similarly, contraband in plain view may be seized without a warrant. Courts have recognized that marijuana smelled by an officer trained in its detection is probable cause to search a vehicle on an otherwise lawful traffic stop.

Hot pursuit and exigent circumstances. Officers do not need a warrant when entering premises in hot pursuit of a subject lawfully pursued for a felony or serious misdemeanor. Also, a search warrant is not needed to break down a door to enter a burning house to rescue a person or extinguish a fire, or to prevent a shooting or bring emergency aid, according to G.S. 15A-285.

Agencies should have a policy describing the procedures to be used locally in following the lawful practice of arrest, search, and seizure. Such policies should address key areas of the law and specify practices, such as inventory procedures, that are expressed in the law. The storage of seized vehicles and property, as well as what actions must be taken in the event of a mistakenly unlawful arrest or search should be addressed as well. An attorney should be consulted to review this and other high liability policies before agency training and publication of the policy occurs.

Vehicle Operation

All local agencies are faced with the potential for issues relating to the operation of law enforcement vehicles, particularly when vehicular operation exceeds posted speed limits or the officer must disregard other rules of the road in the performance of law enforcement functions or that involve the pursuit of other vehicles. The statutory guidance regarding emergency vehicle operation is included in G.S. 20-145, G.S. 20-156 and G.S. 20-157. There is also defining case law that should be consulted in studying the issues associated with constructing an agency's vehicle operation and pursuit policies.

There are many issues to consider in this policy area. First, local officials must come to grips with community sentiment regarding operation of law enforcement vehicles outside the uniform rules of the road as defined by motor vehicle law. Although officers are allowed to violate most rules of the road in the performance of their duties, will community standards be breached by allowing this to occur at the whim of the officer? Over the last twenty years, many communities have determined that local agencies should use great discretion in violating motor vehicle law in order to enforce the law. These limitations are primarily from two areas. First, many agencies limit the parameters in which vehicles are permitted to exceed the speed limit and disregard other rules of the road in response to emergency calls for service. In many agencies, life-threatening calls are given a higher priority and officers more leeway in disregarding traffic law, while in less urgent incidents officers may not be allowed to disregard any rules of the road.

Second, many agencies now closely limit the extent to which officers are granted the discretion to pursue fleeing vehicles. This is due not only to liability concerns, but to a greater community awareness of the dangers associated with high-speed pursuits. Many communities have determined that the risk of such pursuits should be allowed only in the most extreme cases, such as when a violent felony has been committed and the pursuer is otherwise likely to elude capture.

There are other issues to consider when evaluating emergency vehicle operations. The quality and maintenance of vehicles is important. Some agencies simply cannot afford to maintain vehicles at a level that suggests safe pursuits might be conducted. The extent to which officers have received pursuit training and have demonstrated such skills is another area of concern. Local roadway conditions, school locations, time of day issues, the physical condition of officers, the operations of emergency vehicle from other service domains and jurisdictions, and weather factors are also important to consider in constructing policy in this area.

Special Issues

Community-Oriented Policing

Community-oriented policing is a method of providing decentralized law enforcement services directed at reducing crime and the fear of crime. The emphasis is on building community partnerships and, at times, engaging the community in crime-related problem solving. Law enforcement managers say that these practices answer community demands for greater police accountability. Greater community accountability for crime-related problems is another positive aspect of this approach.

Community policing enjoyed great popularity in the 1990s as many agencies secured federal Office of Community-Oriented Policing grants to fund additional officers, among other programs. The concept has taken hold, in some form or another, in many agencies. Many managers indicate that community policing should be adopted as an overall operating philosophy for the entire agency, rather than just a specific program. In this manner, community policing involves elements of teamwork and project management. Groups of officers may work to identify and target crime-related problems, ideally through careful study and analysis that includes citizen input. Agency responses to such problems may include many traditional law enforcement methods, such as neighborhood watch programs, foot patrol, and intensive street enforcement action. In some agencies, responses may include nontraditional efforts that involve many agencies other than local law enforcement. For example, one current approach identifies known criminals and offers them intensive job counseling and other development services, all behind the police promise of intensive enforcement actions should individuals continue to choose crime as a career path.

Community policing and problem solving have been criticized for being soft on crime and robbing needed enforcement resources for “social” policing efforts. These choices can only be made by local communities, and indeed, some communities respond positively to this approach to local law enforcement. Law enforcement agencies will have to address time and budget management issues to be more successful in practicing community policing, as this approach requires using officers’ time in different ways, and ultimately, appears to require more resources of many types. This means more emphasis on personnel recruitment, training in analysis and leadership, community communication, and other agency priorities.

Accreditation

The Commission on Accreditation for Law Enforcement Agencies (CALEA) was established in the 1979 to establish a body of standards designed to: (1) increase law enforcement agency capabilities to prevent and control crime; (2) increase agency effectiveness and efficiency in the delivery of law enforcement services; (3) increase cooperation and coordination with other law enforcement agencies and with other agencies of the criminal justice system; and (4) increase citizen and employee confidence in the goals, objectives, policies, and practices of the agency. CALEA has established a process whereby agencies can voluntarily demonstrate compliance with approved standards. To date, many law enforcement agencies nationally have been accredited by the commission. This includes more than thirty agencies in North Carolina.

Advocates of agency accreditation point to standardization, recognition, and a comprehensive management plan as reasons to pursue and maintain accreditation. Others observe that the CALEA accreditation is too process and policy oriented, requiring a large investment in staff time and money. For some smaller agencies, the costs may be regarded as prohibitive.

Media Policy

Law enforcement agencies need a policy for releasing information to the press. Reporters are entitled to receive newsworthy information and be given a summary of current police cases. They can then indicate which of the day’s cases they want to review. If releasing information might jeopardize an investigation or prejudice the rights of a defendant in a particular case, the press should be told that the information exists, that an investigation is in process, and that the results will be released at the appropriate time.

Agency policy should clearly indicate who is authorized to discuss police investigations with reporters. Ordinarily these persons include the officers responsible for investigating the case, the supervisor, the section commander, and the chief or sheriff. Exceptions may sometimes have to be made to this policy, but in each exception the section commander or the agency head should decide who should talk to reporters.

Agencies are guided by a number of statutes in defining what records are public information. Specifically, G.S. 132-1.4(c) provides that the following are public records:

1. The time, date, location, and nature of a violation or apparent violation of the law reported to a public law enforcement agency.
2. The name, sex, age, address, employment, and alleged violation of law of a person arrested, charged, or indicted.
3. The circumstances surrounding an arrest, including the time and place of the arrest, whether the arrest involved resistance, possession or use of weapons, or pursuit, and a description of any items seized in connection with the arrest.
4. The contents of 911 and other emergency telephone calls received by or on behalf of public law enforcement agencies, except for such contents that reveal the name, address, telephone number, or other information that may identify the caller, victim, or witness.
5. The contents of communications between or among employees of public law enforcement agencies that are broadcast over the public airways.
6. The name, sex, age, and address of a complaining witness.

There are a number of exceptions to these provisions. For example, if the release of such information is likely to cause harm to a victim or witness or jeopardize a continuing or future investigation, then the information must be temporarily withheld until such conditions no longer exist. Obviously, this and other relevant law must be closely considered and understood at the agency level and incorporated as appropriate into agency media policy.

Constructive journalism can greatly help law enforcement by emphasizing the agency's positive aspects. However, the agency must make it easy for the press to publish information favorable to the department. Press releases covering the goals and the policies of the agency, or statements clarifying a major issue or investigation, should be written or approved by the agency head. The paper's copy editor should not have to rewrite them—and perhaps inadvertently distort the facts. A copy should be provided for each newspaper and each radio or television station in the community.

Community Communication

Although the term *communication* is overworked, the function itself remains the vital link to an understanding between law enforcement and the community. The agency head has a responsibility to the community to lead this dialogue. When frank and fair conversation is established between law enforcement and the community, misunderstanding and distrust can be eliminated and tensions relieved. The agency should take the first steps in this direction. Sheriffs are generally very accomplished at this practice as they must maintain a strong community dialogue in order to be elected. Police chiefs, though generally operating as appointed administrators, must also work to communicate agency goals and respond to public concerns. Some agencies have used community councils as a tool here. This approach employs selected community representatives to establish a dialogue with the agency. Those who serve on the councils can act as a channel of communication between the police and their respective portions of the community. The agency head should directly involve his or her line personnel in organizing the councils because their participation is essential to a sound community relations program. Furthermore, the entire department must understand the purpose, the function, and the activities of the councils. Only then will the program succeed.

The agency head should ask representative community and civic organizations to select a member to participate in the police-citizen council. This method of selection results in a broad, representative sample of the people who live or work in a geographic area.

Community Security

The long-term effects of the war on terrorism remain to be seen. In most North Carolina communities, though, the threat of local terrorism is probably seen as remote. Most local law enforcement agencies continue to deal daily, though, with all the problems that were problems well before 9/11. This includes active crime prevention efforts in many agencies.

Any crime prevention effort should include strong advice to the public on security precautions for homes, places of business, and motor vehicles. Citizens can take several relatively easy, common-sense measures to reduce the threat of crime to their persons or property. A number of crimes needlessly involve negligence on the part of victims. When they leave home, sensible people will lock their doors and windows securely, leave automatically activated night lights burning during long absences, lock the garage doors, cancel milk and newspaper deliveries, and alert the neighbors or the police to their absence.

Pyramid telephone warning systems and internet messaging systems are operating in some cities among liquor stores, grocery chains, gas stations, and clothing merchants. For example, when they receive a report of a check fraud, a shoplifting incident, a confidence game, or a robbery, law enforcement can warn designated merchants by telephone

or e-mail. Those merchants in turn notify others, giving the details of the crime and if possible describing the suspects. Such crimes often are committed in series, and pyramid warnings have often brought about the apprehension of suspects when they tried to strike again. In some places, merchants have established a system that sends an alarm to other stores within a four-block radius; once warned, shopkeepers watch for fleeing suspects from their vantage points. This system has sometimes produced information vital to the later identification of suspects.

Educating citizens and business persons on how to avoid becoming victims of crime can be a valuable adjunct to a crime-control program. Such campaigns are sometimes undertaken by local law enforcement, other times by interested citizen or business groups. The best ones are often a cooperative effort. The American Association of Federated Women's Clubs and the National Auto Theft Bureau have conducted auto-theft prevention campaigns in several cities, accompanying the police on their rounds, leaving pamphlets in unlocked cars, and attaching warnings to parking meters on the dangers of leaving keys in the ignition. Technology may help further crime prevention efforts here. For example, current findings indicate that in some locales, electronic car theft systems that track stolen vehicles have been effective in reducing automobile thefts. These systems are not easily identified by car thieves, thereby introducing uncertainty in the mind of the thief, which has worked to reduce car thefts in these areas.

Citizens need to remember that crime is possible in their life, and take reasonable steps to limit opportunities for criminal activities. In emergencies they must assume the responsibility for summoning aid for victims or police in distress; they cannot stay free of involvement, yet expect others to protect them. In groups and even as individuals, they can supply desperately needed auxiliary resources to law enforcement, the courts, and correctional officers. Much work remains to be done in developing effective and lasting public education campaigns to persuade citizens to take the few extra precautions that can deter many crimes.

Street Drugs

The presence of cocaine in North Carolina exploded in the 1980s. The complexion of many communities changed with its arrival. This powerful drug, cheap and easy to "cook" from raw powder cocaine, is sold in the form of small "rocks" for as little as \$10.00 a rock. In 1982, the reporting category that includes cocaine indicated that 1,980 arrests for the possession or sale of such drugs were made. In 2002, there were some 13,471 such arrests. There are many reasons for this increase, but the numbers confirm the magnitude of the problem. Most observers agree that crack cocaine contributed to crime increases and other social problems of the 1980s and that it continues to be a problem in many communities. This drug has made criminals out of many people that otherwise would have likely not engaged in criminal activity; and in North Carolina, perhaps the most visible effect has been the proliferation of open street-corner drug sales. Such drug sales are not confined to large cities. It is now common to observe apparent drug dealers on street corners in many small communities across the state. The effect on both rural and urban community perceptions of disorder and fear are significant.

The latest drug to invade North Carolina is methamphetamine. Unlike cocaine, which is generally smuggled into the country from abroad, methamphetamine can be created by the casual user following simple recipes using chemicals that are easy to obtain. In 1999 the State Bureau of Investigation reported nine methamphetamine labs. In 2003 that number grew to 177. These labs are dangerous in and of themselves. Many chemical by-products of methamphetamine production are deadly. Law enforcement officers and unsuspecting citizens are at risk from these labs, and there are documented cases of injuries to officers and the public from such labs. The General Assembly passed the Methamphetamine Lab Prevention Act of 2005, GS 90-113.5, to combat many aspects of this problem. This law is regarded as one of the toughest in the country, and if other states' experiences are any indication, it will indeed have a positive effect on North Carolina's methamphetamine lab problem.

As is the case with crack cocaine, methamphetamine is highly addictive and contributes to other criminal, social, and family problems. It is important to note that much of the illicit methamphetamine consumed in this state is smuggled in and not produced in a North Carolina-based methamphetamine lab. As is the case with crack cocaine, methamphetamine will likely continue to affect the complexion of many North Carolina communities in a devastating manner.

Science and Information Technology

Science and information technology have developed greatly over the past generation. The two have evolved hand in hand in some ways, with many positive results for local law enforcement and state and national criminal justice policy.

Communications are now digital, enabling accurate and secure voice and data transfer in the form of photographs, fingerprints, and various other forms of documentation. Financial and communications records are digitally stored, enabling the retrieval of vast amounts of information for investigative purposes. Many local agencies now have computerized records software with interfacing emergency communications and geographic information systems. These

upgrades are expensive and require continual updating. The expense of these systems is largely the responsibility of local governments, which explains why some agencies are technologically current while others are decades behind in securing upgrades.

Forensic science has also developed significantly. Ballistics programs now digitally identify firearms-related items such as bullet casings and projectiles for high-speed comparisons with other similarly digitized records. Science has also enabled forensic identification via DNA, while the North Carolina Department of Motor Vehicles is spearheading an initiative to develop a credible facial recognition system that might assist law enforcement in identifying persons of interest—whether they be suspects, victims, or witnesses. Similar systems are under development around the country. Generally, it is cost prohibitive for all but the largest local agencies and the SBI to have access to the newest forensic systems.

Technology has allowed public safety policy to advance. “Amber alerts” are now used in North Carolina, and around the country. Amber alerts are issued for missing children in very specific instances, as defined in G.S. 143B-499. The FBI’s Violent Criminal Apprehension Program (VICAP) is a case-specific database available to agencies desiring to submit information that is compared with similar case data from around the country. Also, the General Assembly has directed the Department of Justice to collect traffic stop data in an effort to monitor and evaluate racial profiling. Although this measure could have been managed without current information technology, it would be difficult. The state also requires sex offenders to register with their local sheriff’s office. This information is available to the public. Last, the state now keeps a DNA record of all convicted felons. DNA evidence recovered from crime scenes is now routinely searched against this database (and similar databases developed by other states and the FBI) for leads in violent crime cases, increasingly with positive results. This same science is also credited with freeing some previously convicted offenders.

Future Law Enforcement

Local law enforcement is a dynamic, changing field of operation, policy formulation, and execution. The entire local government system should understand and be involved with the goals of public safety and law enforcement. This understanding and involvement must be based on an awareness of the limits of law enforcement efforts in the community and a keen appreciation that although local law enforcement operations are costly in financial terms, their noneconomic benefits are many.

Future Law Enforcement Officers

Law enforcement officers of the future will be different kinds of persons from those with whom many police managers now deal. Law enforcement officers of the future will have attributes that will foster their self-confidence and self-control.

1. They will be able to exercise discretion and judgment, and they will believe that they can overcome the problems they face.
2. They will be service oriented. They will emphasize their interests in helping others in trouble and will be sympathetic and kind toward others.
3. They will know both themselves and others. They will be able to understand what motivates them as a person, to understand the differences between other groups of people and themselves, and to live with these differences.
4. They will be achievement oriented. They will want to do the best job that they can at all times.
5. They will be free of cynicism. They will not feel that the public is their enemy, but will guard against hardness and fight against possible alienation from the community that they serve.
6. They will have endurance, physical ability, and stamina. They will be willing to work hard and long when necessary, and they will have the physical capabilities to succeed under trying conditions.
7. They will have enthusiasm for the law enforcement profession. They will not be eight-hour-a-day persons who dread coming to work each day.
8. They will have a sense of humor. They will be able to laugh at themselves and with others.
9. They will be loyal and honest, even about their own mistakes. Their loyalty will be not to one individual, but to the profession of law enforcement, to a high degree of ethics, and to the department in which they work.
10. They will have speaking and writing skills so that they will be able to communicate effectively with other members of the department as well as with the public.

The Future Agency Leader

To deal with these law enforcement officers, a new type of agency leader will be needed. This new leader must be skilled in problem solving, flexible, and not bound by tradition. He or she must be able to identify with individual officers and show empathy toward them. The new leader must also be able to deal with situations of conflict, not from fear or necessity, but from a desire to help bring about the growth and the maturity of those in the agency. He or she must know how to cooperate, not only with top administrators in the department and with the department's street-level personnel, but also with federal, state, and other local law enforcement personnel. The leader must also constantly strive to continue individual learning and growth, to be more effective tomorrow than today or yesterday.

The agency leader holds considerable power, but only so far as it is granted by the public. Future leaders will be more thoughtful in considering community needs and wants, both in terms of enforcement priorities and in the services provided. The agency head will need strong interpersonal skills, whether they come naturally to the leader or must be learned. Chiefs and sheriffs will adopt techniques that use project teams and practical research and evaluation skills. They will hold these teams accountable for day-to-day challenges and accomplishments, as well as dealing with larger crime-related problems that will require considerably more time to address. The agency head will use supervisors as mentors that will occasionally find traditional authoritative expression in situations that require a strong coordinated police response, such as high-risk in-action crime, vehicle chases, or large traffic accidents.

In the future, more police chiefs than have done so in the past will probably seek contracts before they accept employment as an agency head. A contract will ensure them of adequate time to accomplish the objectives for which they are being employed. Sheriffs in North Carolina are afforded four-year "contracts" as voters regularly have the opportunity to confirm their satisfaction with the sheriff's office at the polls.

Future leaders will be held more responsible for productivity, for better use of the taxpayers' dollars, and for a higher level of service with the same number of personnel. Such a change may at first glance seem incongruous, but through better management and operational practices and better personnel allocation systems, these kinds of long-term goals can and will be achieved.

How far the changes will go is hard to predict. One direction, however, seems fairly obvious. Both lower and upper levels of law enforcement personnel will be more qualified to do their respective jobs, and they will be increasingly rewarded for their abilities and production. These rewards will come not only in pay increases and better fringe benefits but also in the way the agency is run. The people within the agency will be able to develop pride, to increase their skills, and to feel worthwhile; they will feel successful through working for a specific agency within the law enforcement profession as a whole.

Additional Resources

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