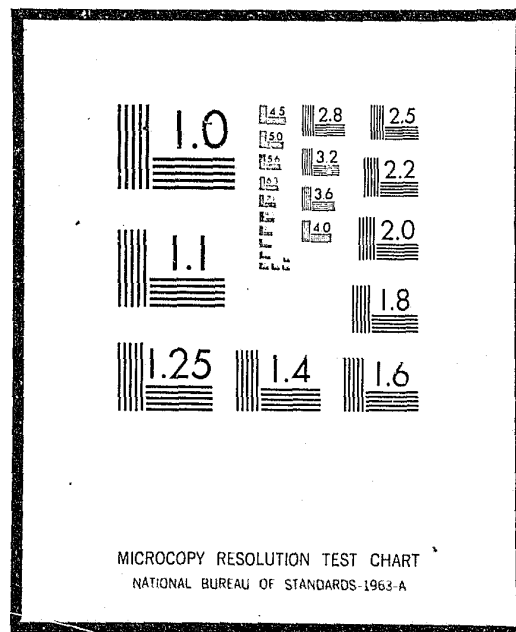


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## THE LIMITS OF CRIMINAL JUSTICE POLICY: FOUR PERSPECTIVES OF AMERICAN CRIME CONTROL AND JUSTICE

by Michael Kelly  
for

The National Institute of Law Enforcement  
and Criminal Justice  
Washington, D. C.

Pursuant to Institute Fellowship  
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September 1, 1975

Final Report

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 Preliminary Draft:  
 This submission was presented in February of 1975 at the premature termination of my Institute Fellowship Grant. It is obviously a preliminary draft and a work that is far from satisfactory both in terms of organization, style, and development of argument. I was unable to revise the submission, as I had intended, in the summer of 1975. Fortunately therefore, the paper is a very rough approximation of the argument I had intended to present in a complete paper.

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READING ROOM

*Michael Kelly*

The Limits of Criminal Justice Policy:  
Four Perspectives of American Crime Control and Justice

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Prologue. - February 15, 1975

This paper is submitted to fulfill my commitments as a Fellow of the National Institute. Since the fellowship terminated rather abruptly (but happily) over six months prior to its expected end in September of 1975, the paper is, regrettably, an unfinished and very uneven product and, in my opinion, far from the quality of completed scholarship that I would hope to have presented in September. Nevertheless, the rough outlines of my argument are here, and I am anxious to pursue this research in greater depth and on my own time during the coming summer with the intention of preparing it for publication.

The directions of my research in completing this paper will involve detailed reading of the philosophers and of punishment, (e.g. Bentham, H.L.A. Hart, Andenaes), an analysis of the discussion and debates over treatment (e.g. Szasz, Norval Morris, Kittrie), wider reading in the literature of organizations (Blau, March and Simon, James Thompson, Wilensky), explorations of the emerging literature on sentencing (a function which epitomizes the ideological dilemmas outlined in the paper), studies of the contributions of economists (like Posner, Ehrlich, and Landes) and a closer look at the law, i.e. the way courts and legislatures react

under the pressures of conflicting ideologies.

The premature termination of the fellowship has had consequences other than simply the presentation of some research in its middle stages. It caused the elimination of the second paper originally proposed in my fellowship application, a paper on planning under LEAA, and the substitution for it of a piece of more applied research and writing--a handbook on police chief selection. The loss of the second paper affects the first, for the purpose of this paper was, in some sense, to serve as a theoretical prologue to the issues that originally generated my interest in this undertaking: the appropriate role, the function and the structure of planning in criminal justice policy making. I regret that I was unable to "research" this second article by talking with criminal justice planners at the national, state, and agency levels, learning in greater depth what they do and the problems they face (whether by discussion or by watching and participating), and analyzing the historical and political environment in which they operate. The insights of the second paper would, I believe, have greatly affected and improved the quality of speculation in this, the first paper. One of the main tests of a good theory is that it is useful. My greatest regret in leaving the fellowship at this time is that I have

had to give up my explorations of the point of my  
theoretical perspective.



What is needed today is the kind of a theory which will be effective both as moral force and as an intellectual playground, yet which will permit politicians to come out of the disreputable cellars in which they have been forced to work.

Thurman Arnold

Why do we punish criminals? Is it from a desire for revenge? Is it in order to prevent a repetition of the crime?...The truth is that there is no one reason. There is the institution of punishing criminals. Different people support this for different reasons, and for different reasons in different cases and at different times. Some people support it out of a desire for revenge, some perhaps out of a desire for justice, some out of a wish to prevent a repetition of the crime...And so punishments are carried out.

Ludwig Wittgenstein

## I. INTRODUCTION

American criminal justice is deeply troubled. Whether one's measures are the recurring waves of public concern expressed in opinion polls, the intense coverage of crime and official agencies of justice in the popular media, the numerous debates and explorations and expositions in academic media, or the attention of our political institutions and leadership, it seems fair to say that America of the 1960s and 1970s has developed a profound skepticism and distrust of its systems of criminal justice institutions and policies, and genuine confusion about the appropriate directions of change for the future. Our confusion consists of official, popular and (to a large extent) scholarly uncertainty with respect to some rather fundamental questions, for example, how can our society prevent and deter crime, viz, violent street crime and robbery? how should our society and justice agencies deal with criminals? is it possible, desirable, or feasible to rehabilitate offenders?

The orthodoxies of official commissions--Wickersham, The Crime Commission, The Violence Commission--with "the same analysis, the same recommendations and

the same inaction" (to use Kenneth Clark's terms<sup>2</sup> testifying before the Kerner Commission) overlay serious divisions within our society relating to crime control and criminal justice policy. The Omnibus Crime Control and Safe Streets Act of 1968 represents no clearly articulated mandate or response to these questions other than an emphatic assertion of the need for planning and action and delegation of the problem with ample funding to the newly created Law Enforcement Assistance Administration and State Planning Agencies.

The development of LEAA and constituent state agencies, the extension of academic debate<sup>3</sup> over crime control issues and the increase in violent offenses in the 1970s has, in many respects, exacerbated the confusion. The three billion dollars channeled by LEAA into American crime control systems have succeeded in federalizing the debate by bringing a variety of new constituencies,<sup>4</sup> new technologies,<sup>5</sup> and new conceptual approaches<sup>6</sup> to the continued visibility, discussion, and competing diagnoses of crime control issues.

The first task in any attempt to develop a national and coherent response to this situation is to begin assessing the nature and the sources of our confusion. There may be an apt comparison to our present situation

in the description Thomas Kuhn gives of fields of science before the appearance of a dominant "paradigm" which commands almost universal assent and provides a coherent direction or tradition of scientific research:

...[A]ll of the facts that could possibly pertain to the development of a given science are likely to seem equally relevant...The resulting pool of facts contains those accessible to casual observation and experiment together with some of the more esoteric data retrievable from established crafts...[The literature] juxtapose[s] facts that will later prove revealing...with others...that will for some time remain too complex to be integrated with theory at all...This is the situation that creates the schools characteristic of the early stages of a science's development. No natural history can be interpreted in the absence of at least some implicit body of intertwined theoretical and methodological belief that permits selection, evaluation, and criticism...No wonder, then, that...different men confronting the same range of phenomenon...describe and interpret them in different ways.<sup>7</sup>

Similarly, no social history can be interpreted in the absence of a theoretical and methodological framework. The fundamental conceptual approaches to our current problems determine, to a large extent, the confusion or clarity of policy outcomes. Or to cite the aphorism<sup>8</sup> attributed to Marx: "Ohne theorie, keine revolution."

## II. TWO CURRENT DESCRIPTIVE FRAMEWORKS

While there are a variety of specialized frameworks being applied to contemporary criminal justice policy issues--economic analysis, information theory,

sociological and political concepts--two types of general frameworks dominate the way lawyers (the most powerful policy makers in the system) and most people approach criminal justice.

The first is an apparently simple classification scheme: our institutions of criminal justice can be differentiated generically into police, courts, and corrections. This specification generally (and rather sensibly) tends to conform to the limits of expertise, the budgetary and institutional boundaries, and the diverse goals and environments of the formal organizational structures of American criminal justice. While other topical subjects, such as organized crime, juvenile delinquency, or information systems may be prominent in certain contests (See e.g. the Task Force Reports of the President's Crime Commission, and the Reports of National Commission on Standards and Goals), the police-courts-corrections trichotomy has become more than a classification scheme: it is pervasive form of conceptual and fiscal specialization in criminal justice that now serves to differentiate major political constituencies (i.e. funding recipients) in contemporary policy making. The recent Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. No. 93 - 415) is an attempt to rescue juvenile crime policy

making from submersion within these three general LEAA specialties. A specialty generates a bureaucracy which is meant to create action. Thus Congress established a fourth specialty.

The second "framework" is, in part, a critique of the first, namely the so-called systems approach to criminal justice. In the CHALLENGE OF CRIME IN A FREE SOCIETY, it is thus described:

...[R]eforming or reorganizing any part or procedure of the system changes other parts or procedures.. Furthermore, the criminal process, the method by which the system deals with individual cases, is not a hodge-podge of random actions. It is rather a continuum--an orderly, progression of events--some of which, like arrest and trial, are highly visible and some of which though of great importance, occur out of public view. A study of the system must begin by examining it as a whole...[A]merica's system of criminal justice is overcrowded and overworked, undermanned, underfinanced, and very often misunderstood. It needs more information and more knowledge. It needs more technical resources. It needs more coordination among its many parts. It needs more public support.<sup>9</sup>

Systems theory focuses largely on the order and significance of interrelationships in American Criminal Justice. Only adumbrated in the Crime Commission reports, the theory has been developed under LEAA in such a way as to obscure the wholesome policy implications of such an approach (e.g. unified criminal justice budgeting) while nourishing and unleashing the information system specialists (i.e. operations researchers

fresh from the military, and hardware or software salesmen) on local criminal justice agencies. Although systems theory is largely honored by gestures of respect rather than the trauma of application, the reasons that criminal justice planners and officials of all kinds feel obliged to talk in terms of "our criminal justice system" (or, in tones of thoughtful sarcasm, "our criminal justice non-system") have some interesting roots.

The application of systems theory reflects its origins in the natural and industrial sciences.<sup>10</sup> It is an analytic tool that postulates a mechanistic universe bent on examination of production. The world is viewed in terms of a manufacturing or symbiotic process in which criminal suspects are moved from agency to agency for holding, labeling, quality control, punishing and reshaping. The production process lends itself to the order of production, and examining alternative methods of allocating resources to maximize the production function. Planning is a possible, unambiguous, and desirable function.

The first task of a systems analysis is a profoundly sensible one: identify, know the system. But it goes much further than this. The initial systems perspective

of the Crime Commission Task Force Report on Science and Technology was a simulation model of American criminal justice. Explanation originating largely in descriptive or abstract replications of the system seems to have led to an orientation toward acceptance of the system as something of a given, which some tinkering and planned adjustments can improve significantly.<sup>11</sup> Since system theory focuses primarily on outputs and inputs, it has little to say about the qualitative aspects of the basic assumptions and procedures that constitute the process. It is heavily result oriented, and as the terminology itself indicates, its vocabulary lends a deceptive aura of ideological neutrality.<sup>12</sup> This neutrality may have been attractive to the writers of the CHALLENGE OF CRIME IN A FREE SOCIETY striving to deal with what was viewed as a conservative issue from a Johnson administration perspective.<sup>13</sup> It is also appealing to policy makers to be able to discuss criminal justice in terms which do not immediately alienate one of the various criminal justice constituencies. Neutral ground has enormous strategic importance for LEAA policy makers because there is so little of it around. A neutral, system-oriented ethos, in practice, is expressed in the

priority of the information system. The information focus becomes a substitute for a theory of analysis. The technique becomes the goal, particularly when sophisticated and expensive forms of computer technology are involved.<sup>14</sup>

The distortions and limitations of systems theory in criminal justice are offset by three rather powerful advantages of the theory when it is properly applied to analysis. As mentioned earlier, it focuses attention on the system: one is forced to ask questions about what is really going on, how things relate to each other, and the like. The theory acknowledges, to its credit, the world of unwritten norms and procedures which often outweigh, in importance, the formal rules or legal structure.<sup>15</sup> And finally, systems theory through its production-orientation inevitably leads one to examine criminal justice from the perspective of efficiency. To this extent, it is a welcome environment for economic models that are powerful and illuminating (and controversial) in analyzing criminal justice in America.<sup>16</sup>

### III. A NEW ANALYTIC FRAMEWORK: SOME METHODOLOGICAL NOTES.

This brief review of some of the strengths and inadequacies of dominant frameworks or conceptual perspectives of American criminal justice, suggests the

need for a more comprehensive and adequate theory within which to organize our understanding of the "system". The standards by which such a theory should be judged are twofold: can it account for what we observe? and is it illuminating, does it prove useful for the purposes for which it is derived?<sup>17</sup> Since the utility standard is of as much importance as the realism criteria, it is incumbent upon a proponent of any theory to state the purposes the theory is designed to serve. In this case, the goal is to outline a description of American criminal justice which provides policy makers at different levels, within the various institutional components of the "system", a more effective framework for developing decision-making strategies. The description is thus meant for a wide audience: police, jailors, prosecuting and defense attorneys, wardens, judges, law reformers and criminal justice planners, mayors, legislators, Justice Department officials, and criminal justice specialists from analytic perspectives as diverse as law, sociology, economics, political science.

The analysis in this paper may best be described by the words Herbert Packer used in

introducing his own contribution to these issues, namely: "It draws on law, on philosophy, on economics, and on some behavioral sciences, but it does not pretend to be a technical treatise about any of them. In that sense, it is somewhat old-fashioned"... [T]he argument is addressed, with affectionate respect, to the Common Reader."<sup>18</sup> The ambitions of this descriptive enterprise differ from (although they were inspired by) that of Herbert Packer, who sought to explain in his "Two Models of the Criminal Process" the ideological contradictions and limits of criminal procedure as a critical element in the decision to invoke the criminal sanction or John Griffiths, whose theoretical venture was premised on understanding the confining and misleading categories of traditional legal analysis of the criminal process.<sup>19</sup> The description developed here is designed to serve as a more useful way of understanding the policy vagaries and difficulties of our criminal justice processes: It characterizes our contemporary system as an uneasy equilibrium between contradictory ideologies, models, systems of belief or perspectives of the purposes and most effective strategies of action in criminal justice. Notice that the ambition of the project is to describe, not to prescribe. We will attempt to describe the

fundamental normative systems which people use to describe criminal justice, to criticize it, to plan and organize it, and to operate and participate in it. We will not generally be talking about what <sup>20</sup>ought to happen, but what is happening.

Since the concept of "model" is particularly <sup>21</sup>modish in legal circles, it is important that some methodological reflection precede an attempt to use that term and deploy a so-called model analysis in reference to these "ideologies" or "systems of belief".

A model is a simplified representation of some aspect of the world that distills, or <sup>4</sup>characterizes, or reduces information to manageable size for purposes of clarifying or providing explanatory insights. We use a wide variety of models in everyday life to reduce complexities and highlight the useful and essential features of an inquiry: maps, blueprints, graphs and charts, ideas like "feedback," "critical mass" and "you can't beat the system".<sup>22</sup>

Law is an intellectual enterprise that, among other attributes, is typically concerned with the exploration of relationships between reality (facts) and certain models, simplifications, or theoretical formulations (law). Such models as abstractions can



be enormously useful: they enable one to conserve and discipline one's perceptions, to sort the essential from the superfluous, to account for exceptions or abnormalities, to focus on lacunae in one's knowledge or information, to predict or assess outcomes in some cases, and to communicate economically with others.

Although law is a classic modeling discipline, the nature of the models to be utilized in this paper is somewhat alien to traditional legal analysis because it is not constructed through traditional process of abstracting or distilling or extracting legal rules or principles from cases. A more elaborate model or "speculative instrument" is employed here to help us (in the words of Max Black) to "notice what otherwise would be overlooked, to shift the relative emphasis attached to details--in short, to see new connections",<sup>23</sup> one that is in many respects like economic theory that is proving to have some utility and explanatory power in certain cases and problems in the law.<sup>24</sup> Indeed the modeling here, or the idea that "to grasp the real context we have to construct an unreal one"<sup>25</sup> is probably closest in concept to Max Weber's "ideal type" methodology by which Weber sought to "state what course a given type of human action would take if it were strictly rational, unaffected by errors or emotional factors...

unequivocally directed to a single end" so that he could analyze the extent to which an action is in part determined by "model" factors or other factors that account for the discrepancies between ideal and the actual.<sup>27</sup> This methodological point is easily forgotten: a model (when it works, of course) empowers or enhances accurate and informative description by conscious distortion; it does not reproduce or make miniature or simply reflect reality.<sup>28</sup>

Another methodological point is worth emphasizing: a model approach is by no means the only method of analyzing problems of American crime control policy, nor necessarily even the best method. Weber has drawn criticism for his ideal type methods which were grounded neither in empirical observations nor derived from a general set of principles or system.<sup>29</sup> One could well imagine fruitful results from, say, an historical analysis of the last few years of criminal justice planning, or a detailed ethnographic study of how planners operate in their work setting.<sup>30</sup> The only legitimate claim for a "model" or ideal type approach (if successful) is that it may shed some light on our current problems and suggest some fruitful directions and strategies for policy makers.

One further methodological point is required on the concept of ideology, which is a form par excellence of models as the term is used here. Ideology is a special form of modeling abstraction or distortion: it is a theory of (or guide to) action based on certain fundamental assumptions or consciousness of the purposes and general thrust of social life.<sup>31</sup> Ideology is more than an analytical abstraction, it is a form of social and political doctrine that affects decisions, and thus can be useful in terms of understanding social situations, changes and futures. The models or "perspectives" I intend to deploy will be ideological models.

Since the methodology to be used has thus far been characterized in terms of descriptions, models, Weber's "ideal type", and the concept of ideology, it now is appropriate to explain why the general descriptions in this paper will bear the less grandiose title of "perspectives" ( or "themes", or "interpretations") rather than models, ideal types and the like. Lawyers and particularly laymen<sup>32</sup> have considerable distrust of, and difficulty working with, the unfamiliar terminologies and special vocabularies of sociologists, economists, and political scientists. The decision to use a more familiar terminology has the value of being more

understandable and more amenable to the general reader. It is also (I think justifiably) less pretentious in terms of claims of some new form of analytic effort; it indicates disavowal of belief in the scientific or quasi-scientific status of the argument; and it should be less distracting (methodologically) and less prone to abuse by way of naive reification of the concepts. Our interest is to suggest some metaphorical tools that provide insight into our situation rather than to pretend that we have concepts with the sustaining force of hypotheses that can bear empirical testing, or extensive exegesis. <sup>33</sup>

\* \* \*

A most useful and economical means to account for the dilemmas faced by criminal justice policy makers is to describe four perspectives which may enable us to acknowledge the normative structures at the roots of criminal justice policy making. They include Due Process, Crime Control, Rehabilitation, and the Organization Perspective. Not all policy makers directly confront all of these differing perspectives at any one time or in any given issue, but the four themes in large measure affect the way people inside and outside the so-called system examine, evaluate, and formulate policy.

There is no claim being made here that these are the only perspectives possible. One might adopt, say a political-power interpretation that holds the criminal process to be simply the exercise of repressive power by the state, or an educational interpretation which views the criminal process strictly in terms of its value as a structure of learning.<sup>34</sup> The four perspectives adumbrated here are designed to reflect the major themes of American criminal justice; they are meant to account for most of what is viewed as the system today. The description should be assessed, not in terms of its failures to address all possible themes, but its coherence as an expression of the relevant landscape in contemporary American issues of crime control and justice.

The four perspectives will be outlined in turn, without recourse to suggesting comparisons or antinomies with competing values which shape their content. Later, comparisons and "pairings" will be discussed to suggest some of the relationships between the perspectives. At the same time, physical metaphors or relationships, such as Packer's linear spectrum<sup>35</sup> of values, and social metaphors, such as Griffith's "exiles",<sup>36</sup> "battles",<sup>37</sup> and "family",<sup>38</sup> will be used only where the General Reader is given some warning about the use of seemingly apt characters.

#### IV. THE DUE PROCESS PERSPECTIVE

Any attempt to describe the due process ideology in American justice must begin with Herbert Packer's seminal article, later incorporated in his Limits of the Criminal Sanction entitled "Two Models of the Criminal Process". Packer's purpose was to describe the process (i.e. the procedures) of criminal justice in a useful and convenient way that avoided rehash of the "law" of criminal procedure, or description of what was really happening, the "tyranny of the actual".<sup>39</sup> He therefore developed "models" of Due Process and Crime Control to convey the complexity of the process, pose the main themes and choices that affect the process, and explain general directions for the future.<sup>40</sup> While the body of the "Two Models" article is a splendid law school exercise of reviewing ten contemporary issues in criminal procedure, posing arguments from both models, and summing up with a review of "the situation and the trend", the ultimate result is to underscore the general trend toward due process. The conclusion of the exercise is that a criminal procedure laden with more due process is becoming ever more cumbersome, thus making it more expensive in general and more<sup>41</sup> undesirable and problematic a means of social control.

This fits neatly into the basic theme of Packer's book, which is the necessity of decriminalizing major segments of the criminal law.

Packer introduces his Due Process model with uncharacteristically modest claims: he states that it is difficult to trace all the strands of due process,<sup>42</sup> and that his efforts are only "an approximation". He describes four "strands" of due process: emphasis on fact-finding reliability which rejects informal processes in favor of adjudicative, adversary procedures subject to review;<sup>43</sup> focus on "the primacy of the individual and the complementary concept of limitation on official power"<sup>44</sup> which lead to insistence on legal, not just factual guilt, and a host of legal guilt defeating doctrines enhancing favorable outcomes for the individual;<sup>45</sup> insistence on equality which is a form of evening-up whereby the most disadvantaged gain the access and the form of privileges of the most advantaged in the process;<sup>46</sup> and finally, a pervasive sense of skepticism about the morality and utility of the criminal sanction that compels expansion of processes and doctrines which serve to make "more tentative [the system's] judgements or limit its power".<sup>47</sup>

Mirjan Damaska, a scholar of continental criminal procedure challenges Packer's due process formulation

in terms of its suitability as a procedural model.<sup>48</sup> Damaska rightly suggests that the "weight" given in a due process rationale to preventing conviction of the innocent far exceeds that given to avoiding acquitting the guilty, i.e. the fact-finding reliability "strand" is not entirely consistent with the skeptical, individual-biased strands.<sup>49</sup> Thus, if the fact-finding strand is eliminated, Packer's attempt to construct a procedural model is compromised if his due process formulation is simply opposition to, and distrust, of official power. No criminal procedure can operate entirely on that supposition. This distrust and opposition, says Damaska, is a "tendency" of any procedural system, not a proper "model" of its operation.

Damaska's concern to strip the epulets off of Packer's due process, demoting it a "tendency"<sup>50</sup> are of relevance to his own interests in posing contrasting continental fact-finding and common law adversarial criminal procedure models. But his doubts about the fact-finding "strand" are suggestive for our concerns in this paper to develop a general perspective that affects not only the law of criminal procedure, but the so-called General Part of substantive criminal law as well as more general aspects of law relating to social control factors, agency leadership, and financing.<sup>51</sup>

Returning now to Packer's original due process model, reduced to three components, individual privacy, equality, and skepticism, let us now attempt to suggest the governing assumptions or rationale, of a theoretically purified due process "believer" in light of concepts of the purposes of the criminal sanction.<sup>52</sup>

The due process perspective derives less from any belief in a legitimate purpose of the criminal sanction than a highly critical, indeed, subversive, approach toward acknowledged goals of the system. Thus a due process perspective may entail a belief for example that retribution, the concept of society's vengeance on wrongdoers, is the purpose of the criminal law, that it is an anachronistic and unjust ground for imposing punishment and thus "one purpose of the criminal law ought to be to protect as much deviant behavior as society can tolerate".<sup>53</sup> Similarly critical attitudes could be maintained with respect to the futility of the deterrent function of the criminal process, or the hopelessness of rehabilitation ideals. Indeed a follower of Thomas Szasz, a classic due process ideologue, would strongly affirm the impropriety of any rehabilitative function of the criminal law, probably opting for the legitimacy and inevitability of the primitive retributive purposes.<sup>54</sup>

While the core of a due process perspective is thus a profound skepticism about the efficacy or propriety of traditional purposes of the criminal law function, the "acute pressure" in Paul Bator's words, "to expand and liberalize those of its processes and doctrines which serve to make more tentative its judgements or limit its power" leads to a more affirmative, but corollary purpose of the law: to celebrate the worth of the individual in our society, to insist that government power (often reified, in fact) acknowledge this privacy, and that the criminal trial (and other ancillary advocacy settings such as preliminary hearings, parole board hearings, probations revocation hearings) serve "as a dramatization of the values of our spiritual government, presenting...the dignity of the individual when he is an avowed opponent of the State, a dissenter, a radical, or even a criminal".<sup>55</sup>

To the question, then, what are the purposes of the criminal law and its institutions and processes, a due process perspective has a fundamentally negative reaction: it is for punishment and retribution, collective societal vengeance, ineffective deterrence and useless rehabilitation. Accordingly, the perspective includes the corollary that any civilized society must attach to the process a variety of

antithetical values focused on the individual: privacy, dignity, right to equal access to exculpating and exonerating and liberating doctrines and procedures.

V. THE CRIME CONTROL PERSPECTIVE

Herbert Packer's Crime Control Model, while not as clearly expressed as the Due Process Model, (perhaps because he did not seek to unravel its "strands") is also a useful beginning for our concept. Packer notes the prime goal of Crime Control as efficiency, described as the capacity of the system to apprehend, try, convict and dispose of a high proportion of criminal offenders committing known offenses.<sup>56</sup> He cites, as components of efficiency, speed through informality (by which he means low cost non-adversarial non-"ceremonial" proceedings like police administrative functions) and uniformity or routinization, and finality which minimize opportunities to challenge the process.<sup>57</sup> This is the administrative model, the "assembly-line conveyor belt down which moves an endless stream of cases, never stopping, carrying the cases to workers who stand at fixed stations and who perform on each case as it comes by the same small but essential operation that brings it one step closer to being a finished product, or, to exchange the metaphor for the reality, a closed file."<sup>58</sup>

The problem with Packer's crime control model is that

it is misnamed. The passage just quoted (the slip to the "closed file") reveals Packer's real purposes,<sup>59</sup> despite his claims to the contrary, which were to contrast formalist rules of procedure (due process) with the realist "rules" (crime control).<sup>60</sup> Thus, echoing Damaska<sup>61</sup> on the due process model, Abraham Goldstein,<sup>62</sup> in relation to the crime control model dismisses Packer's crime control model as a "tendency" to resist legal restraints that does not firmly reflect a procedural model.

The description Packer gives of crime control is essentially one of contrasting the informal norms and unwritten purposes of "the system" with a position of "legality" dubbed due process.<sup>63</sup> Griffith's critique that the models have little life of their own other than posing a relationship<sup>64</sup> seems particularly apt: Packer was expressing the contrast between formal procedural goals and a functional-systems model of "goals".<sup>65</sup>

What I would like to suggest is that crime control be recast as model or perspective of criminal justice\* which derives its dominant values from a fundamental belief in the primacy of the deterrent function of the criminal sanction. Clearly deterrence implies some concept of retribution, i.e. punishment is pain or



deprivation inflicted on an offender for the offense.<sup>66</sup>  
This comprises not simply the so-called individual deterrence which is directed towards the specific offender and is really a form of intimidation through retribution or punishment for the offense, but also the belief in general deterrence, that is the concept that the law is a threat conveyed by criminal justice agencies which cause individuals to refrain from committing certain asocial or threatening behavior. This threat deters through a variety of mechanisms: either the individual is one who calculates that the prospective punishment outweighs the value of the offense to him, or the threat may cause a general sense of unpleasantness or intimidation amongst people, or the prospect of punishment may in fact be a technique or moral education or habit-building or something that builds respect for the law or becomes rationale for conformity.<sup>67</sup>

The person committed to the crime control perspective takes very seriously the fundamental purpose of the sanction and the agencies within the system as mechanisms of deterrence. The critical value is obviously efficiency in the identification and processing and punishing of deviants. The system must have the capacity to apprehend, try and convict and dispose of offenders. It must, in order to be effective as a process of

deterrence apply this capacity to a high proportion of criminal offenders, and it must place some premium on the processing speed and the types of "technologies" or methods which permit efficient processing leading to definitive and final decisions.

One important aspect of this crime control or deterrence philosophy is the importance of reliability. While a crime control perspective does not place as high a priority on avoiding the conviction of the innocent as does a due process perspective, it is important that the process be relatively accurate to be an effective deterrent. It is essential (assuming that there is a high enough rate of apprehension to make the formal powers and the threat of penalty have any meaning at all) that a relatively small number of the factually guilty be released, and that a small number of the factually innocent be convicted. Otherwise threat of the system and the corollary deterrent effects of building respect for the system are vitiated.

The inappropriateness of Packer's assumption that "crime control" postulates "informal" proceedings without counsel is perhaps best highlighted by an economic analysis of the procedural system in terms of a general efficiency goals of reducing the social costs

generated by judicial error (in criminal procedure convicting the factually innocent, acquitting the factually guilty). Richard Posner defends the provision of counsel for indigents on the following grounds:

"...analysis of prosecutors' incentives suggests a possible economic justification for the constitutional guarantee of counsel to indigent criminal defendants. As between two groups of criminal defendants, one guilty but able to afford counsel, the other innocent but unable to afford counsel, we want prosecutors to prosecute only members of the first group, in order to maximize the deterrent (and preventive) effect of criminal punishment. If, however, the prosecutor's maximand is number of convictions (presumably weighted by seriousness of offense), he will prosecute the guilty only if it is less costly to convict them than it is to convict the innocent. Ordinarily it is; but it may not be if the innocent person is not represented by counsel while the guilty person is. In that event the provision of counsel to indigents may be necessary to avoid an overinvestment in their prosecution. This conclusion would not follow if the prosecutor's maximand were assumed to be deterrence, rather than simply conviction." 68

Posner's analysis sharply distinguishes between the deterrent goal and what might be termed an organizational goal (conviction) which Packer's crime control model subsumes under one heading. On the other hand, an efficiency criterion for the criminal process must not only account for judicial (and other) error "costs", but direct costs of police, lawyers, litigants, courthouse employees, records, maintenance and the like, and generally speaking informality implies speedy handling and lower direct costs. 69

A crime control perspective postulated on a theory of deterrence is not altogether easy to describe in systematic terms. There is, however, a growing body of economic literature dealing with the deterrence efficiency of the criminal process. Efficiency is the primary principle of crime control. The capacity of the community and its delegated agencies to establish penalties, to apprehend, adjudicate, convict, and incapacitate offenders, and communicate threats to potential offenders involves certain costs (direct costs of action and externalities or error costs) and a wide variety of technologies to achieve deterrence results. The technologies cited by Packer, such as informality and uniformity are more attuned to "real world" organizational imperatives than a genuine deterrent-focused crime control perspective. Packer also fails to note the critical role of reliability in deterrence. For example, it is entirely plausible that a high volume prosecutor's office would support the provision of preliminary hearings for all felonies on grounds that such an early-stage, formal proceeding can generate a more efficient sorting of strong and weak, high and low priority cases. A different technology to achieve somewhat similar objectives is PROMIS. Non-uniform (i.e. highly differentiated) attention to

different cases would plausibly serve a deterrent rationale better than routinized uniformity, whether the arena is the police or court or corrections.

#### VI. THE REHABILITATIVE PERSPECTIVE

A description of the rehabilitative ideal must immediately contend with the avalanche of literature hostile to the so-called therapeutic state. Beginning with Francis Allen's modest essay on "Legal Values and the Rehabilitative Ideal"<sup>72</sup> and extending to Nicolas K. Kittrie's RIGHT TO BE DIFFERENT (1971) and contemporary law school casebooks like Singer and Statsky, RIGHTS OF THE IMPRISONED (1974) a relentlessly hostile theme is recited: that the therapeutic or treatment ideal often masks and prettifies brutal conditions of custody; that indeterminate sentences serve largely to lengthen periods of imprisonment; that treatment programs are coercive invasions of individual freedom; that our ability to predict success in treatment or predict those who require treatment is meager; that treatment does not work in the absence of voluntary cooperation.<sup>73</sup>

These attacks are either based on the negative findings of empirical research, or a strong due process perspective. Both the due process and crime control perspective have been subject to similar attacks: Chief

Justice Berger in his dissent to Bivens v. Six Unknown Named Agents 403 U.S. 388 (1971) at 411 and 424-27 marshalled an empirical and ideological attack on the exclusionary rule as a due process mechanism, and until recently it was proper form among criminologists to dismiss deterrence through punishment as something of a mirage.<sup>74</sup>

Rehabilitation may have lost some of its traditional learned constituency of late, but it commands a significant measure of grass roots support among people concerned about criminal justice in America including judges. It posits the fundamental importance of "individualizing" criminal justice. From the initial reactions of neighbors, to arresting officers, to magistrates, trial judges, probation, parole and prison officials, the procedures and the punishments ought to fit the person. We ought to do what is "good" for the individual caught up in the criminal justice system. A deep seated idealism affects this perspective, namely that we have a government not just of rigorous laws (or a government of totally coercive and oppressive character that ought to be distrusted) but a government of men with some concern that justice should be tailored to the offender, that the retribution of punishment

should be designed not just to destroy but to reform. Human behavior can be changed. The deep seated pessimism about the ability of education and job and other environment to modify an individual's behavior which seems now to be widespread among intellectuals and analysts is surely not something to which they subscribe in their own personal life.<sup>75</sup>

This belief that individualizing justice is somehow fundamental to the whole concept of the fairness of our criminal justice processes-- what Roscoe Pound called "concrete justice"<sup>76</sup> --leads to two complimentary positions. The first position is that any careful view of the individual's needs leads to rejection of traditional forms of criminal processing as an effective method of dealing with the individual. Individual deterrence serves no purpose, and the rituals of arrest and trial and imprisonment, when examined in light of the needs and future of the individual, are useless exercises. Thus, we should either divert so-called offenders from the criminal process by way of giving them a warning, or an indication that they've had one bite of the apple and a second bite will be fatal, or divert them from the process into programs of remedial education or vocational upgrading that will

help them solve the problems that led them into the clutches of the system. An extreme version of this perspective is the embrace of the "medical model", that is the notion that there are proper circumstances where the definition of deviancy ought to be expressed in terms of disability for which the label of sickness is appropriate and treatment the only effective and justifiable form of action.

The second (and complimentary) position assumes that punishment may well perform the legitimate function of appealing to an individual's capacity for social control, and that the criminal process, including the formal trial, can be viewed as having a highly therapeutic and if not cathartic function for certain individuals. All that needs doing is to tailor the punishment to the individual to achieve beneficial results.<sup>77</sup>

The issue of coercion is obviously a very troublesome one for those subscribing to a rehabilitative perspective. Since even the most avid opponent of "involuntary treatment" would agree that "it is plainly true that people often do not want what they need",<sup>78</sup> some element of coercion is necessary simply to assure the participation of the defendant in the punishment-treatment imposed on him. But the rehabilitation perspective recoils at

coerced treatment or punishment that may lead to a form of backlash that would have the opposite of an educational effect either by building up enormous hostilities in the subject, placing him in an environment in which he learns unwholesome things (the training ground of the prison), or conditioning the prisoner to mouth some phony theories or make false gestures, feigning successful completion of "treatment". The line between coercion to the point of knowing what the punishment or treatment or upgrading program is all about and coercion beyond the line is not easy to draw. But the rehabilitation idealist would not draw it at the same point, and certainly not with the same rationale, as a due process critic of the rehabilitation ideal such as Norval Morris. An individual espousing the rehabilitation perspective dislikes coerced treatment because it does not work to rehabilitate, not because it offends our sense of the dignity of the individual or because it allows untrammelled power to inherently untrustworthy governmental authorities.

Another major "strand" of the rehabilitation ideal focuses on the quality of the individuals making the judgement of individualized justice. If one is going to tailor punishment or treatment to the individual, one needs an enormously skilled and well-trained tailor.

The rehabilitation ideal posits the need for the type of professionalism envisaged by August Vollmer: people educated for their position, imbued with professional ideas, knowledgeable about the community and environment around them, and relatively free from bureaucratic constraints on their judgements.<sup>79</sup>

Finally, there is in the rehabilitation perspective a concept of "We-ness" (in Karl Llewellyn's phrase).<sup>80</sup> This is the sense of a parental or brotherly relationship between the "judge" (policemen, court official, probation official, etc.) and the miscreant. The professional's job is helping his fellow man. He therefore communicates a sense of togetherness, of extending one's hand to pull the other one back into a more wholesome relationship with his fellow members of society.

#### VII. THE ORGANIZATIONAL PERSPECTIVE

Members of criminal justice agencies, and members of local communities concerned about crime (as do all of us) have goals other than the "official" and "true" perspectives or ideologies outlined already, namely interests in maintaining or advancing their organization and/or their position in that organization. Despite the criticism of the official or governmental cast to action in crime control (based on a belief that voluntarism and community control mechanisms are enormously

important "institutions" for deterrence, rehabilitation and control of government power) our criminal justice process is largely managed and structured by official agencies: representative bodies, (legislatures) and other agencies with delegated authority, (police for example). We are usually reluctant to call unofficial agency interests and attitudes an ideology because it seems more self-serving or less idealistic than the other three value systems and because it is not often (if ever) openly articulated by the actors in the system. But these allegiances and ambitions and procedures are of overwhelming importance in understanding our criminal justice policy making, and I want to argue it has important ideological dimensions.

By organization,<sup>81</sup> I mean a wide variety<sup>82</sup> of entities, depending on the work to be done or the technology involved<sup>83</sup> that function on a continuous basis; comprise a hierarchy of officials and a systematic division of labor based on specialized training and expertise; allocate competencies and divisions of responsibilities through written rules and records of decisions; include systems of rewards by creation of officials with salaries graded by rank who are accountable for the affairs and property of the organization;<sup>84</sup>

operate in relatively stable fashion through special unobtrusive mechanisms or vocabularies or accounting tasks which structure organizational information and control or make for consistency in the premises and expectations of decisions.<sup>85</sup>

There are a variety of typologies to describe and classify organizations depending on their goals or structures and their technologies.<sup>86</sup> For our purposes, elaborate categories of criminal justice agencies are no more necessary than describing the extensive variety of due process doctrines, or deterrence mechanisms. Let us begin therefore with an account of the purpose of the criminal sanction that applies to the organizational perspective. The purposes of the crime control system is fundamentally to provide society with a method of maintaining or establishing (discovering and creating)<sup>87</sup> its values and sense of identity. In this view, crime and crime control processes serve the function of drawing the boundaries of normal behavior. Identification of deviants through the criminal sanction thus become an important way of establishing the cohesiveness of society. The organizational orientation of the criminal process means that each organization is devoted to the task of defining its normal behavior of establishing



the boundaries of acceptable conduct, identifying somewhat simplified measures and models of activity that advance organizational maintenance or compliance objectives, introducing forms of stability such as standardized training and operating procedures and routines.

It may be tempting to postulate a neat system by which the societal goal of defining the normal through the criminal process is in fact delegated to certain official bodies of criminal justice activity, each with subgoals that purport to implement the general goal. But the goal structures of criminal justice agencies depend not only on their specialized attempt to designate the normal through the application of unique authorized labels of abnormality, but also on responsiveness to the other three perspectives of due process, crime control and rehabilitation and the personal values of the agency members. The "strands" of the organizational perspective relate to this fundamental concern of agencies and people with the affirmation of what they consider to be normal conduct. They include the structure and funding, recruiting and socialization of organizations; how the organization describes, justifies and measures what it does; how the organization handles its internal communications and problem solving;

and how impervious or susceptible it is to outside influence.

Can organizational concerns be compared to the three previous perspectives, granted even that an organization perspective represents important analytical tools for sociologists and legal scholars?<sup>88</sup> The organizational viewpoint is indeed a set of assumptions and categories of understanding and pre-logical perceptions that deeply affects the consciousness of the main actors in criminal justice policy making.<sup>89</sup> This viewpoint reflects the "characteristics and composition of the total structure of the mind" of the group. When we seek to discover ideology we are cautious not to take statements at face value, but in light of the "life-situation" of the person or group involved.<sup>90</sup> The organization provides a basis for action together with a set of assumptions about "reality" of both the external environment and the internal structure, together with a set of assertions and mechanisms (e.g. the budget) that reflects a view or relationship tradition with the past.<sup>91</sup>

While criminal justice organizations unquestionably are examples of multiple goal entities, i.e. they profess (and act in varying degrees on) the three perspectives outlined earlier, this does not differentiate the organizational perspective from the other three perspectives.

Virtually all policy decisions in criminal justice proceed from some form of mixed goals or rationales. We are only suggesting that the powerful, sometimes deeply emotional organizational maintenance values--the great hidden ideology--be analyzed on a separate footing from the previous perspectives.<sup>92</sup>

#### VIII. FOUR PERSPECTIVES

The four perspectives that I have outlined may seem unnecessarily abstract and removed from the reality of the criminal justice process because the relevant dominance of any given perspective depends on a variety of factors.

One major factor, obviously, is the nature of the organization which is performing the given action. For example, it is obvious that in terms of formal ideologies, one can identify police with crime control, corrections with rehabilitation, and the courts with due process. These perspectives are supposed to be the dominant ideologies of the cluster of institutions in each of those areas. This purported official perspective provides a relatively effective model against which one can pose pathological patterns of conduct by contrasting the organizational realities with the purported ideal within the system.<sup>93</sup> Any reader of Jonathan Rubenstein's City Police

has to be struck by the almost total lack of serious crime control thinking within the relevant police environment, and most authorities on correction indicate how little prisons or less restrictive correctional mechanisms like probation attempt to implement a rehabilitation ideal. Thus even if the perspective is apparently abused or ignored, some agencies are expected to have different ideals and different traditions than others.

The age of the agency is another relevant factor: bail reform agencies in their early days were deeply committed to a due process perspective of reducing the number of people incarcerated prior to trial. As Manhattan Bail Project agencies proliferated and aged, the realities of dealing with certain of the court systems interposed more crime control and organizational perspectives on the original due process goals.<sup>94</sup> The "iron law of decadence" which accompanies the institutionalization of any given reform movement<sup>95</sup> significantly affects the "mix" of perspectives likely to be found in an agency.

Just as the organizational environment affects the relative dominance of one perspective or perspective "mixes" and conflicts, so too does the local political environment. The public generates different emphases

and follow different fashions at any given period of time. This year's "crisis" may be the juvenile authorities failure to "crack down" on recalcitrant youth; next year's crisis may be brutal detention center conditions that lead to a bloody riot; peculiar homicide rates or robbery rates may generate an overwhelming public sentiment for a crime control perspective.

Another factor which significantly affects the ideological viewpoint of viewers and actors in the system, is the type of crime involved. Rather different attitudes are involved in dealing with predatory violent crime as opposed to interpersonal and interfamily violent crime; residential burglary and department store larceny; white collar crime (for example tax evasion) and organized crime; victimless crimes (e.g. gambling, narcotics, prostitution) and petty offenses, like disturbing the peace and public quarelling. All these varied types of criminal conduct generate different perspectives about the possibility of rehabilitation or the utility of deterrent measures.

Finally, since the perspectives are of an ideological character, they generate certain types or styles of argument that sometimes confuse the origin and distinct quality of the perspectives. People are said to subscribe to an ideology because they either have an interest

in that perspective (that is they have personal motivations and a social status that somehow impels them to embrace a given perspective) or they suffer from strains that ideology helps to remedy (that is a kind of symbolic outlet for certain kinds of personality conflicts and defenses).<sup>96</sup>

The "interest" theory is typically deployed in attacks on the due process perspective and the rehabilitation perspective as representative of largely middle class financial and social interests.<sup>97</sup> We may therefore be able to "class" the crime control and organizational perspectives as more blue collar in orientation than the liberal middle class perspectives of due process and rehabilitation.

The "strain" theory (by which the perspectives or ideologies serve to reinforce or resolve personality problems) generates some explanations of why people adopt a given ideology that also forms a characteristic style or argument in the American Criminal Justice. For example, scapegoating is a typical method of aligning oneself with a given perspective. Symbolic enemies like narcotic addicts, or woolly-headed liberals, or lenient judges, or "pigs" are a method of picking one's perspectives by one's favorite enemies.

There is the "morale explanation" by which groups or individuals legitimize their activity in terms of higher values in order to explain away or deny some serious compromising actions. Police and lawyers and judges often engage in this form of argument to avoid serious shortcomings of corruption or incompetence. The "war on crime" can be deployed against allegations of brutality or corruption among police; flights of due process or crime rhetoric often cover for organizational problems of the courts.

The perspectives also have the power to knit people together. Police apparently use crime control perspectives to make the members of the group feel a sense of cohesiveness.

Some other characteristics of the perspectives need to be mentioned. First each of the perspectives, including, I would argue, the organizational, base their appeal on ultimate principles, such as abuse of governmental power, the ideal of restoring human beings to a useful role in society, and the need to deter threatening asocial conduct. Each of the perspectives rests on fundamental beliefs in American life that are not easily shaken or overcome. The organization perspective often reverts to appeal to the other basic positions, but also,

at least in the case of the older, well established and traditional organizations such as police and courts and prisons, to a basic emotional appeal for the need of such institutions if our society is to function properly.

A second aspect about the perspectives (really a corollary of the fundamentalism of argument) is that advocates are rarely cost conscious. The reason why rehabilitation does not work, or why parole or probation is not working effectively, is that it has never been properly funded. The reason why crime control is ineffective is that the police have never really been placed on every corner to deter crime. Similarly the reason our lower criminal courts are so inattentive to the rights of the defendants is that they are not funded on the scale of the federal courts. Criminal justice agencies, of course, make these claims on their own behalf.

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IX. SOME VALUES OF IDEOLOGICAL THINKING

Now what use is it to create abstractions in terms of these four perspectives? How does breaking down the concept of American Criminal Justice into these highly artificial notions of competing camps assist our understanding? What sorts of tools does it give us or emphasis does it provide that can be of any help in understanding our current situation?

The four perspectives are an elaboration of a not altogether original observation that the American Criminal Justice "system" is made up of competing values, that are often unreconcilable and in conflict. The principles are debated and expressed in the strange juggling act we call the law. Thurman Arnold described this "system" in 1935 in his SYMBOLS OF GOVERNMENT:

"Almost all human conduct is symbolic: almost all institutional habits are symbolic. The symbols are everywhere inconsistent. Society is generally more interested in standing on the sidelines and watching itself go by in a whole series of different uniforms than it is in practical objectives..." 98

"In the play of conflicting ideals in the trial, we have a great stabilizing agent. In the confusion so many different moral values are represented that everyone is more or less satisfied that his own ideals have not been entirely ignored..." 99

"And herein lies the greatness of the law. It preserves the appearance of unity while tolerating and enforcing

ideals which run in all sorts of opposing directions. The judicial system loses in prestige and influence wherever great popular and single-minded ideals sweep the people off its feet. It rises in power and prestige when society again becomes able to tolerate contradictory ideals. It provides a way of talking about all the unsolved and unsolvable problems of society; and it offers an elaborate set of institutions so that we may talk in different ways about the same problems without appearing to contradict ourselves." 100

It is of limited utility, and somewhat misleading, to characterize the immobility and systematic failure of criminal justice in the United States as some kind of symbolic dramatization of our ideological predicament of the clash of competing value systems. Arnold himself went on to suggest that it was critical we develop more candor about the nature of the impossible ideological conflicts that affected the debates over governmental policy in the 1930s, and attempt to move beyond our ideological underpinnings with some practical proposals that might be acceptable to people. There are some influential scholarly works that have similarly shunned the elaboration of basic conflict for analyses of strategies that might command more consensus, from Dahl and Lindblom's POLITICS, ECONOMICS, AND WELFARE to Amitai Etzioni's "Shortcuts To Social Change".<sup>101</sup> Let me first review some of the values of

the four perspectives analysis, and then suggest some specific ways in which the analysis points to "Shortcuts" or directions for planning.

The chief value of the four perspectives derives from underscoring the ideological framework of our thinking regardless of the purported neutrality or technological language of the particular issue being addressed. In short, it helps us to step away from our assumptions, or at least be far more self-conscious about the issues of value that underlay given proposals for reform. In this sense, the lesson of the "four perspectives" is to emphasize the value of thinking more carefully about the full range of ideological implications of what we are doing. More important, however, is that this type of self-consciousness can help us identify strategies of avoiding conflict or useless argument or predicting ideas that may be stymied by failure to take account of a given perspective, or achieving progress by avoiding the pitfalls of one ideological shibboleth or another. What we are suggesting is an elaborated description of what the best of our criminal justice planners and thinkers (like Norval Morris on his FUTURE OF IMPROVEMENT) really do. The creative planner takes into account not only the programmatic possibilities shaped by various important values of the system but at the same time also

judges the organizational capability and potential counter-pressures of the agency or organization within which the program is to be placed.

Conscious of the dangers of using physical models, it may be appropriate to suggest some type of overall ideological model based on the idea of equilibrium. One way of viewing this is to suggest that the type of equilibrium-planning that we have previously alluded to as what the "best" planners actually do is the creation of an equilibrium among competing values. A critic could argue that such an equilibrium is an example of delegation to administrators that dooms American social programs to stagnation and bureaucratization. This argument, following Theodore Lowi's POLITICS OF DISORDER would suggest that the equilibrium system of the four perspectives ought to be shaken by a social movement revolting against the failure of Congress, in structuring the Safe Streets Act, to spell out clearly a strategy for change in criminal justice. Lowi might argue that this equilibrium is a dangerous recognition of our inability to do anything significant or striking about criminal justice, and that it would be better to have no program than the kind of bureaucratic bargaining and interstitial, minimal progress implicit in the equilibrium type strategy.

Another way of viewing the Lowi position is to recognize that the comparability of the "organizational perspective" is misleading when the context is the issue of developing a strategy of change. Criminal justice policy in general can be described as a combination between one of the three "true" ideologies of due process, crime control or rehabilitation and the hidden ideology of the organizational perspective. The type of stagnation and improper delegation posed by Lowi is a function of the choice by Congress, in effect, to sustain and enhance and to fund the organizational perspective without providing any clear mandate as to the ideology, or relative priorities of relationships of the "true" ideologies, that ought to be implemented through federal action. By funding and co-opting existing police-courts-corrections constituencies and creating new constituencies in the SPA's, the Congress neglected, under this interpretation of Lowi's concept, to clarify the ideology of its own policy.

The four perspectives provide some correctives to dominant modes of thinking in most criminal justice planning. For example, the police-courts-corrections division of staffing and analysis and funding tends to isolate planners from illuminating issues that are posed

in other parts of the system that might improve their own analytic capability. We have previously mentioned the way in which organizational factors affect the clustering or combining or expressions of ideological concerns. Thus we tend to isolate individuals with certain ideological predispositions in these planning categories. When we do not have the usual dominant organizational perspective in a specialist planner, we would expect to find a crime control attitude in police, due process attitude in the courts, and rehabilitation in corrections. In fact, this stereotyping significantly affects the creativity and variety of research in these areas. There is virtually no significant LEAA tradition of research on the crime control or rehabilitative effects of trial, no research on the rehabilitative aspects of policing, etc.

The four perspectives analysis also should enrichen the systems analysis approach to criminal justice. The contrived neutrality of systems language has been mentioned previously. The conscious "relabeling" of issues to give them a more technological cast obscures important nuances of ideological concerns and perspectives. We do not have a single suspect-defendant-convict processing system, but the interplay of four different attitudinal systems that view the purposes and terms of the processing



in markedly different ways. If information is the "difference that makes a difference",<sup>102</sup> that is if the development of information about the system is not to be totally trivial, the differences will be used and interpreted and publicized in different ways.

Criminal justice planners or legal reformers, typically with backgrounds or specialities in law or policing or criminology or corrections, will need to be much more conscious of the implications of their specialty in light of counter-ideologies, as well as conscious of the implications of so-called neutral information. The four perspectives do not lend themselves to compartmentalization in any given criminal justice institution or any given set of issues. The four perspectives thus can be useful not only in avoiding the parochialism of a given specialty in criminal justice, but the parochialism of a planner's background. For example, a "law reformer" community, such as that characterized by the American Judicature Society, tends to be particularly insensitive to the organizational perspective and content to argue issues of formal rules of due process or formal court organization based on their experience in a totally atypical lavishly funded, elitest, and remote jurisdiction we

call the federal system which by no stretch of the imagination could ever be duplicated at local levels. Police are typically unsympathetic to the therapeutic perspective and perhaps more important, in no way geared to deal with the crime control perspective. For example, one of the issues raised in the CHALLENGE OF CRIME IN A FREE SOCIETY, namely how little was known about the effectiveness of patrol, received virtually no serious exploration until a peculiar political process within the Kansas City Police Department generated the need to answer at least part of that question, namely whether random preventive patrol in cars in any way affected crime or community attitudes toward crime. The results of the Police Foundation's Kansas City study (i.e. the inability to find a measurable effect from random preventive patrol) are a major step forward, but the unusual organizational appetite for that study suggests that the flourishing of police prevention and deterrence studies is not at hand.

Perhaps a more likely source of future analyses of deterrence may come from the major discussions of sentencing now underway in the legal community. <sup>103</sup> Although the main thrust of current analyses of sentencing arises from a due process perspective, deterrence seems a

particularly apt focus for research. Even judges who profess to be hard-line anti-crime fighters have almost no system of follow-up or evaluation to give them an appraisal of the intimidating and deterrent effects of their sentencing. One value of emphasizing the organizational perspective can be to demythologize one item in the due process creed namely the belief that lawyers and advocacy can produce more satisfactory results in a variety of settings in the criminal justice process. In fact, studies of large volume courts indicate that lawyers as a class typically act as an organization would, maximizing their volume and making systematic accommodations with prosecutors, court-clerks and the like in order to achieve their production quotas.<sup>104</sup>

Another potential advantage of the four perspectives theory is that it provides an "intellectual playground", in Thurman Arnold's words, where different disciplines may perhaps find some common ground. Whether the four perspectives idea actually performs such a role or not is a matter which will have to be judged on the results, and this is no place to extend the pretentiousness of the analysis to a claim of bringing to the conference table deeply divided disciplines. But it seems obvious to this writer at least that the

insularity and imperious claims asserted by the major disciplines in providing important insights on the criminal justice scene--economics, sociology, criminology, political science, law--need to be broken or at least challenged by some attempt to initiate comprehensive theorizing.

Another use of the four perspectives is that it reflects a fairly rough approximation of the political realities of the current system. If we examine what Congress did in structuring the Safe Streets Act (the Omnibus Crime Control and Safe Streets Act of 1968 as amended, Public Law 93-83) in terms of the vagueness of the delegation and the generous, almost indiscriminate funding of various institutional constituencies, the diagnosis of Theodore Lowi in his POLITICS OF DISORDER is probably closest to the point. Lowi was, of course, attacking two generations of liberal programs, but his attack may also be leveled at the conservative origins of the Safe Streets Act:

"A bad program is a government response to an urgent demand that expresses the appropriate sentiments (for example, 'put an end to poverty') but does not direct the coercive powers of the state clearly and effectively toward the pathology that activated the demand. Because the pressure is on, and good liberals feel they must have the program, they formulated vaguely, delegate great discretion to the administrator, and expect

him to work out the actual program in cahoots with all contestants. That is what is meant by 'plugging into the group process'. But meanwhile, the energy behind the demands that go into the enactment is bought off, and the discovery that it is bought off usually comes too late to do anything about the program."

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The phenomenon of what Lowi calls "allowing Congress to respond by taking the bait off the hook and throwing it immediately down into the bowels of the Administration" <sup>106</sup> is entirely predictable in light of the analysis presented here of the "four perspectives". So, too, is the response of Congress when LEAA is reviewed for refunding and continuation in 1976. Although there will no doubt be general grouching on all sides, the trough is sufficiently deep to assure that major organizational interest groups will argue for continuation. Lowi's vision of some social movement that might break the lock of these group interests--the creative disorder of what he describes as juridical democracy--is held in check not only by the organized group interests, but the ideological tensions and checks that would prevent any popular movement from making a singular sense or unified purpose out of the congressional mandate.

Thus the four perspectives are an almost popularized amalgum of some of the basic political themes that affect national crime control planning: the due process views

of those who practice in the extremely rarified atmospheres of law schools and federal courts, and are represented by critiques of LEAA in Playboy Magazine and the New Republic and publications of the Lawyers Committee for Civil Rights under the Law; the crime control concerns of large segments of Congress and the public and the recent leadership of the Justice Department that apparently evaluated LEAA strictly in terms of the largely uncontrollable and fatuous standards of the F.B.I. National Crime statistics; the rehabilitation perspectives of many politicians which are embodied in a major segment of the Safe Streets Act, namely the Part E, corrections funding, which is buttressed by significant segments of articulate judicial and correctional opinion; and finally the insight of a variety of students of the criminal process who examine the organizational realities of police, court and corrections agencies and, of course, planners who are aware of the crude political realities of criminal justice funding--the pie-cutting operation of state distribution of federal anti-crime funds.

X. SOME IMPLICATIONS FOR PLANNING STRATEGIES

What are some of the strategic uses of the four perspectives model? First it may be well to indicate

that the pervasive contempt and distrust of government (virtually all political and public opinion polling organizations concur on this perception) might well suggest that the time is ripe for a strategy of candor in criminal justice planning. The public is ripe for being told it "as it is". An open attempt to describe the deeply divided nature of American thinking about criminal justice, and the strong influence of the official agencies on the directions of change, would be a theme that might receive good public response. At the present time political authorities in the United States are still unable even to speak candidly about the reality of criminal justice statistics. Given this minimal level of open, relatively candid political debate about crime and criminal justice issues in the United States, perhaps the possibilities for greater candor are limited.

One of the chief values of the four perspectives thinking is that it permits the assessment of a given proposal for change in terms of the risk it represents of meeting interests of, or running afoul of, one of the major perspectives. They permit one to estimate trouble, and/or potential form of support. Let us take a couple of crude examples, and one less obvious example. The

enormous reaction against behavior modification techniques, and their funding under LEAA, was totally predictable. While I am totally ignorant of the details of any LEAA involvement or the specifics of any such proposals, it takes no elaborate methodology to suggest that a planner could have anticipated objections from certain quarters, and could have either saved himself considerable trouble by, not funding the project, or going to considerable lengths to involve civil rights and due process advocates in their planning and development in order to eliminate obvious problems and establish a minimally acceptable project. Similarly, it would be predictable that the International Association Of Chiefs Of Police would take strong exception to LEAA citizen initiative programs given the traditional suspicion by police of vigilante and public interests groups in crime control functions. A less obvious example of the use of the "perspectives" is the victim focus of LEAA. On the face of it, the notion of helping victims with their personal problems, and making their time in court and the relationship with the prosecutor easier, would appeal to most ideologues, because it is simply not offensive to any of the basic values held by due process, crime control, and rehabilitation believers.

On the other hand, one aspect of the organizational perspective would, I think, raise serious questions about the ability of locally funded prosecutors offices to fund such programs at the scale presently projected. The whole victim focus must therefore be scrutinized in terms of long-term institutional possibilities.

Analysis of technological improvements ought to proceed in terms of the relative neutrality or offensiveness to various of these perspectives. One major new technology that has received continued funding support is portable communication units or transceivers which have potentially very salutary affects not only on the ability of the police organizations to control their men (which is probably the reason it is supported by a police hierarchy) but also in terms of relations between police and community and the ability to develop a variety of crime prevention, if not rehabilitation-oriented programs. The four perspective framework analysis would lead, I think, to a negative evaluation of some proposals to attach sensors to parolees and repeat offenders because of their negative connotations for individual privacy.

Scale is an important technique that allows adherents of various perspectives to attain peaceful coexistence. The scale of funding in LEAA, for example, by which major

organizational components and interests in the system are given a "piece of the action" is a significant method of cementing relationships on SPA Boards and the like. Where the scale of a crime problem is very large or not altogether well understood, such as drug addiction, a reformer can with some justification argue that it is important to address the problem from both a treatment perspective and a crime control perspective. Most everyone can agree that there are enough addicts around that some can be treated effectively and some will have to be punished and incapacitated.

Divergence, i.e. the open clash of advocates of different perspectives, is often masked by a technique of strategic scrutiny. Someone who has serious doubts about a proposal on the basis of his own ideological position will go to great lengths to disprove the feasibility of the project on other ideological grounds. For example, someone who by inclination dislikes remote control t.v. cameras on the streets because of connotations of the project for individual privacy may take an exceptionally strong position on the ineffectiveness of the program to act as means of prevention, and cite the ease with which the cameras could be disabled, the lack of attentiveness characteristic of scanners of t.v. guard systems, etc..

One of the reasons the four perspectives may seem excessively artificial is that much of the territory of other perspectives is claimed as ones own. There are many indications of attempts by those committed to one perspective or the other to adopt presuppositions of a competing perspective. This takes place in two ways that probably are not readily distinguishable in practice, but which may be differentiated in theory. The first type of convergence of perspectives is strategic. It is a sales technique whereby one perspective attempts to convince those upholding the other perspective that his or her ideology is really an example of the other. One of the most interesting examples of this technique within the last few years is the effort of some corrections reformers to employ therapeutic ideology in litigation against detention and prison institutions. These litigators have called for higher levels of treatment in prisons as devices to create a crisis and achieve their fundamental purpose, which is essentially to destroy and do away with prisons. The "noble lie" as David Rothmann has characterized it <sup>107</sup> is not just confined to corrections reformers. The case could be made that the theme pursued by due process reformers interested in introducing more protections into the criminal justice

system (arguing for example that the use of a lawyer in a bail setting is a more reliable fact-finding method) can be viewed as a "noble lie" or "cover" for a position of basic distrust and skepticism of public institutions. Rehabilitation ideologues have in recent years consistently used the "noble lie" of crime control as a justification for extensive expansion of drug treatment programs within parole and probation; employment and counseling programs within the criminal courts through diversion projects; an elaborate psychiatric and behavior modification techniques in correctional treatment programs such as the Patuxent Institution. The danger, or rather the history of such strategic convergence devices as the "noble lie" is that they are often taken seriously, and then become an accepted part of a given ideology. In the recent corrections law developments, most judges took the therapeutic arguments seriously and the strategy not only proved to be a failure, it has created special problems. Once a judge has stipulated minimum criteria and assured that some level of compliance exists within the institution, a court can ignore the continuing realities, the inherent abuses, the total failure of prison life to achieve legitimate societal ends that

prison reformers originally sought to bring to the attention of the courts. Fact-finding accuracy is now a part of due process ideology. Charles Black's recent book, CAPITAL PUNISHMENT (1974) may well signal a systematic attack on this aspect of due process theory, since Black attacks the whole concept of the reliability of the criminal process in the context of the imposition of the death penalty. It seems likely that others may well raise the next logical question that Black's position entails: how can any serious imposition of punishment be rationalized in light of the discretionary (that is inaccurate and arbitrary) nature of the criminal process in America?

The second convergence type is what might be termed "genuine" as opposed to strategic or salesmanship convergence. Those who see the hopelessness and uselessness of deterring the use of marijuana are now combining with those who no longer view it as a health problem and the agencies who are bogged down and annoyed with the processing of marijuana defendants to such an extent that it now seems likely that the use or the possession of marijuana will ultimately be decriminalized in the United States.

Another possibility of the four perspectives analysis is to return again to the equilibrium model mentioned



previously. As Arnold mentioned in SYMBOLS OF GOVERNMENT, our approach to crime problems is a highly cyclical one: our wars on crime are eventually replaced by our obsession with government spying some few years later. What this suggests is that the effective manipulation of disequilibrium, a more conscious attempt to exploit crisis, is a highly effective method of reform. The prime example of this is Patrick Murphy in New York. Faced with a Knapp Commission that was not of his making Murphy consciously and deliberately extended the crisis in confidence over police corruption for months, seeing to it that it was kept on the front page of the Times for virtually his entire tenure as Commissioner. He succeeded in so institutionalizing that crisis in the New York Department that now one of the major complaints by the unions about the old line traditional replacement as Commissioner under Mayor Beam is that the Commissioner is still keeping the heat on corruption in the department. In other words one of the chief tools of reform and planning in criminal justice ought to be opportunism, getting in while the politics is ripe and making sure that one manipulates the climate of opinion and the strength and weaknesses of a given agency to achieve desired results that can eventually be internalized by the organization.

\* \* \*

We are, I submit, desperately in need of some coherent means of discussing alternative strategies for improving criminal justice in America. It is our hope that the theoretical discussion in this paper may lead to more open and self-conscious debate in this country about the injustice, the ineffectiveness, and the futility of our systems of crime control, and the most appropriate and effective methods of building a better future.

FOOTNOTES

- 1 The crime control issues are thus to some extent distinguishable from drug control policies, where scholarly and scientific opinion is more clearly differentiated from political attitudes. See Gusfield, "The (F)Utility of Knowledge: The Relation of Social Science to Public Policy Toward Drugs". 417 ANNALS, 1 (1975).
- 2 REPORT OF THE NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, 483 (1968).
- 3 See e.g. THE ECONOMICS OF CRIME AND PUNISHMENT (S. Rottenberg ed. 1973).
- 4 E.g. The National Association of State Planning Officials.
- 5 See e.g. R.C. LARSON, URBAN POLICE PATROL ANALYSIS (1972).
- 6 E.g. system improvement, crime specific planning, evaluation, citizen initiative, management by objectives.
- 7 T. KUHN, THE STRUCTURE OF SCIENTIFIC REVOLUTIONS 15-17.
- 8 Kuhn's further point in STRUCTURES (comparable to our present situation) relating to the creation of new theories from the breakdown of dominant "paradigms" is perhaps capsulized by "ohne revolution, keine theorie".
- 9 THE CHALLENGE OF CRIME IN A FREE SOCIETY 7, 12 (1967).
- 10 HASS and DRABEK, COMPLEX ORGANIZATIONS. A SOCIOLOGICAL PERSPECTIVE (1973) 83-93.

- 11 See Churchill, "Systems Analysis Confronts Crime" in CRIME AND JUSTICE IN AMERICAN SOCIETY, (J. Douglas ed. 1971)
- 12 See the criticisms of systems analysis in Tribe, "Policy Science: Analysis or Ideology?" in 2 PHILOSOPHY AND PUBLIC AFFAIRS 66 (1972).
- 13 Caplan, "Reflections on the Nationalization of Crime, 1964-1968", 1973 ARIZ. ST. U.L.J., 583.
- 14 See National Advisory Commission on Criminal Justice Standards and Goals, CRIMINAL JUSTICE SYSTEM in which the exclusive focus of the analysis and recommendations concerns computerized information programs, to which small gestures toward education, law reform, and planning have been added.
- 15 See D. OAKS and W. LEHMAN, A CRIMINAL JUSTICE SYSTEM AND THE INDIGENT, 178-196 (1968).
- 16 See e.g. R. Posner, "Legal Sanctions and Crime Control" in ECONOMIC ANALYSIS AND THE LAW (1973)
- 17 Max Black in his "Models and Archetypes" in MODELS AND METAPHORS (1962) refers to the twin criteria of "fruitfulness of discovery" and "goodness of the fit". Id. 238.
- 18 H.L. PACKER, THE LIMITS OF THE CRIMINAL SANCTION, (1968)
- 19 Griffiths, "Ideology in Criminal Procedure, or A Third Model of the Criminal Process". 79 YALE L.J., 359 (1970). Perhaps a word needs to be said here about David Duffee and Vincent O'Leary's "Models of Correction: An Entry in the Packer-Griffiths Debate" 7 CRIMINAL LAW BULLETIN 329 ( ) in which the two authors review Packer and Griffiths in relation to their classification or corrections strategies derived from Herbert Kelman's influence processes

- 19 continued  
(compliance, identification, and internalization) and a typology scaled to high or low stress on offenders and the "community". Their quadripartite classification system bears strong resemblance to the four-part grid description of classroom education strategies by Bussis and Chittendon, ETS, 1970. The attempt to develop correspondence between this typology, structured largely in terms of psychological theory and community corrections ideals and the explorations by Griffith and Packer of the philosophical legitimacy of the criminal sanction is, in my opinion, not successful enough to merit an extended critique or comment, other than to say that it is difficult for this reader to distinguish the "Rehabilitation" and the "Reintegration" Models except in terms of a fundamental therapeutic ideal, varying in the sophistication of its application.
- 20 See e.g. Cavell, "Must We Mean What We Say" in ORDINARY LANGUAGE (V.C. Chappel ed., 1964) 75, at 93-101.
- 21 See e.g. Wollin, "Models of Criminal Justice" 3 LAW IN AMERICAN SOCIETY, J. NAT. CENTER FOR LAW-FOCUSED EDUCATION, 26 (1974) and Christianson, "The War Model in Criminal Justice - No Substitute for Victory", 1 CRIMINAL JUSTICE AND BEHAVIOR 247 (1974), and Damaska, "Structure of Authority and Comparative Criminal Procedure" 84 YALE L. J. 480 (1975).
- 22 T.C. SCHELLING, R.J. ZECKHAUSER, AND M. STOKEY, MATERIALS FOR PUBLIC POLICY 271a, J.F. Kennedy School of Government, Harvard University, 1973-1974: "Law and Public Policy: Policy Analysis: Models, A General Discussion", and Schelling, "Models of Social Process and Social Change".
- 23 M. Black, supra note 17, at 237
- 24 See e.g. R. POSNER, supra note 16

- 25 Attributed to Weber by Mirjan Damaska in "Evidentiary Barriers to Conviction and Two Models of Criminal Procedure: A Comparative Study". 121 U. PA. L. REV. 506 at 577 (1973).
- 26 A.M. HENDERSON AND T. PARSONS, MAX WEBER: THE THEORY OF SOCIAL AND ECONOMIC ORGANIZATION, 96 (1947).
- 27 Id. 96, 111.
- 28 See, for example, the misunderstanding implicit in Duffee's and O'Leary's criticism of Griffith's naivete in their "Models of Correction" supra note 19 at 348.
- 29 See Fredreich, "Some Observations on Weber's Analysis of Bureaucracy" in READER IN BUREAUCRACY, (R.K. Merton et al ed., 1952) 27, at 28. Parson's criticism's referring to his own THE STRUCTURE OF SOCIAL ACTION (1937) in his Introduction to Henderson and Parsons, supra note 26.
- 30 See e.g. E. Bittner, "The Concept of Organization", 32 SOCIAL RESEARCH 239 (1965) criticizing "ideal type" analysis and the distinction in organizational analysis between formal and informal goals and advocating an "ethnomethodological" approach.
- 31 Three sources I have found useful in defining ideology are: A.K. BRZEZINSKI, IDEOLOGY AND POWER IN SOVIET POLITICS ( ) at 4-5, 7, 97-8, 113, 115, and Griffith supra note 19 at 359, and D.E. APTER, IDEOLOGY AND DISCONTENT ( ) at 17.
- 32 It is, of course, critical to keep in mind that criminal justice policy is not simply a matter of law or legal theory, but an aspect (of which law forms a part) of basic social control processes. See Malcolm Feeley, "The Domain of Public Law: A Critique and Notes on a Unified Approach" Paper prepared for delivery at the 1974 Annual meeting of the American Political Science Association, at 5-7.

It is not at all clear how far an analysis of these concepts can be carried. Griffith complains about the lack of depth and rigor of Packer's Models (79 YALE L.J., at 364) and one who peruses Chapters 9, 10 and 11 of the LIMITS may well come away with the impression that Packer tired in the application of his Models because they simply did not lend themselves that well to the elaboration he undertook. His review of each criminal law area becomes somewhat repetitive. Griffith's counter-models are styled as "ideological metaphors", not systematic theories that stimulate extensive development. See Duffee and O'Leary's misunderstanding of the metaphor, as they pick apart the concept of a "Family Model", supra note 19, at .

Walter B. Miller in an article in the J. CRIM. LAW AND CRIMINOLOGY ["Ideology and Criminal Justice Policy: Some Current Issues", 64 J. CRIM L. AND CRIM. 141-162 (1973)] develops a different typology or series of models, in which he structures criminal justice ideology in this country in terms of a spectrum of values from left to right. Miller constructs a general left to right model of attitudes toward criminal justice in terms of general assumptions and crusading issues, and then further specifies ten typical positions along the conservative to radical scale in terms of responses to three basic issues: Sources of Crime; Law of Responsibility; Policies with Respect to Offenders; and Policies with Respect to Criminal Justice Agencies.

Miller develops his ideological typology in response to peculiarly contemporary "paradoxes", namely the apparently contradictory evidence in American criminal justice of significant change and apparent changelessness and stability. He then, following Gunnar Myrdal's "A Methodological Note on Facts and Valuation in Social Science" in AN AMERICAN DILEMMA sets out to develop his "ideal type" master scale or "hidden agenda" of beliefs or assumptions that underlie discussion of policies and procedures in criminal justice. Miller notes the existence of convergences as well as obvious divergences of the positions; he places criminologists, police, the judiciary, and corrections agency personnel on his scale; and he notes some important consequences of what he views to be the increasingly ideological nature of

33 continued

the criminal justice enterprise: polarization, selectivity of issues, disinterest in information, and a variety of distortions in terms of viewing the future, the magnitudes of phenomenon and the positions of others. The implications of his analyses are the need to identify ideological distortions in policy-making and research; to respect the positions of those with a differing ideologies; and to recognize that both left and right have valid roles to play in the development of new approaches.

Miller's analysis differs from our own in several respects. While the ideal type analysis and methodology of constructing the typologies are somewhat similar, he organizes the ideological divergences along a public attitude continuum--a kind of linear progression within a basic left-right dualism, in which there is some rough correspondence between his "right" and the crime control perspective, and his "left" and both the due process and therapeutic perspectives. The four perspective typology used here is in some respects more crude than Miller's (I think) superb analysis. It is keyed to more traditional law-related concepts (e.g. due process, punishment, rehabilitation) than political science attitudinal spectrums, and so it may be more easy to comprehend (and thus more useful) to lawyers and law enforcement personnel who are influential policy-makers [Note for example that the due process model may incorporate what Miller calls convergences of left and right--i.e. both liberals and conservatives may, as a result of their skepticism of governmental action agree on the need for the formal procedural "barriers" of due process]. More important, the organizational perspective is a dimension not present in Miller's analysis, but organizational factors are a form of "bias" with as important implications for policy makers as the more goal-oriented moral and political divisions illustrated by his scheme.

Finally, the purpose of his analysis is largely to uncover, and to help criminologists recognize and understand, the nature of ideological bias in contemporary arguments over criminologicistic policy and research, whereas the purpose of my taxonomy is to establish that such bias is not only endemic, but that major organizational contours and actions in American Criminal Justice are a mixture of ideologies, a kind of equilibrium, of conflicting basic positions.

34 Cf. Griffith supra note 19 at 383-4 n. 91, and 389-390.

35 LIMITS, 153-154

36 GRIFFITH, 378-380

37 Id. 367

38 Id. 372-3

39 LIMITS 152-153

40 Id. 174

41 Id. 245-6, 249

42 Id. 163

43 Id. 163-5

44 Id. 165

45 Id. 165-8

46 Id. 168-170

47 Id. 171, a quotation from Bator, "Finality in Criminal Law and Habea Corpus For State Prisoners", 76 HARV. L. REV. 441, 442 (1963).

48 supra note 25

49

For a view with contrary implications. See Wittman, "Two Views of Procedures", 3 J. LEG. STUDIES 249 (1974), a critique of R. Posner, "An Economic Approach to Legal Procedure and Judicial Administration", 2 J. LEG. STUDIES 399 (1973). Wittman deploys a welfare economic theory (in contrast to Posner's efficiency model). While Posner postulates that a consistent deterrence philosophy can account for the special protections afforded the criminal defendant, Wittman believes a distributional justice model (more akin to the Packer due process model) can account for both the special weight given to defendants, and the reliability standard.

50

Damaska supra note 48, at

51

See Malcolm Feeley, supra note 32

52

Griffith severely, and properly, I think, criticizes the limitations which Packer's views on the purposes of the criminal sanction have on his procedural models. 70 YALE L. J., at 364-67.

53

Griffith at 367 n, 34 quoting a remark of Professor Joseph Goldstein of Yale Law School.

54

See Newman, "Involuntary Treatment of Drug Addiction", 3 YALE REV. LAW SOC. ACTION 246 (1973).

55

T. ARNOLD, THE SYMBOLS OF GOVERNMENT (1935), 130.

56

LIMITS, 158

57

Id. 159

58

Id. 159

59

See supra note 39.

60

This interpretation is consistent with Malcolm Feeley's counting of Packer as someone who advanced our understanding of institutional functional systems, as opposed to formal legal analysis. See Feeley, "Two Models Of The Criminal Justice System: An Organizational Perspective", LAND AND SOCIETY REV. 407 (1973).

61

supra note 25 at 576.

62

Goldstein, "Reflections on Two Models: Inquisitorial Themes in American Criminal Procedure", 26 STAN. L. REV., 1009 (1974) at 1015-16.

63

Id. at 1016.

64

supra note 19 at 364.

65

See Amitai Etzioni, "Two Approaches to Organizational Analysis" 5 AD. SERVICE Q. 257 (1960).

66

See F.E. ZIMRING AND G.T. HAWKINS, DETERRENCE (1973) 33 and Zimring and Hawkins, "The Legal Threat as an Instrument of Social Change", 27 J. SOCIAL ISSUES 33-48, (1971).

67

DETERRENCE supra note 66, 70-89.

- 68 Posner, supra note 49, at 417. But cf. Wittman, supra note 49.
- 69 Posner, supra note 49, at 400-401.
- 70 See e.g. Gibbs, "Comments on Papers in Part Two: Does Punishment Deter?" in THE ECONOMICS OF CRIME AND PUNISHMENT, supra note 3, 112.
- 71 See e.g. R. POSNER, supra note 16, Rottenberg, supra note 3, and Tullock, "Does Punishment Deter Crime?", PUBLIC INTEREST 103 ( ).
- 72 in F. ALLEN, THE BORDERLAND OF CRIMINAL JUSTICE, 25 (1964).
- 73 See also (to mention only a few authorities) Martinson, "What Works? Questions and Answers About Prison Reform", THE PUBLIC INTEREST, #35, 22 (1974); and N. Morris, THE FUTURE OF IMPRISONMENT (1974), ch. 1: "Prison As Coerced Cure".
- 74 See Tittle, "Punishment and Deterrence of Deviance" in Rothenberg supra note 3, at 85.
- 75 Morris, supra note 73 at 27.
- 76 Pound, "Criminal Justice in the American City" in R. Pound and F. Frankfurter, CRIMINAL JUSTICE IN CLEVELAND: A REPORT OF THE CLEVELAND FOUNDATION SURVEY OF THE ADMINISTRATION OF CRIMINAL JUSTICE IN CLEVELAND, OHIO 559 (1922) at 585.

- 77 Griffith, supra note 19 at 371-376, and Passim
- 78 Morris, supra note 73 at 18.
- 79 A. Vollmer, REPORT ON POLICE. U.S. NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT (1931).
- 80 K. Llewellyn, "The Anthropology of Criminal Guilt" in JURISPRUDENCE 439 (1962).
- 81 I am following an enormously useful little book, C. PERROW, COMPLEX ORGANIZATIONS. A CRITICAL ESSAY, (1972).
- 82 Id. 187-8
- 83 Id. 176
- 84 Id. 59
- 85 Id. 150-157
- 86 Cf. e.g. Etzioni's categorization by way of coercive, remunerative, or normative compliance mechanisms. A COMPARATIVE ANALYSIS OF COMPLEX ORGANIZATIONS (1961),

- 86 continued  
and James Q. Wilson's organizational maintenance mechanisms of material, "specific solidary" (e.g. offices and honors), "collective solidary" (e.g. conviviality), and purposive or goal-oriented incentives, POLITICAL ORGANIZATIONS (1973), and others outlined in Perrow supra note 81 at 164-170.
- 87  
See Kai Erikson's elaboration of this thesis of Durkheim in WAYWARD PURITANS (1966).
- 88  
See Feeley, supra note 60
- 89  
See Griffith supra note 19 at 359 n.1
- 90  
K. Mannheim, IDEOLOGY AND UTOPIA (1936) II.1.
- 91  
See Brzezinski supra note 31.
- 92  
Probably the most famous of the organizational approaches is Abraham S. Blumberg's CRIMINAL JUSTICE (1967), which included an attack of Herbert Packer's two model theory on the grounds that it did not reflect "reality". Blumberg sought to reveal the "institutional structure", i.e. those organizational characteristics of the criminal court which affected the values and ideals of due process in significant ways. Blumberg listed the "organization variables", which deflected the court from "prescribed goals": career commitments, improprieties that take precedence over formal stated goals; empire building or self-aggrandizement; production goals which are extraordinarily important in high-volume jurisdictions; "institutionalized evasions of due process requirements" or short cuts; both "idiosyncratic and deviant solutions" to production problems; secrecy; and "individual pathology".

- 92 continued  
Blumberg went on to analyze the so-called professional personnel in the court and to identify how the court organizational structure and informal organizational goals (as opposed to the explicit ideals of due process and justice) altered professional roles and made people responsive to these hidden organizational demands and rules. See, however, Malcolm Feeley's critique of both Blumberg and Jerome Skolnick's JUSTICE WITHOUT TRIAL in supra note 60.
- 93  
See Feeley's critique supra note 60.
- 94  
See L.S. Friedman, "The Evolution of a Bail Reform", unpublished paper, and F.D. Dill "Bail and Bail Reform: A Sociological Study", Ph.D. dissertation, Univ. Cal., Berkeley, Cal., 1972.
- 95  
This is T. Lowi's [THE POLITICS OF DISORDER (1971)] americanized phrasing of a concept originally posed in Robert Michel's POLITICAL PARTIES (1949).
- 96  
For the following discussion I am following Geertz, "Ideology as a Cultural System" in Apter, (ed.) supra note 31.
- 97  
See for example the attack of Griffith supra note 19 at on Packer's "battle model" for middle class bias, and Duffey and O'Leary's supra note 19 at attack on Griffith on the same grounds.
- 98  
T. ARNOLD, SYMBOLS OF GOVERNMENT (1935) at 2-3
- 99  
Id. at 9.



100

Id. 19-20

101

Etzioni. "Shortcuts to Social Change" PUBLIC INTEREST, Summer 1968, 40-51; A. ETZIONI AND R. KEMP, TECHNOLOGICAL SHORTCUTS TO SOCIAL CHANGE (1972).

102=

A phrase of Gregory Batesan cited by E. First, "The New Wave in Psychiatry", 22 THE NEW YORK REVIEW OF BOOKS, No. 2, 8 (1975) at 12.

103.

See M.E. FRANKEL, CRIMINAL SENTENCES: LAW WITHOUT ORDER, (1972).

104

See Blumberg supra note 92, and Sudnow, "Normal Crimes: Sociological Features of the Penal Code and a Public Defender Office", 12 SOCIAL PROBLEMS 255 (1965), reprinted in CRIME AND THE LEGAL PROCESS (W.J. Chambliss, ed., 1965).

105

T. LOWI, THE POLITICS OF DISORDER (1971) at 59.

106

Id.

107

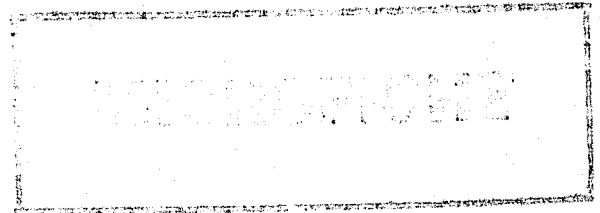
Rothman, "Decarcerating Prisoners and Patients", 1 THE CIVIL LIBERTIES REVIEW, 8 (1973).

108

See John J. McGlennon, "Crisis and Bureaucratic Control: The New York Police Department After the Knapp Commission" paper delivered at the 1974 Annual Meeting of the American Political Science Association, Chicago, Illinois, 1974.

**END**

CONSOLIDATED  
LAW ENFORCEMENT  
IN IOWA



*Prepared by:*

**South Iowa Area Crime Commission**

**1974**

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## PREFACE

The following report is an outgrowth of the work of the Decatur County Public Safety Commission, the State Planning Agency, the Law Enforcement Committee and the Iowa Crime Commission.

The staff wishes to thank the many State and local officials and concerned citizens for their assistance and dedication to this project.



## INTRODUCTION

The Law Enforcement Consolidation approach is by no means new or innovative. In 1829, Sir Robert Peel introduced in Parliament "An act for improving the police in and near the metropolis" which marked the beginning of England's Scotland Yard.

More recently in the United States, Suffolk County, New York, organized a county police force in the late 1950's. Over the years, practically every author on problems of police administration has mentioned the fragmentation of the American Police System. The most recent of such reports is The Challenge of Crime in a Free Society published in 1967 by the President's Commission on Law Enforcement and the Administration of Justice. The National Advisory Commission on Standards and Goals, in one of six volumes dealing with Criminal Justice, recommends various types of combined police services in Standard 5.2 (see Appendix). Some important factors when considering unified law enforcement are:

- (1) Scope of criminal activity within the units to be combined
- (2) Existing resources
- (3) Cost comparisons
- (4) Size of local governments and their attitudes toward consolidation
- (5) Question of benefits and protection exceeding present arrangement
- (6) Justification of higher costs in terms of benefit

If, as in Decatur County, the public officials have the public mandate to increase the level of police efficiency, then the consolidation process is relatively easy.

The following pages will provide the reader with a questionnaire for evaluation purposes and a step-by-step procedural guide for the formation and implementation of this type of undertaking.

#### LEGAL CONSIDERATIONS

The Iowa Crime Commission made a grant available to Des Moines County and Webster County for a legal study of the feasibility of combined law enforcement. The study was prepared by the law firm of Hirsch, Wright, Link and Adams of Burlington, Iowa.



PAPER ON UNIFIED LAW ENFORCEMENT

PREFACE

Until recently every Iowa county has had two or more law enforcement agencies who were responsible for law enforcement within part or all of the respective county. Each county has had a Sheriff and one or more deputies who had county-wide jurisdiction. In addition, the municipal corporations within each county ordinarily maintain a Police Department to enforce the laws within the municipal limits. Because of the overlapping jurisdiction of the several law enforcement agencies, a number of problems have arisen. Experience indicates that the law enforcement agencies have experienced difficulties in co-ordinating law enforcement activities within the county; have overlapping jurisdiction for law enforcement; duplicate administrative effort and need to be supported from substantially the same tax sources.

Recent literature has indicated that a partial integration of law enforcement agencies is a possible solution for some of the problems. This paper is intended to review the alternatives for unified law enforcement within a county. It is not the intent of this paper to advise upon the political considerations that may go into making a decision concerning unified law enforcement but to set out possible alternative approaches and discuss the legal implications of each.

## HISTORICAL BACKGROUND

The burden for law enforcement within a county presently lies with the county itself and with the municipalities within the county. Both the county and the municipalities are created by the State.

The County has no independent sovereignty and possesses only such powers as are expressly or impliedly conferred upon it by the Constitution of Iowa or by Legislative enactment. It is well settled law in Iowa that a county is a creature of statute and its officials only have such power as is expressly conferred by statute and its officials only have such power as is expressly conferred by statute or implied from the powers so conferred. See In Re Frentess' Estate, 249 Iowa 783, 89 N.W.2d 367 (1958).

The Constitution itself grants no powers to the county but does impose certain limitations upon the county. See Article III, Section 30; Article XI, Section 2; Article XI, Section 3; Constitution of the State of Iowa. These limitations do not directly affect the establishment of a unified law enforcement agency within a county. Subsequent to the 1970 amendment no county offices are required by the Constitution.

The Legislature has declared that ". . . each county is a body corporate for civil and political purposes, and may . . . do such . . . acts and exercise such . . . powers as are authorized by law". See Section 332.1, Code of Iowa.

Through the Board of Supervisors a county ". . . shall have the power . . . to make such rules not inconsistent with law, as it may deem necessary for its own Government, the transaction of business, and the preservation of order . . . ." See Section 332.3, Code of Iowa. The Legislature has also provided that there shall be elected in each county at the general election a Sheriff. See 39.17, Code of Iowa. Included in the Sheriff's duties is the injunction that the Sheriff shall preserve the peace, ferret out crime, apprehend and arrest all criminals, and secure evidence of all crimes committed within his jurisdiction. See 748.4, Code of Iowa. The Sheriff also has the duty to make a special investigation of any alleged infraction within his county when directed in writing by the County Attorney. See 337.4, Code of Iowa. The Legislature has provided that the Sheriff may call any person to his aid to keep the peace or prevent crime, and may enlist services of the State Department of Public Safety to assist in the performance of his duties. See 337.1, Code of Iowa. The Sheriff's power to call any person to his aid by appointing said person as a deputy is limited by Section 341.1, which states that any appointment must be with the approval of the Board of Supervisors, and the number of said deputies shall be determined by the Board of Supervisors. See 332.17, Code of Iowa. While the Sheriff is required to perform the above enumerated duties, they can be exercised only within the limitations of the budget as provided by the Board of Supervisors. See Op. Atty.Gen., March 25, 1968.

In addition to the law enforcement duties that are prescribed by statute, the Sheriff has certain other duties, including serving writs and other legal processes, attending to the Judges of the respective counties by providing bailiffs, the duty to operate the county jail and the responsibility for the charge and custody of all prisoners in the county jail or other prisons of his county. See Sections 337.3, 337.7, 356.1 and 356.2.

Subsequent to July 1, 1974, the Sheriff shall have the additional duty of operating the county jail for the confinement of persons subject to imprisonment under ordinances of municipalities within his jurisdiction.

The scope of this paper does not contemplate any discussion concerning the above enumerated duties of the Sheriff that are not related to law enforcement, and it is contemplated that the Sheriff would continue to fulfill these responsibilities under any of the alternatives herein proposed.

Like the county, a municipal corporation has no independent sovereignty and is wholly a creature created by the State. A municipal corporation possesses and can exercise only the powers expressly granted by the Legislature or fairly implied in or incident to the powers expressly granted and those that are indispensably dispensable to the declared objects and purposes of the municipal corporation. See Gritton v. City of Des Moines, 247 Iowa 326, 73 N.W.2d 813 (1955). Since the Legislature breathes life into the municipal corporation, it could likewise abridge or destroy a municipal corporation. In effect, a municipal corporation exists at the will of the Legislature. See City of Clinton v. Cedar Rapids and Missouri Railroad Co., 24 Iowa 455 (1868).

Municipal corporations have been granted certain expressly enumerated powers and duties by the Legislature. Included among the powers and duties is the injunction that the municipal corporation ". . . shall provide for the preservation of the peace and enforcement of the law within the corporate limits . . ." See 368.15. While most municipalities have exercised the authority granted by the Legislature and established a Police Department, some have contracted with the county for law enforcement service or entered into a cooperative agreement with a contiguous municipality. See Section 368.15.

Effective July 1, 1974, Chapter 1088, Session Laws of the Second Session, 64th General Assembly, repeals the existing statute relating to municipal corporations and grants home rule to them. This statute is expressly authorized by Article III, Section 40 of the Iowa Constitution. While some state Constitutions give municipal corporations independence through home rule provisions, most Constitutional provisions granting home rules provide that such a grant may not be inconsistent with the laws promulgated by the Legislature. The Iowa Constitutional provision follows the general rule and provides in applicable part as follows:

"Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the general assembly."

"The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state."

See Article III, Section 40 of the Iowa Constitution.

Section 10 of Chapter 1088 provides in applicable part:

"A city may, except as expressly limited by the Constitution, and if not inconsistent with the laws of the general assembly, exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the city or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents"

This Section would appear to be intended to confer upon a city, which by definition means a municipal corporation including a town, the power to establish a Police Department or take any other necessary step to promote law enforcement within its limits. The home rule statute contains some provisions concerning the operation of a Police Department in the event a city has a Police Department. When a city having the council-manager form of government has a Police Department, the City Manager shall have control of the Police Department. See Section 54 of Chapter 1088. However, the home rule statute does not appear to require that a city having a council-manager form of government establish a Police Department but would seem to allow such a city to contract for law enforcement services pursuant to Chapter 28E.

The question of the method of protecting and preserving the peace and safety of its residents is left to the municipal corporation.

Since counties and municipal corporations are created by the state, they cannot exist independent of the state. Both have been granted certain powers affecting law enforcement. These powers are often exercised concurrently in that the county has jurisdiction within the corporate limits of each city located within the county. See Section 748.4. However, the county has no Legislative authority within the corporate limits of the municipal corporations within the county and cannot legislate for a municipal corporation on matters that are within the scope of the powers granted to the corporation. Thus, a county can control county-wide law enforcement activities to the extent that it controls the budget of the Sheriff. It could curtail the Sheriff's ability to perform his law enforcement responsibilities by curtailing his budget and the number of deputies that he is allowed to appoint. If requested by the electors of the county, it could consolidate the Sheriff's office with that of another county office. See Section 332.17. It cannot, however, control the budget of a municipal Police Department or combine a municipal Police Department with the office of Sheriff or another county office. The activities of the Sheriff affect municipal law enforcement in that the Sheriff has the duty to operate the county jail, and subsequent to July 1, 1974, will have the additional duty of operating the county jail for the confinement of all persons subject to imprisonment under municipal ordinances. The Sheriff also has concurrent jurisdiction to enforce all laws, including municipal ordinances. See Section 748.4, as amended by Senate File 224, approved May 15, 1973.

He can call on the power of the county and any person to keep the peace or prevent crime. See 337.1, Code of Iowa. Arguably, this authority would give him the right to deputize a municipal Police Department and temporarily usurp the power of the municipality.

The municipal corporation is expressly empowered to protect and preserve the peace of its residents. The home rule statute in times of emergency, confers upon the Mayor all of the powers conferred upon the Sheriff within the territorial limits of the municipal corporation. See Chapter 1088, Section 60. Implied in

this expressed power of the municipality is the authority to take all necessary steps to fulfill its responsibility. It would appear that the method of fulfilling the responsibility as contrasted with the responsibility itself, it to be determined by the municipal corporation.

While there has been little conflict over the exercise of the concurrent jurisdiction of the counties and municipal corporations, the potential for conflict is present. Unified law enforcement would remove the potential for conflict but can come about only by the cooperative effort of the county and the municipal corporations within the county. It cannot be done by either the county or the municipal corporations acting alone.

#### PRESENT

While the state's power over counties and municipalities is broad, it isn't unlimited. Any state statute must comply with the requirements of the United States Constitution. One requirement which might have an affect upon a political subdivision which has a legislative character is the one man, one vote rule. See Avery v. Midland County, Texas, 390 U.S. 474 (1969). The state is also limited by any restrictions contained in the State Constitution. While the Constitution does contain provisions dealing with area, boundaries and debt limitation, prior to 1968 it did not prescribe the structure or power to be given to political subdivisions. Prior to enactment of Article III, Section 40 of the Iowa Constitution there would appear to be no real limitations to state action for the purpose of establishing a unified law enforcement agency for a political subdivision. The question of whether Article III, Section 40 of the Iowa Constitution imposes a limitation on the state when legislating concerning cities is yet unresolved by the Iowa Supreme Court.

The state has exercised its power to create traditional political subdivisions such as counties and cities. It has also created other more unique political subdivisions such as water districts, Chapter 357; rural water districts, Chapter 357A; fire districts, Chapter 357B; street lighting districts, Chapter 357C; sanitary districts, Chapter 358; and levee districts and drainage districts, Chapter 455.

Levee and drainage districts are unique in that they are authorized but not required by the Iowa Constitution. See Article I. Section 18. In establishing the political subdivisions, the Legislature has seen fit to confer a fair degree of power depending upon the specific purposes of the subdivision.

The Legislature has recognized that inter-governmental agreements may be necessary to effectuate effective local government when it promulgated Chapter 28E of the Code of Iowa. The purpose of Chapter 28E is set out in subsection I which provides:

"The purpose of this chapter is to permit state and local governments in Iowa to make efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to co-operate in other ways of mutual advantage. This chapter shall be liberally construed to that end."

The constitutionality of Chapter 28E was litigated in Goreham v. Des Moines Met. Area Solid Waste Agency, 179 N.W.2d 449. In the Goreham case the Court considered the Legislative history of Chapter 28E in some detail and held it to be Constitu-

ional. The Court also found that the agreement pursuant to Chapter 28E to establish a metropolitan solid waste agency was valid.

Attorney General's Opinions indicate that inter-governmental agreements permit a city-county venture to establish off street parking, Op. Atty. Gen., June 29, 1966; a city-county agreement for road maintenance, Op. Atty. Gen., September 22, 1966; a multi-city agreement for an electric power facility, Op. Atty. Gen., March 16, 1967; a state-city agreement to acquire highway right of way, Op. Atty. Gen., March 16, 1967; a city-county agreement to provide ambulance service, Op. Atty. Gen., November 28, 1969; a city-county agreement to operate a hospital, Op. Atty. Gen., April 13, 1970; a city-county agreement to combine the offices of County Assessor and City Assessor, Op. Atty. Gen., September 30, 1971; and a school district-city agreement for counsel and rehabilitation, Op. Atty. Gen., September 8, 1972, are valid.

While the office of the Attorney General has issued an Opinion indicating that Chapter 28E is inclusive enough to allow municipalities to have a joint program of law enforcement, Op. Atty. Gen., April 28, 1972, it has not issued an Opinion expressly approving city-county agreements. The Goreham case states the standards that must be applied in determining the validity and scope of any agreement pursuant to Chapter 28 E. The Court held that the creation of a new body by utilization of a Chapter 28 agreement to jointly exercise and perform the powers and responsibilities of the cooperating governmental units is valid so long as the new body is only doing what its cooperating members have the power and responsibility to do. Section 28E3 provides:

"Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having such power or powers, privilege or authority, and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this chapter upon a public agency."

Chapter 28E also provides that two or more political subdivisions may agree that one of the subdivisions perform any governmental service, activity or undertaking which any of the political subdivisions is authorized by law to perform. See 28E.12. An examination of Chapter 28E with reference to the powers granted to the various governmental subdivisions by other legislation indicates that a county-city agreement would be valid.

Since the county has the power to make necessary rules for the preservation of order within its jurisdiction, See 332.3, and exercise the power through the Sheriff's office whose duties include law enforcement, it would seem clear that it would be authorized to enter into an agreement pursuant to Chapter 28E with another political subdivision for a unified law enforcement agency.

One question could arise because of the division of responsibility between the county and its Sheriff. The duties of law enforcement are imposed upon the Sheriff. While one Iowa case holds that when certain duties have been specifically conferred upon an officer, the Board of Supervisors may not delegate such duties to another, it would appear that this case is not controlling when considering a unified law enforcement system pursuant to Chapter 28E. See Gunn v. Mahaska County, 155 Iowa 527, 136 N.W.929 (1912). First the case itself recognizes an exception to the holding when the Board of Supervisors is authorized by statute to delegate the

officer's duties to another officer or political subdivision. It would seem that Chapter 28E itself is an authorization to any governmental sub-division to delegate certain duties and responsibilities. This analysis is supported by a recent amendment to Section 748.4 of the Iowa Code contained in Chapter 293, First Session, 65th General Assembly. 748.4 as amended provided:

"It shall be the duty of a peace officer and his deputy, if any, throughout the county, township, or municipality of which he is such officer, or to which he is assigned or employed under any mutual assistance arrangement or intergovernmental agreement, to preserve the peace, to ferret out crime, to apprehend and arrest all criminals, and insofar as it is within his power, to secure evidence of all crimes committed, and present the same to the county attorney, grand jury, mayor or police courts, and to file informations against all persons whom he knows, or has reason to believe, to have violated the laws of the state, and to perform all other duties, civil or criminal, pertaining to his office or enjoined upon him by law. Nothing herein shall be deemed to curtail the powers and duties otherwise granted to or imposed upon peace officers."

The amendment recognizes inter-governmental agreements for the purpose of unified law enforcement. Since by definition peace officer includes "Sheriffs", there would appear to be no real impediment to a county entering into an agreement whereby law enforcement duties within the county, including those normally performed by the Sheriff, are performed by the unified law enforcement agency. It may well be necessary as part of the agreement that the Sheriff be assigned to the unified law enforcement agency. Such assignment would in no way need to affect his other statutory duties that are not directly related to law enforcement.

Like counties, municipal corporations are enjoined to provide for the preservation of peace and the enforcement of law within the corporate limits. See 368.15. They will continue to have this responsibility subsequent to July 1, 1974. See Section 10 of Chapter 1088. Since they have the responsibility to provide for law enforcement they can enter into agreements under Chapter 28E to jointly exercise and perform that responsibility with another public agency. See Op. Atty.Gen., April 28, 1972, and Section 748.4 as amended by Chapter 293, First Session, 65th General Assembly.

It would appear that the home rule statute contemplates a joint agreement. Section 14 of Chapter 1088 provides in applicable part:

"A city . . . in the exercise of any of its powers, may act jointly with any public or private agency as provided in Chapter Twenty-eight E (28E) of the Code."

Section 13 of Chapter 1088 gives the city authority independent of that contained in Chapter 28E to extent its services beyond the corporate limits. Section 13 of Chapter 1088 provides that a city may:

"2. By contract, extend services to persons outside the city."

Thus, the city can enter into cooperative agreements by virtue of either Chapter 28E or the authority granted to it in Chapter 1088.

Since a county and the municipal corporations within the county are able to enter into agreements pertaining to law enforcement, they can achieve either partial integration of police service or unified law enforcement by use of the agreements. The political subdivisions could make an agreement which would allow them to share a common communication center, records facility, planning department, or have centralized purchasing.

While an agreement providing for partial integration as set out above does not alleviate all of the problems inherent in concurrent jurisdictions, it does promote efficiency and aid in elimination of the problems of coordination and lowers costs. The use of the agreement to provide unified law enforcement will be discussed in more detail in a later section of this paper.

In the event that a county and one or more municipal corporations entered into an agreement for partial integration of police services or unified law enforcement, they would be fulfilling their statutory responsibilities. While the statute does impose certain responsibilities on both the county and municipal corporations, it does not specify the method with which the duties are to be fulfilled. So long as they are fulfilling the duties pursuant to a method recognized by the Code, they are meeting their responsibilities under the law.

Since Chapter 28E and other provisions of the Code provide for agreements between political subdivisions, any partial integration or unified law enforcement agency created by virtue of these sections would fulfill the respective political subdivisions responsibility to provide law enforcement.

## PROPOSED LEGISLATION

### Single Purpose Special District

While Iowa has enacted legislation authorizing several types of single purpose special districts, it has not authorized a police district. One method of providing for unified law enforcement for a given geographical area would be for the Legislature to create a special police district and grant to the district all powers necessary for the preservation of peace and enforcement of law within the bounds of the district.

Existing statutes creating other single purpose special districts could be adapted to create a single purpose police district. Since special districts normally have a taxing authority within the limitation prescribed by the state, it would be necessary that their governing body meet the one man, one vote requirements of the Federal Constitution.

Unless existing laws with respect to the duties of counties and municipal corporations were changed, the special district would have concurrent jurisdiction with the other political subdivisions within the county. Since this would defeat the purpose for a special district, it is suggested that changes in existing legislation would be necessary to make it clear that a special police district has exclusive jurisdiction for law enforcement within its limits.

Since the authority granted to the county is entirely statutory, the Legislature could limit this authority by corrective legislation. However, the authority granted to the city is both constitutional and statutory.



A question would arise as to whether the home rule provision prohibits the state from limiting a municipal corporation's power regarding law enforcement. It is possible for a home rule provision in a Constitution to create a situation involving "dual sovereignty". Thus, the home rule provision would grant to the municipal corporation an area exclusively within the province of the municipal corporation into which the state cannot enter by legislation. See California Constitution, Article XI, Section 6.

At first reading the Iowa constitutional provision granting home rule would not appear to be designed to create a situation of dual sovereignty in that municipal corporations are granted home rule power and authority not inconsistent with the laws of the General Assembly.

The Missouri Supreme Court has had occasion to consider a similar provision and has held:

" . . . a metropolitan police force is a matter of general State concern so that even if there are diverse provisions in the city charter . . . they must yield to state law. The establishment of a metropolitan police system for the large cities is but the exercise of the police power of the sovereign state."

State ex rel Reynolds v. Jost, 175 S.W. 591 (1914).

Thus, it would appear that the intent of the home rule statute is to permit municipal corporations to conduct their own affairs except when in conflict with statutes of the Legislature. If this is the case, the state could create a single purpose police district and deprive the municipal corporations within the district of the duty and power for law enforcement.

#### Metropolitan Government

A second more radical way of obtaining unified law enforcement within a given area requiring additional statutory and constitutional changes would be to provide for the creation of metropolitan government; that is, the absorption of existing local governments into a larger metropolitan unit. It is suggested that any attempt in this regard would require significant constitutional and statutory change and would be met with strong opposition because of the desire on the part of local government to preserve their existence.

Further discussion of metropolitan government is beyond the scope of this article.

#### ALTERNATIVE TECHNIQUES IN UNIFIED LAW ENFORCEMENT

There are several techniques which, if fully utilized, result in unified law enforcement without substantial statutory enactments. These techniques include the use of inter-governmental contractual programs and the creation of a special use district.

It is the intent of this paper to evaluate briefly four possible variations which might be applied in any given situation.

### COUNTY TO CITY AGREEMENT OR THE SHERIFF-DEPUTY SYSTEM

Chapter 748.4 of the Code of Iowa gives the Sheriff county-wide jurisdiction to preserve the peace, ferret out crime, apprehend and arrest all criminals and secure evidence of all crimes committed within the county. The Sheriff's power in this regard exists whether or not the municipal corporation has a Police Department or hires town marshals within their respective territorial limits. See Op. Atty. Gen., April 20, 1971.

No new Legislation would be needed in order for the Sheriff to assume sole responsibility for law enforcement within his county, whether said enforcement takes place within or without the limits of a municipal corporation. While the municipal corporation has a duty to provide law enforcement services, the method by which they perform the duty is optional. There is no statutory requirement that law enforcement services within municipal limits be provided by a city Police Department or by hiring a marshal. A municipal corporation could enter into an agreement pursuant to Chapter 28E with the Board of Supervisors whereby the Sheriff provided all law enforcement services within the county. It seems clear that the Sheriff has jurisdiction to enforce all state laws, county and municipal ordinances. See Section 748.4 as amended by Senate File 224, approved May 15, 1973.

While the agreement is not necessary to confer jurisdiction upon the Sheriff, it would appear to be necessary to set out all of the details of the arrangement, including the duration of the agreement, including the duration of the agreement, the extent of control exercised by the respective political subdivisions, and the method of financing. While the Sheriff-Deputy system is attractive in that no new Legislation would be required to implement, it does have several potential objections.

The position of Sheriff is elective. Of necessity, his selection involves partisan considerations. In the past the selection of deputy also often involved partisan considerations and the individual deputy's qualifications may or may not have been an additional factor in evaluating employment qualifications.

In an effort to remedy many of the abuses that have existed, the Legislature passed an act establishing civil service for a deputy sheriff. See Chapter 227, First Session, 65th General Assembly. The intent of the act is to establish a civil service system for deputy sheriffs which is substantially similar to the civil service system for municipal police officers. However, an examination of the two statutes indicates that the newly enacted civil service system for deputy sheriffs is less comprehensive than the existing system for police officers in that the newly enacted system does not include within its coverage, the Sheriff and his chief deputy, and in larger counties his second deputy, while the existing civil service system does include the chief of police and all men under him.

Thus, the Sheriff-Deputy system is more subject to political considerations in that the Sheriff is elected. His chief deputy and in larger counties second deputy is appointed by the Sheriff and have no tenure but serve at the pleasure of the Sheriff.

There is one other area of potential controversy that must be resolved in the event that the Sheriff-Deputy system were to provide unified law enforcement for the county. The Sheriff and his deputies are now covered by the Iowa Public Employees Retirement System (IPERS), while municipal police officers are covered by Chapter 411 (Retirement Systems for Policemen and Firemen). See Chapter 97B.41(3) and Section 411.2. While the relative merits of the two retirement systems are beyond the scope of this paper, it is clear that there must be an effective retirement system existing in order to have professional law enforcement personnel.

In the event that it was determined that it was desirable to bring the Sheriff and his deputies under the retirement system provided in Chapter 411, it would appear necessary that said Chapter be amended to broaden its coverage to include Sheriffs and their deputies.

The practical effect of the Sheriff-Deputy system would be that the county provides law enforcement for all unincorporated areas within the county and all incorporated areas within the county that elect to join with the county pursuant to a Chapter 28E agreement, but it would be desirable that all incorporated areas join with the county for a unified law enforcement system throughout the county, but participation by every incorporated area is not necessary for there to be implementation of the Sheriff-Deputy system. Once implemented, the Sheriff-Deputy system could provide different levels of service based upon the need of the particular area involved. Ordinarily the service would be organized on two levels: (1) General service for the entire county supported by the county general fund, and (2) specific police service for a particular area, perhaps an incorporated area supported by a specific levy within that area. Thus the Chapter 28E agreement could provide for a direct correlation between the services received and the cost of providing those services. The Sheriff-Deputy system as implemented by a Chapter 28E agreement should result in a reduction of costs as a result of the elimination of duplication of administrative costs and the economy inherent in a unified system.

#### CITY-COUNTY AGREEMENT

A second alternative for unified law enforcement would be for a municipal corporation to assume sole responsibility for law enforcement within the county. Under existing law a municipal corporation has the duty of providing for the peace and enforcement of the law within the corporate limits. See 368.15. Section 10 of Chapter 1088 of the home rule statute will impose a substantially similar duty upon the municipal corporation.

Since the city has the duty of law enforcement and the power with which to perform the duty, there is no reason that they could not enter into a cooperative agreement pursuant to 28E with another governmental subdivision for a unified law enforcement system. This is true whether or not the other governmental subdivision had any independent law enforcement power of its own. Further, the agreement need not include every governmental subdivision within the county. In the event a given municipal corporation did not desire to participate, it could refuse to join the agreement without affecting the validity of the agreement as to the

remaining municipal corporations in the county itself.

From a political standpoint, this would be advantageous in that each political subdivision within the county would continue to retain control over its own affairs. The participating municipal corporations and the county would have a voice in the overall conduct of the unified law enforcement agency through their participation in the Chapter 28 agreement authorizing the unified law enforcement agency. The agreement itself is required to have provisions covering the following:

"1. Its duration.

"2. The precise organization, composition and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.

"3. Its purpose or purposes.

"4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.

"5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

"6. Any other necessary and proper matters."

See 28E.5. Chapter 28E also provides that if the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall include:

"1. Provision for an administrator or a joint board responsible for administering the joint or co-operative undertaking. In the case of a joint board, public agencies party to the agreement shall be represented.

"2. The manner of acquiring, holding and disposing of real and personal property used in the joint or co-operative undertaking."

See 28E. 6. Since a municipal corporation would be furnishing the law enforcement for the participating governmental subdivisions, the day-to-day administration of the Police Department would be left to the municipal corporation furnishing the service. The appointment of the police chief would be by the City Council, City Manager, or Mayor, depending on the type of government of the city furnishing the services. See Section 365.13. However, participating governmental units could be agreement under 28E.3 have a voice in his selection. Selection of the individual police officers would be pursuant to the Civil Service System as it is presently operated. Individual police officers would be covered by the retirement system for policemen and firemen which includes all policemen who are appointed pursuant to Chapter 365. See Chapter 411.

It would seem clear that Chapter 411 would be applicable even though the police officers were performing duties beyond the corporate limits. Section 368.15, which presently authorizes municipal corporations to maintain a police force, specifically states that:

"Policemen . . . performing duties required by law outside the corporate limits of cities and towns shall be entitled to the benefits of Chapter . . . 411 . . . ."

While Chapter 1088 does not have an identical or similar provisions, there would appear to be no real question that a policeman performing extra-territorial service pursuant to a 28E agreement would be covered under Chapter 411.

Section 13 of Chapter 1088 authorized an extension of city services which implicitly would include police services. Again, once implemented, the city to county system could provide different levels of service based upon need of the particular area involved. Services could be organized on two levels:

(1) General service for the entire county supported by the general county fund, and (2) specific police service for a particular area, perhaps an incorporated area supported by a specific levy within that area. Thus, the agreement could again provide for a direct correlation between the services received and the cost of providing those services.

The city to county agreement should again result in a reduction of costs as a result of the elimination of duplication of administrative costs and economy inherent in a unified system.

While the office of Sheriff would be retained and he should be included under the 28E agreement, it would not be necessary that he exercise actual law enforcement duties. However, the Sheriff would continue to fulfill non-law enforcement responsibilities as set forth in the Code.

#### COUNTY LAW ENFORCEMENT AGENCY

A third alternative for unified law enforcement would be for the creation of a county law enforcement agency which would assume sole responsibility for law enforcement within the county.

While 28 E contemplates that political subdivisions can enter into agreements for joint or cooperative action without establishing a separate entity to carry out the agreement, it is also contemplated that political subdivisions can establish a separate entity to carry out the purpose of the agreement. See 28E4.

The Iowa Supreme Court has stated:

"The legal creation of a new body corporate and politic to jointly exercise and perform the powers and responsibilities of the cooperating governmental unit would not be unconstitutional so long as the new body politic is doing only what its cooperating members already have the power to do."

See Goreham v. Des Moines Met. Area Solid Waste Agency, 179 N.W.2d 445.

The agreement would have to specify all of the matters set forth in Section 28E.5. The agency would operate under the direction of an agency board. To avoid any constitutional problems the political subdivisions should consider requiring that the agency board meet the one man, one vote rule. One possible way to accomplish this result would be to provide that the agency board is composed of one representative from the governing body of each member of the agency, each having one vote for every 2,500 people or fraction thereof the population in his area of representation. The board would then select the officer of the agency and would have the responsibility for selecting the person who has the responsibility for day-to-day management of the affairs of the agency. By selecting the board in this manner, the political subdivisions retain control of the agency. Several advantages are present when an independent agency is set up.

First, it can include both the incorporated and unincorporated area within the county. Second, there is no need for additional legislation to re-define the structure of local government, although a re-definition of responsibility is achieved by virtue of the Chapter 28E agreement. Thirdly, law enforcement service can be provided to a large area without regard to the political boundaries between the municipal corporations and the county without the jurisdictional problems that may exist in the present system.

While it is desirable that all municipal corporations within the geographical area of the agency join in the agency, it is not required that they do so for the agency to operate.

It would be anticipated that a county law enforcement agency would be financed by taxes levied by the respective political subdivisions. Again, police service could be organized on the basis of need, to-wit: general police services for the entire county and specific police services for a particular area supported by a specific levy within that area. Thus, if a given municipal corporation within the agency desired a higher level of police service, then the remaining municipality can arrange for that level of service to be provided, the cost being borne by the residents of the municipality.

While it would be anticipated that the county law enforcement agency would be financed by the participating political subdivisions, under certain circumstances the agency would have the power to issue revenue bonds. See Chapter 28F. While the agency has the power to issue revenue bonds, it cannot do so unless authorized

by resolution or ordinance adopted by each of the public agencies participating in the agreement. The revenue bonds are not a debt of the participating public agencies, but the public agencies participating in the agreement may not withdraw or in any way terminate their participation until the revenue bonds are paid off. See 28F.3.

Several other factors should be considered in determining whether or not to establish a county law enforcement agency. While the duration of the agreement is spelled out in the body of the instrument creating the agency, it would seem clear that there would have to be some provision whereby participating political subdivisions could withdraw from the agency. This would create some uncertainty with regard to the continuity of law enforcement within the geographical limitations of the agency. In addition, it is not clear whether or not the civil service provisions of Chapter 365 would be applicable to a county law enforcement agency. Further, it is not clear whether employees of the county law enforcement agency would be covered by either the Iowa Public Employees Retirement System (IPERS) or the Retirement System for Policemen and Firemen (Chapter 411). It would appear desirable that a county law enforcement agency be operated under a Civil Service System. It would also appear to be necessary that the employees of a county law enforcement agency be provided with a retirement system identical to that provided for other police by Chapter 411, or other employees by IPERS.

To insure these objectives, it would appear that the Legislature should pass enacting legislation making the civil service requirements and the retirement provisions applicable to any agency organized pursuant to Chapter 28E. If these provisions are made applicable to a county law enforcement agency, it would seem that such an agency would be a feasible way of providing the unified law enforcement for a given area.

#### SPECIAL POLICE DISTRICT

A fourth alternative for unified law enforcement would exist in the event that the Legislature created a single purpose special district to provide for law enforcement within a given geographical area. Such a district would not represent the reorganization of government but the creation of a special unit to furnish a service which the political subdivisions within the unit had formerly furnished.

The chief advantage of a special police district would be that the boundaries could be drawn to correspond with the most logical areas for providing law enforcement service without regard to existing governmental boundaries, and the district could be free from local political influence in its day-to-day activities.

A special police district would be optional and one authority has suggested the following guidelines for establishment of the district:

- "1. A formation procedure should be adopted allowing the entire metropolitan area to vote on the district proposal as a unit.
- "2. District governing boards should be either elected by the people at large or under some form of ward system.
- "3. The district should be given the power to levy ad valorem property taxes within closely circumscribed bounds.
- "4. The district should be given the power to annex territory as outlying portions of the metropolitan area to satisfy the rate of urban-

ization requisite for membership.

"5. The district should be given the power to contract with other units for the sale of police services.

"6. For the purposes of original incorporation and subsequent annexation, the enabling act should specify in some detail procedures for obtaining facilities from the constituent or annexed municipalities and for an orderly absorption of their police forces into the metropolitan system." Pock, M. A., Are Metropolitan Police Districts Legally Feasible? 12J. of Public Law 313 (1963) at 318-320.

Several disadvantages are apparent in analyzing the utility of a special police district. First, the district may be in direct competition with other units of local government which depend upon the property tax for revenues. Special districts function largely unnoticed by the public, and the programs of the special district may be completely independent from and uncoordinated with programs of the other political subdivisions. The lack of visibility of a special district can be a serious drawback in that the nature of law enforcement makes apathy with the public desirable and apathy will not develop when there is a lack of public awareness. There is a distinction between a special police district and a county-wide law enforcement agency. The special police district is a completely separate unit of government, while the county-wide law enforcement agency is a part of the existing units of general government. Because the county-wide law enforcement agency is a part of the existing units of government, it can be closely coordinated with other governmental operations, it functions clearly in public view, and it does not create competition for revenue, whereas the contrary is true in regard to a special police district.

#### CIVIL SERVICE AND RETIREMENT CONSIDERATIONS FOR COUNTY LAW ENFORCEMENT AGENCY AND SPECIAL POLICE DISTRICT

##### Civil Service

At the present time two distinct civil service systems exist for law enforcement personnel.

Chapter 365 requires that every city with more than 15,000 in population which maintains a Police Department must appoint all policemen through a civil service commission. Each city must establish and operate its own civil service commission to fulfill the requirement. See 365.1.

Chapter 227, First Session, 65th General Assembly, enacted a separate civil service system for deputy sheriffs. It required that each county establish its own civil service commission. There has been no attempt to coordinate the two civil service systems nor to expressly enumerate their applicability to a county-wide law enforcement agency created pursuant to Chapter 28E.



Section 28E.7 provides:

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

By virtue of this section, it can be urged that the agency would have the power to establish a civil service commission under the provisions of Chapter 365. It could also be urged that since the city is not maintaining a Police Department, the provisions of Chapter 365 do not apply. While the former contention is preferable to the latter, it would be well for the Legislature to specifically make the provisions of Chapter 365 applicable to any law enforcement agency created pursuant to Chapter 28E.

Since employees of the law enforcement agency would in all likelihood not be deputy sheriffs, no similar problem exists in regard to the mandate of Chapter 227, First Session, 65th General Assembly. In the event that the Legislature were to authorize a special police district, it should make the requirements of Chapter 365 applicable to the special police district. If it did not expressly make the provisions of Chapter 365 applicable to a special police district, it would appear that neither Chapter 365 nor Chapter 227 would apply.

#### Retirement System

At the present time law enforcement employees are covered by one of the two retirement systems recognized by the State of Iowa.

Chapter 97B establishes the Iowa Public Employee Retirement System (IPERS) which provides that all employee of ". . . the State of Iowa, the counties, municipalities and public school districts therein, and all the political subdivisions thereof, and all their departments and instrumentalities . . ." are subject to IPERS, unless specifically excluded. See Section 97B.41. Section 97B.42 provides "persons who are members of any other retirement system in the state which is maintained in whole or in part by public contribution, shall not become members".

Since Chapter 411 sets up a retirement system for policemen and firemen, policemen and firemen are not included within IPERS. At the present there is some question whether an employee of a county-wide law enforcement agency would be covered by IPERS or Chapter 411. If Chapter 365 is applicable to county-wide law enforcement agencies as defined in this article, its law enforcement employees would be covered by Chapter 411. If Chapter 365 is not applicable, then its employees, including law enforcement personnel, would be covered by IPERS.

Some Legislative action may be needed to correct problems inherent in the above situation and to provide that benefits can be transferred from system to the other. A similar problem exists with regard to the special police district. If one were created, employees would be covered by IPERS, unless specifically included within the Chapter 411 system.

Again, Legislation should be enacted to cover any inequality between the systems and to allow transfer from one system to the other.

HIRSCH, WRIGHT, LINK & ADAMS

## DEFINING NEED FOR POLICE SERVICES

### Problem Definition

Prior to the implementation of any program for combined or consolidated law enforcement, problems need to be defined and plans made.

It is necessary not only to define the crime problem for a county, but also to take additional steps to identify 1) Type of Crime, 2) Time of Day Crime Occurs, 3) Location and Intensity of Crimes.

In most counties in Iowa this will seem to be an impossible task because smaller police departments and sheriff's departments as a general rule keep poor records.

The task is not an impossible one and must be attempted, even though it will be most time consuming. Examples of the types of data needed can be found in TABLE I.

## TABLE I

## HAWKEYE COUNTY

## PART I

## CRIMES KNOWN TO THE POLICE 1969 - 1972

| <u>OFFENSE</u>                              | <u>1969</u> | <u>1970</u> | <u>1971</u> | <u>1972</u> |
|---|-------------|-------------|-------------|-------------|
| Murder and<br>Non-Negligent<br>Manslaughter | 1           | 0           | 0           | 1           |
| Forcible Rape                               | 0           | 0           | 0           | 2           |
| Robbery                                     | 0           | 2           | 2           | 5           |
| Assault                                     | 9           | 13          | 16          | 28          |
| Burglary                                    | 50          | 51          | 65          | 130         |
| Larceny 0/50                                | 49          | 58          | 69          | 138         |
| Auto Theft                                  | <u>11</u>   | <u>10</u>   | <u>10</u>   | <u>19</u>   |
| Total                                       | 120         | 134         | 160         | 323         |

The next fifteen pages represent the investigative process performed by Mid-American Planning Service when requested to assist in the planning of a unified law enforcement program. Without the data obtained from this type of research, a successful approach to the problem of unified law enforcement will occur only by accident.

A review of the sample problem outlined later in this manual (Appendix) should provide the reader with some assistance.

## AREA DESCRIPTION

Before planning a program it becomes necessary to briefly take note of the area to be considered.

The following information sheet will tend to inventory for the planner necessary information concerning the geographic area under consideration.

Much of the information is readily available from the local Chamber of Commerce, County Courthouse, or local State Employment Office.

Recreational information may be obtained from the County Conservation Commission or State Conservation Commission, Park Officers, etc.

See Appendix "A": Sample Problem



## MONTHLY CRIME REPORT

The next five pages will prove to be the most difficult task of the entire exercise.

These reports will be difficult to complete because the average law enforcement agency lacks the necessary data base collection techniques to supply the needed information. As an absolutely last resort, estimates may be available from the Iowa Crime Commission, Area Crime Commission or F. B. I.

See Appendix "A": Pages



MONTHLY RETURN A

OFFENSES KNOWN TO THE POLICE

|                 |                  |                     |      |   |
|-----------------|------------------|---------------------|------|---|
| AGENCY CODE NO. | REPORTING AGENCY | REPORT FOR MONTH OF | YEAR | FORWARD BY THE SEVENTH DAY AFTER THE END OF THE MONTH TO THE NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE, STATE CAPITOL BUILDING, LINCOLN, NEBRASKA 68503 |
|-----------------|------------------|---------------------|------|---|

| 1   |                                     | 2   | 3                                | 4   | 5                         |                       |
|---|-------------------------------------|---|----------------------------------|---|---------------------------|-----------------------|
| CLASSIFICATION OF OFFENSES (PART 1 CLASSES) |                                     | OFFENSES REPORTED OR KNOWN TO POLICE (INCLUDE UNFOUNDED AND ATTEMPTS) | UNFOUNDED - FALSIFIED COMPLAINTS | NUMBER OF ACTUAL OFFENSES (COL 2 MINUS COL 3) | a. TOTAL OFFENSES CLEARED | b. CLEARED PERCENTAGE |
| 1<br>HOMICIDE                               | a. Murder and Manslaughter          |   |                                  |   |                           |                       |
|   | b. Death by Negligence              |   |                                  |   |                           |                       |
| 2<br>FORCIBLE RAPE                          | a. Rape by Force                    |   |                                  |   |                           |                       |
|   | b. Assault to Rape - Attempts       |   |                                  |   |                           |                       |
|   | TOTAL                               |   |                                  |   |                           |                       |
| 3<br>ROBBERY                                | a. Armed - Any Weapon               |   |                                  |   |                           |                       |
|   | b. Strong Arm - No Weapon           |   |                                  |   |                           |                       |
|   | TOTAL                               |   |                                  |   |                           |                       |
| 4<br>ASSAULT                                | a. Gun                              |   |                                  |   |                           |                       |
|   | b. Knife or Cutting Instrument      |   |                                  |   |                           |                       |
|   | c. Other Dangerous Weapon           |   |                                  |   |                           |                       |
|   | d. Hands, Fists, Feet etc. (Felony) |   |                                  |   |                           |                       |
|   | e. Other Assaults (Misdemeanor)     |   |                                  |   |                           |                       |
|   | TOTAL                               |   |                                  |   |                           |                       |
| 5<br>BREAKING AND ENTERING                  | a. Forcible Entry                   |   |                                  |   |                           |                       |
|   | b. Unlawful Entry - No Force        |   |                                  |   |                           |                       |
|   | c. Attempted Forcible Entry         |   |                                  |   |                           |                       |
| TOTAL                                       |                                     |   |                                  |   |                           |                       |
| 6<br>LARCENY-THEFT<br>(Except Auto Theft)   | a. \$100 and Over in Value          |   |                                  |   |                           |                       |
|   | b. \$50 to \$100 in Value           |   |                                  |   |                           |                       |
|   | c. Under \$50 in Value              |   |                                  |   |                           |                       |
|   | TOTAL                               |   |                                  |   |                           |                       |
| 7<br>AUTO THEFT                             |                                     |   |                                  |   |                           |                       |

GRAND TOTAL

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rec.

rev.

punch.

veri.

adj.

VALUE OF PROPERTY STOLEN

|                 |                  |                     |      |  |
|-----------------|------------------|---------------------|------|--|
| AGENCY CODE NO. | REPORTING AGENCY | REPORT FOR MONTH OF | YEAR | FORWARD BY THE SEVENTEEN DAY AFTER THE END OF THE MONTH TO THE NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CORRECTION, STATE OFFICE B-1000, LINCOLN, NEBRASKA 68501 |
|-----------------|------------------|---------------------|------|--|

| CRIME CLASSIFICATION |   | NUMBER OF ACTUAL OFFENSES | VALUE OF PROPERTY STOLEN |
|----------------------|---|---------------------------|--------------------------|
| <b>3<br/>ROBBERY</b> | a. Highway (Streets, Alleys etc.)         |                           | \$                       |
|                      | b. Commercial House (Except c., d and f.) |                           |                          |
|                      | c. Gas or Service Station                 |                           |                          |
|                      | d. Chain Store                            |                           |                          |
|                      | e. Residence (Anywhere on Premises)       |                           |                          |
|                      | f. Bank                                   |                           |                          |
|                      | g. Miscellaneous                          |                           |                          |
|                      | TOTAL—ROBBERY                             |                           |                          |

|   |                                      |           |    |
|---|--------------------------------------|-----------|----|
| <b>5<br/>BURGLARY --<br/>BREAKING<br/>OR<br/>ENTERING</b> | a. Residence (Dwelling)              | 1 Night   | \$ |
|   |                                      | 2 Day     |    |
|   |                                      | 3 Unknown |    |
|   | b. Nonresidence (Store, office etc.) | 1 Night   |    |
|   |                                      | 2 Day     |    |
|   |                                      | 3 Unknown |    |
|   | TOTAL—BURGLARY                       |           |    |

|   |                  |  |    |
|---|------------------|--|----|
| <b>6<br/>LARCENY-<br/>THEFT<br/>(Except Auto,<br/>by Value)</b> | a. \$50 and Over |  | \$ |
|   | b. Under \$50    |  |    |
|   | TOTAL—LARCENY    |  |    |

|   |  |  |    |
|---|--|--|----|
| <b>7<br/>AUTO THEFT</b><br>(Including Allured Jovids) |  |  | \$ |
|---|--|--|----|

|                                   |      |      |        |
|-----------------------------------|------|------|--------|
| GRAND TOTAL (Items 3, 5, 6 and 7) |      |      | \$     |
| Do Not<br>Use This<br>Space       | rec. | rev. | punch. |
|                                   |      |      | veri.  |
|                                   |      |      | adj.   |

MONTHLY RETURN C

ANALYSIS OF PROPERTY STOLEN

|                |                  |                      |      |  |
|----------------|------------------|----------------------|------|--|
| AGENCY CODE NO | REPORTING AGENCY | REPORT FOR PERIOD OF | YEAR | FORWARD BY THE NEXT 10 DAY AFTER THE END OF THE MONTH TO THE NEBRASKA COUNTY SHERIFFS ASSOCIATION, P.O. BOX 100, LINCOLN, NEBRASKA 68502 |
|----------------|------------------|----------------------|------|--|

| ADDITIONAL ANALYSIS OF LARCENY AND AUTO THEFT |  | NUMBER OF ACTUAL OFFENSES | VALUE OF PROPERTY STOLEN |
|---|--|---------------------------|--------------------------|
| 6X<br>NATURE OF LARCENIES UNDER ITEM 6        | a. Pocket-Picking                              |                           | \$                       |
|   | b. Purse-Snatching                             |                           |                          |
|   | c. Shoplifting                                 |                           |                          |
|   | d. From Autos (Except e.)                      |                           |                          |
|   | e. Auto Parts and Accessories                  |                           |                          |
|   | f. Bicycles                                    |                           |                          |
|   | g. From Buildings (Except c. and h.)           |                           |                          |
|   | From any Coin-Operated Machines                |                           |                          |
|   | h. (Parking Meters etc.)                       |                           |                          |
|   | i. From Farmyard or Open Field                 |                           |                          |
| j. All Other                                  |  |                           |                          |
| TOTAL - LARCENIES (same as Item 6, Return B)  |  |                           | \$                       |
| 7X<br>AUTOMOBILES RECOVERED                   | a. Number Stolen Locally and Recovered Locally |                           |                          |
|   | Number Stolen Locally and Recovered by         |                           |                          |
|   | b. Other Jurisdictions                         |                           |                          |
|   | c. Total Locally Stolen Autos Recovered        |                           |                          |
| Number Stolen in Other Jurisdictions and      |  |                           |                          |
| d. Recovered Locally                          |  |                           |                          |

| VALUE OF PROPERTY STOLEN AND RECOVERED |                                | STOLEN | RECOVERED |
|--|--------------------------------|--------|-----------|
| 8X<br>TYPE OF PROPERTY                 | a. Currency, Notes etc.        | \$     | \$        |
|  | b. Jewelry and Precious Metals |        |           |
|  | c. Furs                        |        |           |
|  | d. Clothing                    |        |           |
|  | e. Locally Stolen Automobiles  |        |           |
|  | f. Animals and Livestock       |        |           |
|  | g. Miscellaneous               |        |           |
| TOTALS                                 |                                | \$     | \$        |

NOTE: Total of Column 1 should agree with grand total shown on Return B. In Column 2 include all property even though stolen in prior months. The above is an accounting for only that property stolen in your jurisdiction. This will include property recovered for you by other jurisdictions but not property you recover from them.

|                       |      |  |      |  |        |  |       |  |      |
|-----------------------|------|--|------|--|--------|--|-------|--|------|
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HOMICIDE - MANSLAUGHTER REPORT

|                 |                  |                     |      |  |
|-----------------|------------------|---------------------|------|--|
| AGENCY CASE NO. | REPORTING AGENCY | REPORT FOR MONTH OF | YEAR | FORWARDED BY THE ASSISTANT ATTORNEY GENERAL TO THE NEBRASKA COMMISSION ON LAW, ETHICS AND PUBLIC SAFETY<br>STATE OFFICE, ROOM 201<br>LINCOLN, NEBRASKA 68503 |
|-----------------|------------------|---------------------|------|--|

|   |  |
|---|--|
| 1. Number of murders and manslaughters (Column 4 of Return A)<br>DO NOT include suicides or attempts to murder. Attempts to murder should be scored as assaults on Return A.                |  |
| 2. Number of cases classified as justified or excusable homicides.<br>(Limited to killing of a person by a police officer in the line of duty and killing of a felon by a private citizen.) |  |
| 3. Actual offenses.<br>(Subtract No. 2 from No. 1 above.)   |  |
| 4. Number of deaths which your investigation established were due to the negligence of some person other than the victim, regardless of protective action taken.                            |  |

INDICATE BRIEFLY BELOW THE CIRCUMSTANCES SURROUNDING THE CASES IN NOS. 1, 2 AND 4

| C<br>O<br>U<br>N<br>T<br>Y | DATE | VICTIM |     |      | WEAPON<br>(Handgun, Rifle, Shotgun,<br>Knife, Club, Poison etc.) | CIRCUMSTANCES SURROUNDING DEATH<br>(Lovers' Quarrel, Robbery etc. - Perpetrated by Uncle,<br>Wife, Adult Male Acquaintance etc. - Occurred at Home,<br>Highway, Tavern etc.) |
|----------------------------|------|--------|-----|------|--|--|
|                            |      | AGE    | SEX | RACE |  |  |
| 01                         |      |        |     |      |  |  |
| 02                         |      |        |     |      |  |  |
| 03                         |      |        |     |      |  |  |
| 04                         |      |        |     |      |  |  |
| 05                         |      |        |     |      |  |  |
| 06                         |      |        |     |      |  |  |
| 07                         |      |        |     |      |  |  |
| 08                         |      |        |     |      |  |  |
| 09                         |      |        |     |      |  |  |
| 10                         |      |        |     |      |  |  |
| 11                         |      |        |     |      |  |  |
| 12                         |      |        |     |      |  |  |
| 13                         |      |        |     |      |  |  |
| 14                         |      |        |     |      |  |  |
| 15                         |      |        |     |      |  |  |
| 16                         |      |        |     |      |  |  |
| 17                         |      |        |     |      |  |  |
| 18                         |      |        |     |      |  |  |
| 19                         |      |        |     |      |  |  |

|                       |      |  |      |  |        |  |       |  |      |
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OFFICERS ASSAULTED REPORT

|                 |                  |                     |      |   |
|-----------------|------------------|---------------------|------|---|
| AGENCY CODE NO. | REPORTING AGENCY | REPORT FOR MONTH OF | YEAR | FORWARDED BY THE SEVENTH DAY AFTER THE END OF THE MONTH TO THE NEBRASKA COMMISSION OF LAW ENFORCEMENT AND PERSONAL JUSTICE<br>STATE CAPITAL BUILDING<br>LINCOLN, NEBRASKA 68509 |
|-----------------|------------------|---------------------|------|---|

|  |                        |                                 |
|--|------------------------|---------------------------------|
| <b>OFFICERS KILLED</b><br>Number of your law enforcement officers killed in the line of duty this month. | By felonious act _____ | By accident or negligence _____ |
|--|------------------------|---------------------------------|

| Officers Assaulted (Do not include officers killed)                                |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
|--|-------------------------------|----------------|--|-----------------------------|-------------------------------|----------------------|--------------------|----------------|------------------------------|----------------|------------|----------------|-----------------------|
| Type of Activity   | Total Assaults by Weapon<br>A | Type of Weapon |  |                             |                               |                      | Type of Assignment |                |                              |                |            |                | Police Assaulted<br>M |
|  |                               | Firearm<br>B   | Knife or Other Cutting Instrument<br>C | Other Dangerous Weapon<br>D | Hands, Fists, Feet, etc.<br>E | Two-Man Vehicle<br>F | One-Man Vehicle    |                | Detective or Special Assign. |                | Other      |                |                       |
|  |                               |                |  |                             |                               |                      | Alone<br>G         | As-sisted<br>H | Alone<br>I                   | As-sisted<br>J | Alone<br>K | As-sisted<br>L |                       |
| 1. Responding to "D. disturb-ance" calls (family quarrels, man with gun, etc.)     |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 2. Burglaries in progress or pursuing burglary suspects . . . . .                  |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 3. Robberies in progress or pursuing robbery suspects . . . . .                    |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 4. Attempting other arrests  |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 5. Civil disorder (riot, mass disobedience) . . . . .                              |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 6. Handling, transporting, custody of prisoners . . .                              |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 7. Investigating suspicious persons or circumstances                               |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 8. Ambush - no warning . .   |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 9. Mentally deranged . . . .   |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 10. Traffic pursuits and stops . . . . .   |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 11. All other . . . . .  |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 12. TOTAL (1-11)   |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 13. Number with personal injury . .  |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 14. Number without personal injury.  |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 15. Number of man hours lost as a result of officers being assaulted while on duty |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |
| 16. Time of assaults . . . PM  |                               |                |  |                             |                               |                      |                    |                |                              |                |            |                |                       |

|                       |      |  |      |  |        |  |       |  |      |  |
|-----------------------|------|--|------|--|--------|--|-------|--|------|--|
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## ARREST DATA 12 MONTHS

This information is usually available in the form of annual reports, but if not, check with the same resources as previously indicated. Remember, estimates are only second best.

See Appendix "A": Page

## ARREST DATA    12 MONTHS

TICKET OFFENSES TRAFFIC - MOVING VIOLATIONS

PARKING VIOLATIONS

SUMMONS AS A RESULT OF ACCIDENT

LOCAL ORDINANCE

INTOXICATION

ARRESTS

## PART I

1. Criminal Homicide
2. Forcible Rape (total)
3. Robbery (total)
4. Assault (total)
5. Burglary (total)
6. Larceny - Theft  
Under \$50  
Over \$50
7. Auto Theft (total)

TOTAL PART I CRIMES

## PART II

1. Arson
2. Other Assault
3. Forgery - Counterfeiting
4. Fraud
5. Embezzlement
6. Stolen Property
7. Vandalism
8. Weapons

9. Vice - Prostitution
  10. Sex Offenses
  11. Narcotics
  12. Gambling
  13. OMVUI
  14. Family - Children
  15. Liquor Laws
  16. Disorderly Conduct
  17. Vagrancy
  18. All Other Offenses
- TOTAL



## DESCRIBING POLICE ACTIVITY

### Police Related Duties and Responsibilities

This information sheet may be the easiest to complete. Civil action information may be obtained from the Sheriff or Clerk of Court.

Accident information may be obtained from the Iowa Department of Public Safety in Des Moines. Jail census may be obtained from either the Sheriff or Mr. Bill Swassing, State Jail Inspector, Iowa Department of Social Services, Lucas Building, Des Moines, Iowa, 50319.

As an added information supplement, an attempt should be made to record the actual amount of time for individual task completion on civil actions and accident investigations. Also helpful will be information relevant to time spent on transportation and paperwork related to prisoners.

See Appendix "A": Page

## POLICE RELATED DUTIES AND RESPONSIBILITIES

## CIVIL ACTIONS ( 2 Years )

Original Notices Served \_\_\_\_\_

Summons and Subpoenas Served \_\_\_\_\_

Writs Served \_\_\_\_\_

Executions Served \_\_\_\_\_

## ACCIDENT INVESTIGATIONS ( 2 Years )

|      | PD    | PI    | F     |
|------|-------|-------|-------|
| 1971 | _____ | _____ | _____ |
| 1972 | _____ | _____ | _____ |

## JAIL POPULATION

|                  | 1971  | 1972  |
|------------------|-------|-------|
| Adult Males      | _____ | _____ |
| Adult Females    | _____ | _____ |
| Juvenile Males   | _____ | _____ |
| Juvenile Females | _____ | _____ |

## WORKLOAD ANALYSIS

This information should be compiled for each agency within the county for the months of January, May, August, and November.

Many departments keep records of calls and radio logs which may presently contain this information.

Accuracy and not estimation is the rule in this process. Staffing and manpower deployment will be least effective without this information.

See Appendix "A": Page

This report to be completed for the months of January, May, August, and November.

AGENCY \_\_\_\_\_

MONTH \_\_\_\_\_

12:00 Mid.    1:00 A.M.  
 1:00 A.M. - 2:00 A.M.  
 2:00 A.M. - 3:00 A.M.  
 3:00 A.M. - 4:00 A.M.  
 4:00 A.M. - 5:00 A.M.  
 5:00 A.M. - 6:00 A.M.  
 6:00 A.M. - 7:00 A.M.  
 7:00 A.M. - 8:00 A.M.  
 8:00 A.M. - 9:00 A.M.  
 9:00 A.M. - 10:00 A.M.  
 10:00 A.M. - 11:00 A.M.  
 11:00 A.M. - 12:00 Noon  
 12:00 Noon - 1:00 P.M.  
 1:00 P.M. - 2:00 P.M.  
 2:00 P.M. - 3:00 P.M.  
 3:00 P.M. - 4:00 P.M.  
 4:00 P.M. - 5:00 P.M.  
 5:00 P.M. - 6:00 P.M.  
 6:00 P.M. - 7:00 P.M.  
 7:00 P.M. - 8:00 P.M.  
 8:00 P.M. - 9:00 P.M.  
 9:00 P.M. - 10:00 P.M.  
 10:00 P.M. - 11:00 P.M.  
 11:00 P.M. - 12:00 Mid.

TOTAL \_\_\_\_\_

AVERAGE CALLS PER DAY \_\_\_\_\_

## COMPARATIVE ANALYSIS

This section is provided to give the reader an opportunity to make an analysis of the data collected. In Decatur County it was noted that there were ten towns in the county.

Leon had one patrolman assigned to the day shift and one assigned to work nights. There was no base station or separate police telephone for the department. Leon's population represents 22% of the total county population.

Lamoni had three police officers and one base station without a radio operator. Lamoni's population represents 26.2% of the total county population, 1,300 of which are students at a private college.

Van Wert had one part-time man with a radio-equipped car. He received a \$30.00 monthly salary. Van Wert's population accounts for 2.6% of the county's population.

The remaining towns had no police protection and comprise 12.8 % of the total county population.

### Decatur County

1 Sheriff and 1 Deputy with offices in the court house

2 radio-equipped county-owned vehicles

1 base station located in the Sheriff's Office-no operators

1 base remote located in the jail residence

Rural residents account for 36.4% of the total county population, spread throughout an area of approximately 565 square miles.

Total livestock thefts in 1972 - \$16,065.00; total livestock thefts the first three months in 1973 - \$20,992.00

According to the Uniform Crime Reports for 1972 issued by the Federal Bureau of Investigation, ninety-one cities and towns in Iowa with populations of 25,000 and under reported the employment of 940 total police employees.<sup>1</sup>

We estimate 813 of the 940 employees to be sworn police officers. A further breakdown would indicate approximately 1.5 sworn officers for every 1,073 population as compared to the recommended 1.5 per 1,000 nationally.

<sup>1</sup>Uniform Crime Reports, Federal Bureau of Investigation, 1972

Iowa counties, on the other hand, present a little different picture. In twenty-one rural counties included in the Iowa Crime Commission's Region #5 (South), there are a total of seventy-two sheriffs and deputies. The total population of the twenty-one counties is 334,446, over one-half of which (approximately 168,000 persons), live in rural areas of less than 4,000 population. This would mean that there is approximately one rural law enforcement officer for every 2,333 persons spread out over a 10,000 square mile area.

With national trends showing an increase in "rural" crime it is our prediction that crime reduction in Iowa will have a "mercury effect"<sup>2</sup>. Crime will be reduced statistically in the SMSA's<sup>3</sup> because of the large dollar concentration on police.

Crime will probably increase in rural areas, but, due to a general lack of sophistication in rural record keeping, this increase will go unreported.

It is this writer's opinion that less than one-third of the Part One Crimes which occur in Region 5 are ever reported past the local law enforcement agency.

<sup>2</sup>"mercury effect"-- Comparison of transfer of crime from one location to another as pressure is applied.

<sup>3</sup>SMSA--Standard Metropolitan Statistical Area

## IDENTIFYING LAW ENFORCEMENT RESOURCES

### Inventory Of Law Enforcement Resources

This planning tool provides a quick reference to the total resource picture. It will be an invaluable guide when decisions are required for equipment acquisition, and general cost analysis.

See Appendix "A": Sample Problem Pages

## INVENTORY OF LAW ENFORCEMENT RESOURCES

The information compiled in this survey will be used to better acquaint all governmental units in \_\_\_\_\_ County with the area overall law enforcement capabilities. Please answer all questions with as much detail as possible.

- I. What kind of hardware is available to your personnel for law enforcement purposes?
  - A. Communications equipment
    1. Radio base stations
      - a. Type
      - b. Frequencies
    2. Teletype (describe)
    3. Disaster warning systems
    4. Tape recording systems
    5. Telephone systems
    6. Alarms
    7. Remote radio equipment
      - a. Hand held
      - b. Mobile
    8. Emergency vehicle traffic control systems
      - a. Rail
      - b. Auto



9. Miscellaneous (list)
  
- B. Investigation equipment (finger printing, casting and drug kits; lie detector; etc.)
  1. Laboratory
  
  2. Photography
  
  3. Miscellaneous
  
- C. Training equipment
  1. Projection equipment
  
  2. Films
  
  3. Miscellaneous (TV, displays, etc.)
  
- D. Vehicles
  1. Marked    Make    Model    Year    Special Equipment
  
  2. Unmarked    Make    Model    Year    Special Equipment
  
  3. Auxiliary    Make    Model    Year    Special Equipment
  
  4. Vehicular equipment
    - a. Remote communications equipment
  
    - b. Emergency aid apparatus
  
    - c. Weaponry
  
- E. Weaponry
  1. Guns

2. Ammunition
3. Riot Control
4. Miscellaneous (list)

II. Personnel

- A. Total Sworn Officers \_\_\_\_\_
  1. Part-time \_\_\_\_\_
  2. Full-time \_\_\_\_\_
- B. Total Civilian Employees \_\_\_\_\_
  1. Part-time \_\_\_\_\_
  2. Full-time \_\_\_\_\_
- C. Total Reserve Officers \_\_\_\_\_
- D. Administrative Officers  
Position \_\_\_\_\_ Annual Salary \_\_\_\_\_
- E. Line Officers  
Position \_\_\_\_\_ Annual Salary \_\_\_\_\_
- F. Civilians  
Position \_\_\_\_\_ Annual Salary \_\_\_\_\_
- G. Fringe benefits (please describe)
  1. Holidays
  2. Vacations
  3. Sick Leave
  4. Leave of absences
  5. Employee insurance programs

6. Longevity plan
  7. Retirement benefits
  8. Uniforms
- H. General personnel policies (list or attach)
- 
- I. Organizational chart (please illustrate)

III. Budgetary Information

- A. Total Governmental Budget \_\_\_\_\_
- B. Law Enforcement Budget \_\_\_\_\_
- C. 1970 Official Population \_\_\_\_\_
- D. Percent law enforcement budget is of total governmental budget (A-B÷A=%) \_\_\_\_\_
- E. Per Capita expenditure for law enforcement (B÷C=Per Capita) \_\_\_\_\_

## IMPLEMENTATION

Early in 1973, city and county officials met to discuss the growing number of livestock thefts occurring in and around Decatur County. After careful analysis of the crime rate and existing resources, it was decided that a committee should be appointed to seek possible solutions.

After two months of deliberation, the local officials met with the committee and, based on the committee's recommendation, agreed to pursue a unified law enforcement concept. The Area Crime Commission staff was instructed to research the legal possibilities and to assist in the planning of such a system.

After intensive research by the law firm of Parkin & Cameron, located in Fairfield, Iowa, the following Articles of Agreement and By-laws were drafted.

## DECATUR COUNTY PUBLIC SAFETY COMMISSION - JOINT AGREEMENT

The following Articles of Agreement shall establish and govern the creation and operation of the Decatur County Public Safety Commission.

ARTICLE I - NAME

Section 1. Name. The official name of this organization shall be the Decatur County Public Safety Commission.

ARTICLE II - LEGAL STATUS

Section 1. Legal Status. This Commission shall be a voluntary joint undertaking of the incorporated cities and towns, and unincorporated towns, located in Decatur County, Iowa, and also in conjunction with the Board of Supervisors representing Decatur County, Iowa, all as authorized by Chapter 28E of the 1971 Code of Iowa, and all Acts amendatory thereto.

Section 2. It is the intent of the parties herein that this agency shall be a new legal entity created by the parties to this agreement.

ARTICLE III - COMMENCEMENT OF OPERATIONS

Section 1. Commencement of Operations. The operations of this Public Safety Commission shall commence at such time as this proposed Commission shall have been issued a Charter from the Secretary of the State of Iowa, and at such times as they have adopted such By-Laws to govern their operation, and that the said Articles or copies thereof have been filed and recorded with the County Recorder of Decatur County, Iowa, all as required by law.

ARTICLE IV - DURATION

Section 1. Duration. The duration and existence of this Commission shall be perpetual, unless terminated or dissolved as hereinafter provided.

ARTICLE V - PURPOSE

Section 1. Purpose. The purpose of this Joint Agreement is to create a Public Safety Commission with Decatur County, Iowa, which shall include such incorporated towns, cities, and unincorporated towns within said County as shall from time to time desire to become a member of said Commission. Said Commission is established for the purpose of assisting and serving all of the people within Decatur County, Iowa, with uniform law enforcement, all for the protection of the rights and property of all peoples, within said county, including said incorporated towns and cities, or unincorporated towns therein. Further, that the purpose thereof shall be to provide more efficient law enforcement and to provide a centralized administration and coordinated planning for the purposes hereinabove set forth. This Commission is intended to be and is hereby declared to be a combination of any and all units of government that shall join and become a part thereof, as hereinafter set forth.

## ARTICLE VI - POWERS AND DUTIES

Section 1. Powers. This Commission shall have the power to do all things necessary to carry out the hereinabove set forth stated purposes, insofar as the same is not in conflict with any of the existing laws within the State of Iowa.

### Section 2. Duties of the Commission.

(a) The duties of the Commission shall be to provide the members thereof with administration of funds received from, or the application for grants of funds from the Iowa Crime Commission, or any other federal agency now created or hereafter created offering assistance in the area or for the purposes as hereinabove set forth, or to the individual members thereof.

(b) The duties of this Commission shall also include the adoption of such by-laws as shall be necessary for the proper operation of this Commission and for the providing of members of this Commission with copies of said by-laws.

## ARTICLE VII - FINANCING

Section 1. In the performance of its duties, the Commission may cooperate with, contract with, and accept and expend funds from federal, state or local associations, public or semi-public, or private individuals or corporations, and may carry out such cooperative undertakings and contracts, as long as the same is for the purposes as hereinabove set forth.

Section 2. The Commission may enter into all necessary contracts and make expenditures for such services and administration or planning as they deem in the best interests of the individual members hereto, jointly and severally, and to carry out the purposes of this agreement.

### Section 3.

(a) This Commission shall prepare a budget based either on calendar years or fiscal years, as the same shall be determined by them, also the operation of this Commission, and that the same shall be adopted each and every twelve month period, in such manner and at such time as shall benefit each of the members hereto within such budget year as this Commission shall adopt and designate by by-laws to be adopted by said Commission.

(b) This Commission shall request each member of said Commission to provide in its budget for its individual share of the entire budget of this Commission, in such amounts as shall be agreed upon by the Commission.

(c) The Commission shall also be voluntarily financed by its individual members as above set forth, and in addition thereto, said Commission shall make application to the Iowa Crime Commission, or any other federal agency for funding for the purposes of administration of this Commission, and to carry out its purposes.

ARTICLE VIII - MEMBERSHIP

Section 1. Members. The membership of this Commission shall be the seven representatives as hereinafter provided of those incorporated towns and cities located within Decatur County, Iowa, or those unincorporated towns therein.

Section 2. Initially the membership of this Commission shall be composed of seven representatives selected as follows:

One representative selected by and from the Board of Supervisors, one representative appointed by the Board of Supervisors to represent all the townships outside of the incorporated towns, two representatives to be selected by the City Council of Leon, Iowa, two representatives to be selected by the City Council of Lamoni, Iowa, and one representative selected by all of the other towns of Decatur County, said representatives each to have one vote on said Commission.

Each official representative selected as above provided shall have an alternate also so selected, who shall have a right to vote only in the absence of the official representative.

Section 3. Members - Method of Joining. Any incorporated city or town, or unincorporated town within Decatur County, Iowa, may join this Commission by proceeding in the following manner.

(a) Said town or city shall pass a Resolution approving these Articles of Agreement and requesting membership to this Commission, and the original members or the present members shall, by such a resolution, authorize the membership of the applicant.

(b) The individual town or city, shall then pass a Resolution appointing its official representative to the Commission, and also the designation of the alternate thereto.

(c) The individual members being county, towns or cities, shall further as a requirement of membership pledge to this Commission the payment of their share of the costs of administration of this Commission, for the benefit of all members thereof.

Section 4. Member - Representation. Representatives and alternates appointed by the individual members joinings this Commission shall continue to represent that said town or city until such time as the duly elected Chairman of this Commission has received a Resolution which appoints a new representative and/or alternate.

Section 5. Duration of Membership. A member of this Commission shall continue its membership therein until such time as (a) the member is expelled, as hereinafter provided; (b) the member terminates its membership herein, as hereinafter provided; (c) this Commission is dissolved, as hereinafter provided.



Section 6. Members - Expulsion. A member of this Commission may be expelled and dropped from membership in this Commission as follows:

(a) The only cause for expulsion shall be a continued violation of the provisions of these Articles of Agreement.

(b) The Commission by-laws as hereinafter adopted and established may set forth procedures required for expulsion of a member for cause.

(c) A member may not be expelled from membership in this Commission without a three-fourths vote of the existing members of said Commission so voting affirmatively.

Section 7. Membership - Termination. The membership of an individual town or city, or even the Board of Supervisors representing Decatur County, Iowa, may be withdrawn from this Commission in the following manner:

(a) The individual member through its governing body shall adopt a Resolution to withdraw from this Commission.

(b) A copy of said Resolution bearing the signatures of the Chairman, or Mayor, or other official thereof, shall then be sent unto the Chairman of this Commission.

(c) A withdrawal of a member from the membership of this Commission shall be effective upon the receipt of the Resolution by the Chairman of the Commission.

(d) Termination of membership as above set forth shall not relieve the withdrawing member of the obligation to pay its share of the expenses for the administration of this Commission for that year in which such withdrawal occurs, and when such withdrawal occurs within the last six (6) calendar months of any budgetary period adopted by the Commission, then such withdrawing individual member of this Commission shall pay one-half or fifty (50%) per cent of what would have been its share of the expenses for said administration and operation of this Commission for that budgeted year.

#### ARTICLE IX - OFFICERS, MEETINGS, EMPLOYEES, AND VOTING

Section 1. Chairman and Vice-Chairman. The Commission shall elect from its membership a Chairman and a Vice-Chairman, who shall serve for a period of two (2) years, or until their successors are elected, or until such time as the said Chairman or Vice-Chairman shall no longer be a member of their individual town, city, governmental body, or fail to represent in an official capacity that group from which they were designated as a member, and at which time the then remaining members of said Commission shall re-elect said individual Chairman and/or Vice-Chairman.

Section 2. Secretary-Treasurer. The Commission shall appoint a Secretary-Treasurer.

Section 3. Meetings. The Commission shall meet not less than once each month, and at such times as the Chairman and/or Vice-Chairman shall call such meetings of this Commission.

Section 4. Employees. The Commission may employ such employees, staff, and other firms or consultants as it may deem necessary to carry out the purpose of this agreement.

Section 5. Voting. Every member of said Commission, shall be entitled to one vote, to be cast either by their designated member, or the designated alternate, and a quorum shall consist of a majority of all of the members of said Commission. A majority of those present shall be sufficient to pass motions, except where these Articles or adopted by-laws shall otherwise provide.

#### ARTICLES X - BY-LAWS

Section 1. One of the first undertakings of this Commission shall be the adoption of rules for the operation of this Commission and the transaction of business.

Section 2. The Commission shall keep a record of all of its resolutions, transactions, findings and determinations, which record shall be a public record.

Section 3. Any by-laws or rules adopted by this Commission for the operation of the Commission and the transaction of business may be repealed, changed or modified by a three-fourths vote of the members of said Commission.

#### ARTICLE XI - DISSOLUTION

Section 1. This agreement and the Commission herein created may be dissolved at any time by a unanimous vote of the membership, and by all members thereof having their governmental body pass a Resolution supporting the dissolution of this Commission. Upon such a dissolution any and all assets of this Commission shall be liquidated and the net proceeds so obtained therefrom, be distributed to the individual members of this Commission as this Commission shall so determine. However, the Commission shall not be dissolved when there remains any indebtedness incurred by the said Commission.

#### ARTICLE XII - AMENDMENTS

Section 1. The terms of these Articles of Agreement may be amended by a three-fourths vote of the Commission members at any regular meeting, provided that each individual member thereof shall have been mailed by the Chairman of this Commission a copy of said proposed Amendment at least thirty (30) days prior to the date that action is proposed to be taken upon said Amendment.

ARTICLE XIII - SEVERABILITY

If any provisions of these Articles of Agreement or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or application of these Articles, which can be given effect without the invalid provisions or applications, and to this end the provisions of these Articles are declared to be severable.

This Decatur County Public Safety Commission - Joint Agreement, duly executed on this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 1973, pursuant to authority granted by resolution of the individual members hereof, from their governmental body, including towns, cities, as well as Decatur County, Iowa, through its Board of Supervisors, executed by their designated representative and member, and which signatory hereto does hereby bind the individual incorporated towns or cities, or unincorporated towns, as well as Decatur County, Iowa, by and through its Board of Supervisors.

DECATUR COUNTY, IOWA

BY \_\_\_\_\_  
Chariman Board of Supervisors

LEON, IOWA

BY \_\_\_\_\_  
Mayor

LAMONI, IOWA

BY \_\_\_\_\_  
Mayor

GRAND RIVER, IOWA

BY \_\_\_\_\_  
Mayor

VAN WERT, IOWA

BY \_\_\_\_\_  
Mayor

WELDON, IOWA

BY \_\_\_\_\_  
Mayor

LEROY, IOWA

BY \_\_\_\_\_  
Mayor

GARDEN GROVE, IOWA

BY \_\_\_\_\_  
Mayor

DAVIS CITY, IOWA

BY \_\_\_\_\_  
Mayor

DECATUR, IOWA

BY \_\_\_\_\_  
Mayor

PLEASANTON, IOWA

BY \_\_\_\_\_  
Mayor

State of Iowa )  
                  ) SS  
Decatur County )

On this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 1973, before me, the undersigned Notary Public, did appear the Mayors of the individual towns, cities, and representatives of Decatur County, Iowa as above identified, who did acknowledge that they executed the above and foregoing as the voluntary act and deed of said individual members of this Commission, as witness my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public, State of Iowa

BY-LAWS  
OF  
DECATUR COUNTY PUBLIC SAFETY COMMISSION

ARTICLE I

The name of this organization shall be Decatur County Public Safety Commission, as established in one certain joint agreement, entered into by incorporated towns, cities and unincorporated towns, located within Decatur County, Iowa, together with the County itself as represented by its Board of Supervisors, the same filed with the Secretary of the State of Iowa, and the Decatur County Recorder, all as provided in Chapter 28E of the 1973 Code of Iowa, and Acts amendatory thereto.

ARTICLE II

Duration. The duration of the organization is perpetual, and its membership is all as set forth in the original Articles of Incorporation which were filed as above set forth, the same having been adopted as indicated on the date last written upon said Articles.

ARTICLE III

Membership Participation. It is expressly agreed that the Decatur County Public Safety Commission exists for the sole purpose and function of serving the people living within the confines of Decatur County, Iowa. Its purpose is further for a uniform law enforcement, for the protection of the rights of persons and their property located within said county.

That this function is managed, controlled and financed by the members hereof, through their designated voting members to the Decatur County Public Safety Commission, as follows: (1) County Board of Supervisors, (2) Lamoni, (2) Leon, (1) Small Towns, (1) Rural Townships, and as representatives of those governmental bodies, set forth in Article I above.

ARTICLE IV

Purpose. Said Decatur County Public Safety Commission will set forth and define law enforcement standards, policies, and rules of operation on a county-wide basis, the same being in conjunction with and under the advice of the duly elected Sheriff of Decatur County, Iowa, and all being within the confines of the laws of the State of Iowa.

It is contemplated that the said Decatur County Public Safety Commission, to carry out its function as above outlined and contemplated herein, will contract as a separate governmental body with the County Sheriff Department of Decatur County, Iowa, by and through the duly elected Board of Supervisors of the said Decatur County, Iowa.

ARTICLE V

Dissolution. Upon dissolution of this Commission, any and all assets of the Commission shall be liquidated according to the percentage of matching funds submitted by the participating entities, and any rules or regulations of State or Federal agencies dealing therewith.

ARTICLE VI

Meetings. This Commission shall meet on the 4th Tuesday of each month, at such time and at such places as shall from time to time be designated.

ARTICLE VII

Ex-Officio - Non-Voting Members. The elected Sheriff of Decatur County, Iowa, the elected County Attorney of Decatur County, Iowa, and a representative selected by each town in Decatur County, together with at least one member of the Iowa Highway Patrol residing in Decatur County, Iowa, shall be ex-officio members of this Commission, but they shall have no vote herein, unless they are designated members to said Commission, as set forth in the Articles of Incorporation. Said ex-officio members shall act in an advisory capacity to fulfill and carry out the purposes of said Commission.

ARTICLE VIII

These By-Laws shall be amended from time to time to fit the purposes of said Decatur County Public Safety Commission, and its functions. However, any voting on an amendment to these By-Laws and a majority or quorum therefore, shall be conducted and performed as set forth in said Articles.

ARTICLE IX

Rules of Procedures. Parliamentary rules as set forth in Roberts Rules of Order shall apply to all proceedings of the Decatur County Public Safety Commission, insofar as is at all times possible.

These By-Laws are hereby adopted by a majority vote of the Decatur County Public Safety Commission on this \_\_\_\_ day of \_\_\_\_\_, A. D., 1973.

\_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_

After review by the local officials and their respective units of government, it was decided to form the Decatur County Public Safety Commission under Chapter 28E of the 1971 Code of Iowa. A copy of the above document was filed with the County Recorder and Secretary of State.

The newly formed Commission decided that in view of existing state laws, the most practical approach would be to contract all law enforcement services with the Sheriff. The Area Crime Commission staff was again contacted and asked to prepare an application for L.E.A.A. grant funds to implement the plan.

The area staff recommended a total line force of fifteen sworn officers and four dispatchers to round out the project, based on the rule of thumb of 1.5 officers per 1,000 population.

Although it was generally agreed that fourteen officers would be ideal, financial limitations reduced the total additional force to eight deputies and four dispatchers.

A total complement of eight road officers and the sheriff allows for approximately 4.80 men on patrol in the county during a 24 hour period or a minimum of 1.6 on patrol during any eight hour period.

## TASKS TO BE COMPLETED

Decision # 1

After the forming of the Public Safety Commission, the first decision to come before the members is the choosing of an administrator. There are many pro's and con's to using the Sheriff as the head of the agency. This writer has no strong feelings either way, except to point out that politicians are not always administrators, and the entire success of this program initially will rest on the shoulders of a strong and extremely capable administrator.

Decision # 2

This Commission, after having read the Articles of Agreement and By-Laws, must prepare a written policy paper outlining the expectations of the Commission as they pertain to several operations of the newly created agency. The Commission and the department head should review and consider these policies together and copies should be made available to each officer outlining the duties and expectations.

Decision # 3

The Commission and administrator must decide on the scope of work to be undertaken by the new agency. Response time to any given location in the county, when computed with area and incidence of crime, will provide the minimum manpower requirements. Other considerations would include peace-keeping duties, such as animal control, traffic enforcement, and school crossing services, etc.

Decision # 4

A functional organizational chart should be prepared outlining the chain of command, and manpower staffing.

Decision # 5

The design of a complete yet simple records and reporting system should be developed.

Decision # 6

A system of telephone and communications policy and procedures should be developed.



## COSTS

Combined law enforcement is expensive. In most cases, it is more expensive than the existing system, but, in terms of efficiency and increased services to an entire county, it can be a good investment.

It is our hope that the Iowa Legislature will see fit to enable counties to provide for special tax districts to spread the costs of police services evenly throughout the county.

Planning plays an important role in this area.

The inventory of law enforcement resources will provide the planner with a tool to assist in the cost analysis.

Starting costs will probably be greater than on-going costs. Efficient utilization of existing resources and sound purchasing practices will help reduce the sting of the initial cost.

## FEDERAL FUNDING

It is the strong recommendation of this writer that the use of federal funds be cautiously explored.

The Iowa Crime Commission's annual allocation represents approximately 10% of Iowa's entire criminal justice budget. These funds must, by the nature of their limited supply, be funneled to high crime areas.

In the event these funds are secured for a consolidation project, assumption of cost by the local commission must be planned in advance.

## SALARIES

A common mistake made by political subdivisions is to economize in the areas of salaries.

We live in a competitive society, and law enforcement is no exception to that fact.

Minimum requirements should include at least two years of college experience or five years of police experience. By 1984 a minimum of a four year degree should be mandatory.

The writer cannot make a definite dollar amount recommendation because different areas of the state command different salary and personal benefit scales. Private enterprise will provide an accurate measuring scale to overcome this significant hurdle.

## SUMMARY

Training programs have been excluded from this manual on purpose.

Decisions concerning training must be made by the individual administrator and are formulated after the decision to combine agencies has been made.

Although the Sample Problem illustrates the sheriff as administrator, the writer does not intend to imply the favoring of this approach.

Many police agencies require college degrees and/or a minimum number of years of street experience before an individual may hold a rank. Civil Service requirements for police officers require health standards and entrance examinations.

By comparison, the chief law enforcement position in any county may be had for 51% of the vote.

It is this writer's hope that the Iowa Legislature will either remove the sheriff from politics or set certain requirements at least as stringent as those of the more up-to-date police agencies in Iowa.

By 1975 minimum requirements should be six years of law enforcement experience plus two years of administrative experience with rank as sergeant or higher.

Unless through consolidation a political subdivision can improve the current level of service at a slightly higher cost or maintain the current level of service at a reduced cost, it should not be considered.

A P P E N D I X

APPENDIX "A"  
SAMPLE PROBLEM  
AND  
ALTERNATIVE METHODS

### SAMPLE PROBLEM

The following sample problem illustrates the types of data available from the sample questionnaires in Part I of this report.

As indicated earlier, this type and amount of information may be difficult to obtain. It may, in fact, be necessary to interview individual officers to obtain the necessary data.

The sample problem helps to illustrate the types of data necessary for the successful planning and implementation of an efficient law enforcement effort.

The data questionnaires are necessary tools, and law enforcement planning is a systematic utilization of formulas relative to crime and resource data.

## PROBLEM

County Name: Hawkeye

Population Total: 9,931

Square Miles: 468

Number of County Roads: 864

Number of Miles of City Streets: 81

List Towns: Jeffco 1,006; Last Chance 981; Paradise Hill 6,845

Major Industries: Acme Feed Company; Ridgeway Tube Company; Hawkeye Mill Works; Paradise First National Bank; Last Chance Savings and Loan

Recreation Facilities: Hawkeye Gulch State Park--5,000 acre camp area with 3,000 acre lake. Park Officer estimates traffic to exceed 700 units during the weekend and 150 units during the week

CRIME RATE

|                          | HAWKEYE<br>COUNTY | JEFFCO   | LAST CHANCE | PARADISE<br>HILL | TOTAL ALL<br>REPORTING<br>AGENCIES |
|--------------------------|-------------------|----------|-------------|------------------|------------------------------------|
| HOMICIDE                 | 0                 | 0        | 0           | 1                | 1                                  |
| FORCIBLE<br>RAPE         | 1                 | 0        | 0           | 1                | 2                                  |
| ROBBERY                  | 2                 | 1        | 1           | 1                | 5                                  |
| ASSAULT                  | 7                 | 3        | 4           | 14               | 28                                 |
| BREAKING AND<br>ENTERING | 30                | 15       | 20          | 65               | 130                                |
| LARCENY<br>EXCEPT AUTO   | 21                | 20       | 28          | 69               | 138                                |
| AUTO                     | <u>5</u>          | <u>1</u> | <u>3</u>    | <u>10</u>        | <u>19</u>                          |
| TOTAL                    | 66                | 40       | 55          | 162              | 323                                |

COMPARISON OF CRIME RATES

|                          | HAWKEYE COUNTY<br>TOTAL | NATIONAL AVERAGE |
|--------------------------|-------------------------|------------------|
| HOMICIDE                 | 1                       | .89              |
| FORCIBLE RAPE            | 2                       | 2.23             |
| ROBBERY                  | 5                       | 17.90            |
| ASSAULT                  | 28                      | 18.66            |
| BREAKING AND<br>ENTERING | 130                     | 112.61           |
| LARCENY<br>EXCEPT AUTO   | 138                     | 88.26            |
| AUTO                     | <u>19</u>               | <u>24.31</u>     |
| TOTAL                    | 323                     | 282.95           |



## CRIME ANALYSIS

## PART I OFFENSES

|                                     |        |  |             |
|-------------------------------------|--------|--|-------------|
| HOMICIDE                            | 8-7-73 | F Shotgun Domestic                                 | 11:48 P     |
| RAPE                                | 8-1-73 | State Park   | 7:26 P      |
| RAPE                                | 1-4-73 | Paradise Hill Community Church                     | 1:22 P      |
| ROBBERY                             | 2 --   | State Park #1 \$750.00 #2                          | \$7.81      |
| ROBBERY                             | 1 --   | Jeffco DX Station                                  | \$35.00     |
| ROBBERY                             | 1 --   | Last Chance Savings & Loan                         | \$1,372.80  |
| ROBBERY                             | 1 --   | Paradise Hill Bake Shop                            | \$3.50      |
| <hr/>                               |        |  |             |
| BURGLARY --BREAKING<br>AND ENTERING | 7 --   | Daytime Abandoned Farm Homes                       |             |
| COUNTY                              | 19 --  | Nighttime Out-Buildings                            |             |
|                                     | 1 --   | State Park Out-Buildings                           |             |
| <hr/>                               |        |  |             |
| JEFFCO                              | 7 --   | Residence (Day) 1 Residence (Night)                |             |
|                                     | 7 --   | Non-Residence (Night)                              |             |
| <hr/>                               |        |  |             |
| LAST CHANCE                         | 17 --  | Non-Residence (Night) 2 Non-Residence<br>(Unknown) |             |
| <hr/>                               |        |  |             |
| PARADISE HILL                       | 15 --  | Residence (Unknown) 12 Residence (Day)             |             |
|                                     | 4 --   | Non-Residence (Unknown) 1 Non-Residence            |             |
|                                     | 33 --  | Non-Residence (Night)                              |             |
| <hr/>                               |        |  |             |
| LARCENY - EXCEPT AUTO               | 6x     |  |             |
|                                     | 9      | Farm Yard - Open Field                             | \$13,650.00 |
|                                     | 3      | From Autos   | 2,426.00    |
| COUNTY                              | 2      | Bicycles   | 120.00      |
|                                     | 4      | Auto-Machinery Parts                               | 270.00      |
|                                     | 3      | All Other  | 7,483.00    |
| <hr/>                               |        |  |             |



## Type and Value of Property (8x)

|                         | <u>STOLEN</u> | <u>RECOVERED</u> |
|-------------------------|---------------|------------------|
| Currency                | \$ 77.85      | \$ -0-           |
| Jewelry-Precious Metals | 1,400.00      | -0-              |
| Furs                    | -0-           | -0-              |
| Clothing                | 75.00         | -0-              |
| Locally Stolen Autos    | 38,000.00     | \$38,000.00      |
| Animals and Livestock   | 13,650.00     | 1,650.00         |
| Miscellaneous           | 21,950.86     | 18,441.00        |

## Automobiles

|  |    |
|--|----|
| Number stolen locally and recovered locally -----              | 12 |
| Number stolen locally and recovered by other jurisdictions --- | 6  |
| Total locally stolen autos recovered -----                     | 18 |
| Number stolen in other jurisdictions and recovered locally --- | 1  |

## PART II OFFENSES

67

|   | COUNTY   | JEFFCO   | LAST<br>CHANCE | PARADISE<br>HILL | TOTAL ALL<br>REPORTING<br>AGENCIES |
|---|----------|----------|----------------|------------------|------------------------------------|
| OTHER ASSAULTS                                      |          |          |                |                  |                                    |
| Arson   | 1        | 0        | 0              | 2                | 3                                  |
| Forgery &<br>Counterfeiting                         | 0        | 1        | 0              | 2                | 3                                  |
| Fraud   | 1        | 0        | 0              | 0                | 1                                  |
| Embezzlement  | 0        | 0        | 0              | 0                | 0                                  |
| Stolen Property<br>Buying, Receiving,<br>Possessing | 12       | 0        | 2              | 7                | 21                                 |
| Vandalism   | 48       | 12       | 9              | 31               | 100                                |
| Weapons   | 2        | 0        | 0              | 1                | 3                                  |
| Prostitution-Vice                                   | 0        | 0        | 0              | 0                | 0                                  |
| Sex Offenses  | 1        | 0        | 0              | 0                | 1                                  |
| Narcotics   | 5        | 0        | 0              | 0                | 5                                  |
| Gambling  | 0        | 0        | 0              | 0                | 0                                  |
| Offenses Against<br>Family-Children                 | 0        | 0        | 0              | 1                | 1                                  |
| OMVUI   | 16       | 2        | 0              | 24               | 42                                 |
| Liquor Laws   | 7        | 1        | 0              | 9                | 17                                 |
| Drunkenness   | 24       | 11       | 3              | 104              | 142                                |
| Disorderly Conduct                                  | 2        | 7        | 1              | 26               | 36                                 |
| Vagrancy  | 0        | 0        | 0              | 0                | 0                                  |
| All Other Offenses                                  | 9        | 2        | 7              | 30               | 48                                 |
| Suspicion   | 0        | 0        | 0              | 0                | 0                                  |
| Curfew (Juvenile)                                   | 0        | 0        | 0              | 0                | 0                                  |
| Runaway (Juvenile)                                  | <u>6</u> | <u>0</u> | <u>0</u>       | <u>5</u>         | <u>11</u>                          |
| TOTAL   | 134      | 36       | 22             | 242              | 434                                |

CIVIL NOTICES  
(Non-Police Related Duties)

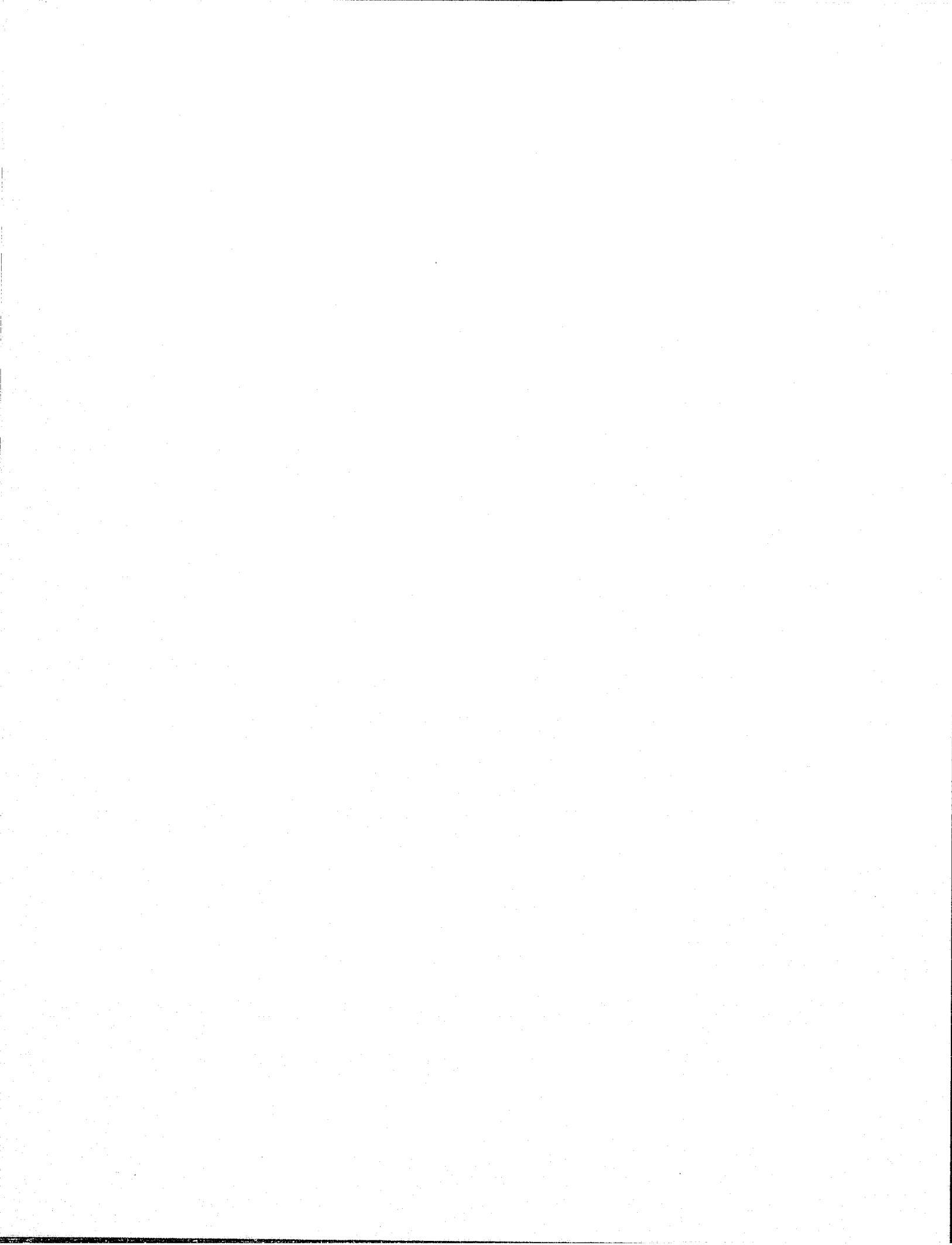
|                                  | <u>1971</u> | <u>1972</u> |
|----------------------------------|-------------|-------------|
| Original Notices Total County    | 186         | 180         |
| Subpoenas & Summons Total County | 302         | 184         |
| Writs                            | 60          | 70          |
| Executions                       | 40          | 50          |

JAIL POPULATION

|      | ADULT MALES | ADULT FEMALES | JUVENILE<br>MALES | JUVENILE<br>FEMALES |
|------|-------------|---------------|-------------------|---------------------|
| 1971 | 151         | 3             | 3                 | 1                   |
| 1972 | 84          | 3             | 0                 | 0                   |

ACCIDENT INVESTIGATION (TWO YEARS)

|         | HAWKEYE COUNTY |      |   | JEFFCO |    |   | LAST CHANCE |    |     | PARADISE HILL |      |     | TOTAL |      |    |
|---------|----------------|------|---|--------|----|---|-------------|----|-----|---------------|------|-----|-------|------|----|
|         | PD             | PI   | F | PD     | PI | F | PD          | PI | F   | PD            | PI   | F   | PD    | PI   | F  |
| 1971    | 106            | 40   | 3 | 49     | 8  | 0 | 31          | 12 | 1   | 286           | 71   | 4   | 472   | 71   | 8  |
| 1972    | 109            | 37   | 1 | 56     | 10 | 0 | 48          | 10 | 0   | 314           | 92   | 1   | 527   | 92   | 2  |
| TOTAL   | 215            | 77   | 4 | 105    | 18 | 0 | 79          | 22 | 1   | 600           | 163  | 5   | 999   | 163  | 10 |
| AVERAGE | 107.5          | 38.5 | 2 | 52.5   | 9  | 0 | 39.5        | 11 | .05 | 300           | 81.5 | 2.5 | 499.5 | 81.5 | 5  |



AGENCY HAWKEYE COUNTY SHERIFF

MONTH MAY

|            |   |            |    |
|------------|---|------------|----|
| 12:00 Mid. | - | 1:00 A.M.  | 15 |
| 1:00 A.M.  | - | 2:00 A.M.  | 10 |
| 2:00 A.M.  | - | 3:00 A.M.  | 6  |
| 3:00 A.M.  | - | 4:00 A.M.  | 5  |
| 4:00 A.M.  | - | 5:00 A.M.  | 2  |
| 5:00 A.M.  | - | 6:00 A.M.  | 1  |
| 6:00 A.M.  | - | 7:00 A.M.  | 8  |
| 7:00 A.M.  | - | 8:00 A.M.  | 12 |
| 8:00 A.M.  | - | 9:00 A.M.  | 16 |
| 9:00 A.M.  | - | 10:00 A.M. | 19 |
| 10:00 A.M. | - | 11:00 A.M. | 30 |
| 11:00 A.M. | - | 12:00 Noon | 21 |
| 12:00 P.M. | - | 1:00 P.M.  | 15 |
| 1:00 P.M.  | - | 2:00 P.M.  | 13 |
| 2:00 P.M.  | - | 3:00 P.M.  | 31 |
| 3:00 P.M.  | - | 4:00 P.M.  | 22 |
| 4:00 P.M.  | - | 5:00 P.M.  | 15 |
| 5:00 P.M.  | - | 6:00 P.M.  | 34 |
| 6:00 P.M.  | - | 7:00 P.M.  | 28 |
| 7:00 P.M.  | - | 8:00 P.M.  | 28 |
| 8:00 P.M.  | - | 9:00 P.M.  | 25 |
| 9:00 P.M.  | - | 10:00 P.M. | 36 |
| 10:00 P.M. | - | 11:00 P.M. | 27 |
| 11:00 P.M. | - | 12:00 Mid. | 19 |

TOTAL 438

AVERAGE CALLS PER DAY 14.129



## INVENTORY OF EXISTING LAW ENFORCEMENT RESOURCES

BASE STATION

|                             |   |
|-----------------------------|---|
| Hawkeye County Sheriff 1971 | Motorola 100 watt 37.10-37.2TX-RX 42.58RX |
| Jeffco                      | NONE                                      |
| Last Chance                 | NONE                                      |
| Paradise Hill 1969          | GE 100 watt 37.10TX-RX 42.58RX            |

TELETYPE

|                        |               |
|------------------------|---------------|
| Hawkeye County Sheriff | Tracis System |
|------------------------|---------------|

DISASTER WARNING SYSTEM

|                        |  |
|------------------------|--|
| Hawkeye County Sheriff | NONE   |
| Jeffco                 | Fire Station (manual crank)  |
| Last Chance            | Fire Station Bell  |
| Paradise Hill          | Fire Siren located on top of City Hall<br>1971 Civil Defense 3 mile Radius |

TAPE RECORDING SYSTEM

|                        |                           |
|------------------------|---------------------------|
| Hawkeye County Sheriff | Sony Partable in each car |
| Jeffco                 | NONE                      |
| Last Chance            | NONE                      |
| Paradise Hill          | 1 Portable (AMCO)         |

TELEPHONE SYSTEM

|                        |                 |
|------------------------|-----------------|
| Hawkeye County Sheriff | 2 Private Lines |
| Jeffco                 | NONE            |
| Last Chance            | NONE            |
| Paradise Hill          | 2 Private Lines |

ALARM SYSTEMS

|                        |   |
|------------------------|---|
| Hawkeye County Sheriff | NONE  |
| Jeffco                 | Sound Alarm Acme Feed Co.   |
| Last Chance            | Sound Alarm Savings & Loan  |
| Paradise Hill          | Silent Alarm Hawkeye Mill Work<br>Silent Alarm First National Bank<br>Silent Alarm Tube Company |

REMOTE RADIO EQUIPMENT

## (a) Handheld

|                        |                  |
|------------------------|------------------|
| Hawkeye County Sheriff | 1 GE Handitalkie |
| Jeffco                 | NONE             |
| Last Chance            | NONE             |
| Paradise Hill          | NONE             |

## (b) Mobile

|                        |  |
|------------------------|--|
| Hawkeye County Sheriff | 3 Motorola 1971 100 watt 37.10-20 TX RX<br>42.58RX |
| Jeffco                 | 1 Motorola 1961 50 watt 37.10 TX RX                |
| Last Chance            | NONE   |
| Paradise Hill          | 3 GE 100 watt 37.10 TX RX 42.58 RX                 |

EMERGENCY VEHICLE TRAFFIC CONTROL SYSTEMS

## (a) Rail

|              |      |
|--------------|------|
| Total County | NONE |
|--------------|------|

## (b) Auto

|               |   |
|---------------|---|
| Paradise Hill | 6 Traffic Lights (solid red) Remote P. D. |
|---------------|---|

MISCELLANEOUS

|               |   |
|---------------|---|
| Sheriff       | 1 Portable Fingerprint Kit<br>1 Press-type Camera |
| Paradise Hill | 1 Portable Police Lab                             |

TRAINING EQUIPMENT

|               |                          |
|---------------|--------------------------|
| Paradise Hill | 1 16mm Projector (sound) |
| Total County  | Films--NONE              |
| Total County  | Miscellaneous--NONE      |

VEHICLES

|                |  |
|----------------|--|
| County Sheriff | 1 1973 Ford Galaxie Sedan (marked), heavy duty suspension, electrical equipment, air cond.<br>1 1972 Chevrolet Impala Sedan (marked), heavy duty suspension, cooling, electrical, air cond.<br>1 1973 Chrysler Newport Sedan (unmarked), heavy duty suspension, cooling, electrical, air cond. |
| Auxiliary      | NONE   |
| Jeffco         | 1 1970 Ford 4-door Sedan   |
| Last Chance    | NONE   |
| Paradise Hill  | 3 marked police cars (1972, 1971, 1969), standard size full purpose patrol vehicles  |

VEHICULAR EQUIPMENT

|                                     |  |
|-------------------------------------|--|
| (a) Remote Communications Equipment | NONE   |
| (b) Emergency Aid Apparatus         | NONE   |
| (c) Weaponry                        | Each community has a shotgun (police type pump) located in each of its patrol vehicles. In addition the Sheriff's Dept. has a shotgun for each deputy. |

WEAPONRY

|                  |  |
|------------------|--|
| (a) Guns         |  |
| Hawkeye County   | All police personnel own their own service revolvers   |
| (b) Ammunition   | 19 shotgun shells were found in various cars and offices; handgun ammunition belongs to individual officers. |
| (c) Riot Control |  |
| Hawkeye County   | Deputies each are equipped with a gas mask, helmet, and riot baton   |

FRINGE BENEFITS

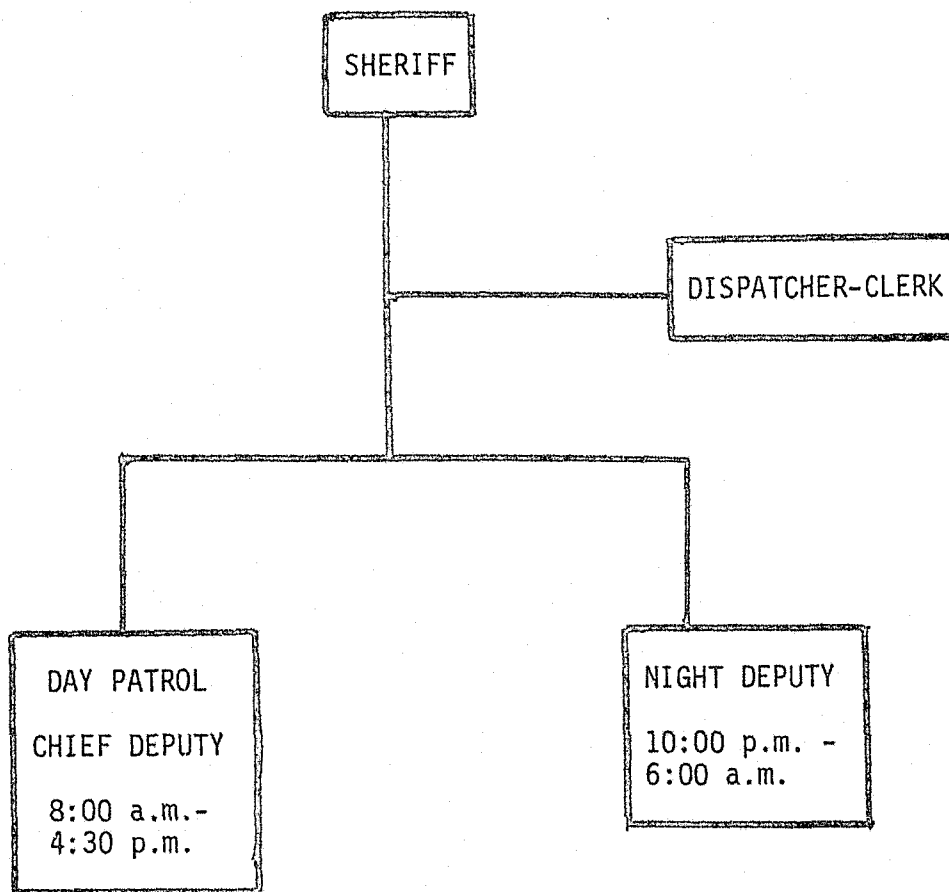
|                         | HAWKEYE<br>COUNTY        | JEFFCO | LAST<br>CHANCE | PARADISE<br>HILLS            |
|-------------------------|--------------------------|--------|----------------|------------------------------|
| HOLIDAYS                | 7                        | 0      | 0              | 7                            |
| SICK LEAVE              | Not to exceed<br>30 days | 0      | 0              | 14 days<br>accumulative      |
| LEAVE OF<br>ABSENCE     | 0                        | 0      | 0              | 0                            |
| EMPLOYMENT<br>INSURANCE | Hospital                 | 0      | 0              | Hospital and<br>Life         |
| LONGEVITY               | 0                        | 0      | 0              | 0                            |
| RETIREMENT              | IPERS                    | IPERS  | 0              | Civil Service                |
| UNIFORMS                | NO                       | NO     | NO             | \$200.00 Annual<br>Allowance |

GENERAL PERSONNEL POLICIES

None of the law enforcement agencies have any formal written policies or procedures.

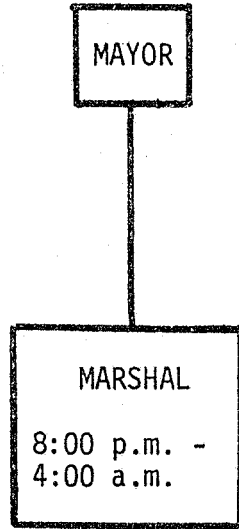
ORGANIZATIONAL CHART

Hawkeye County Sheriff



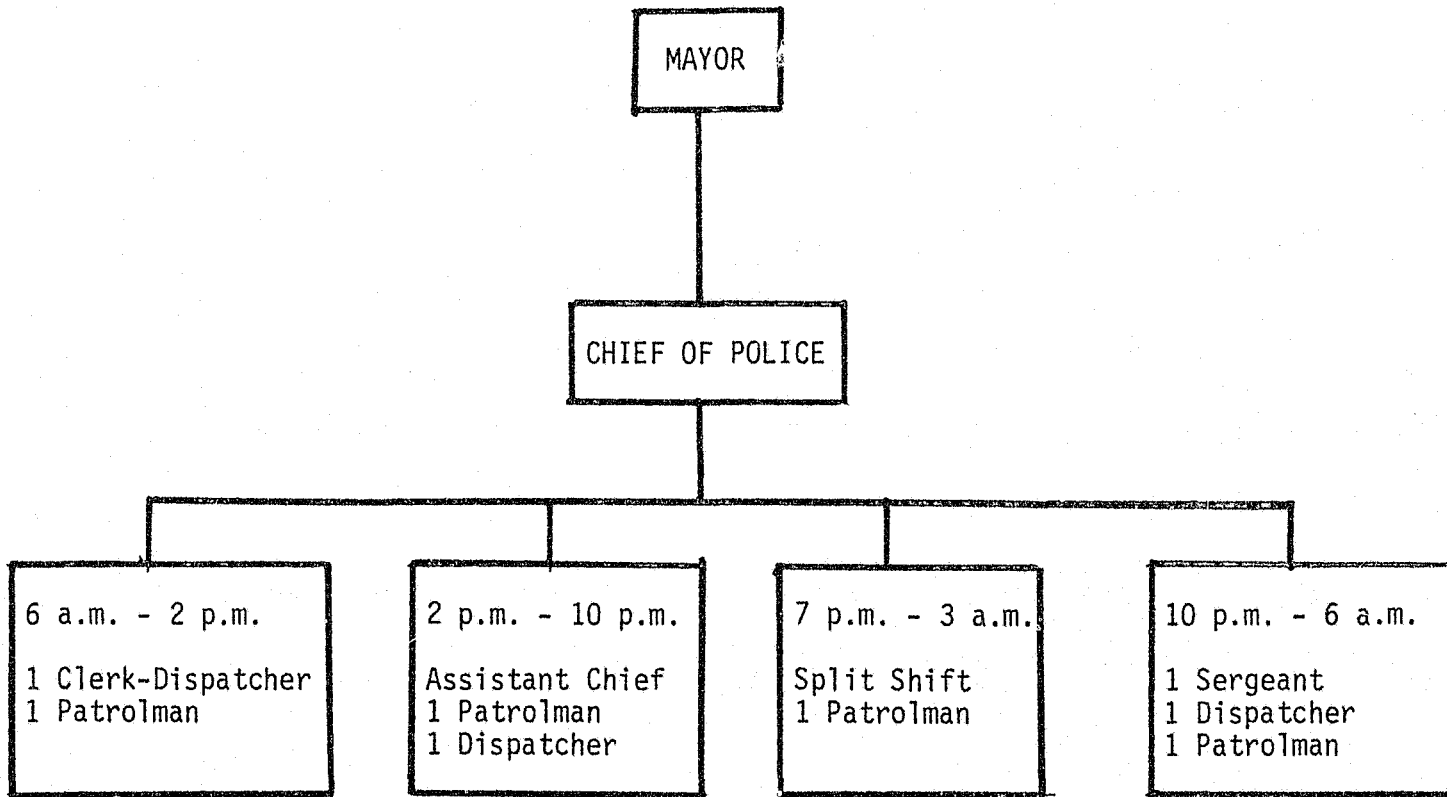
ORGANIZATIONAL CHART

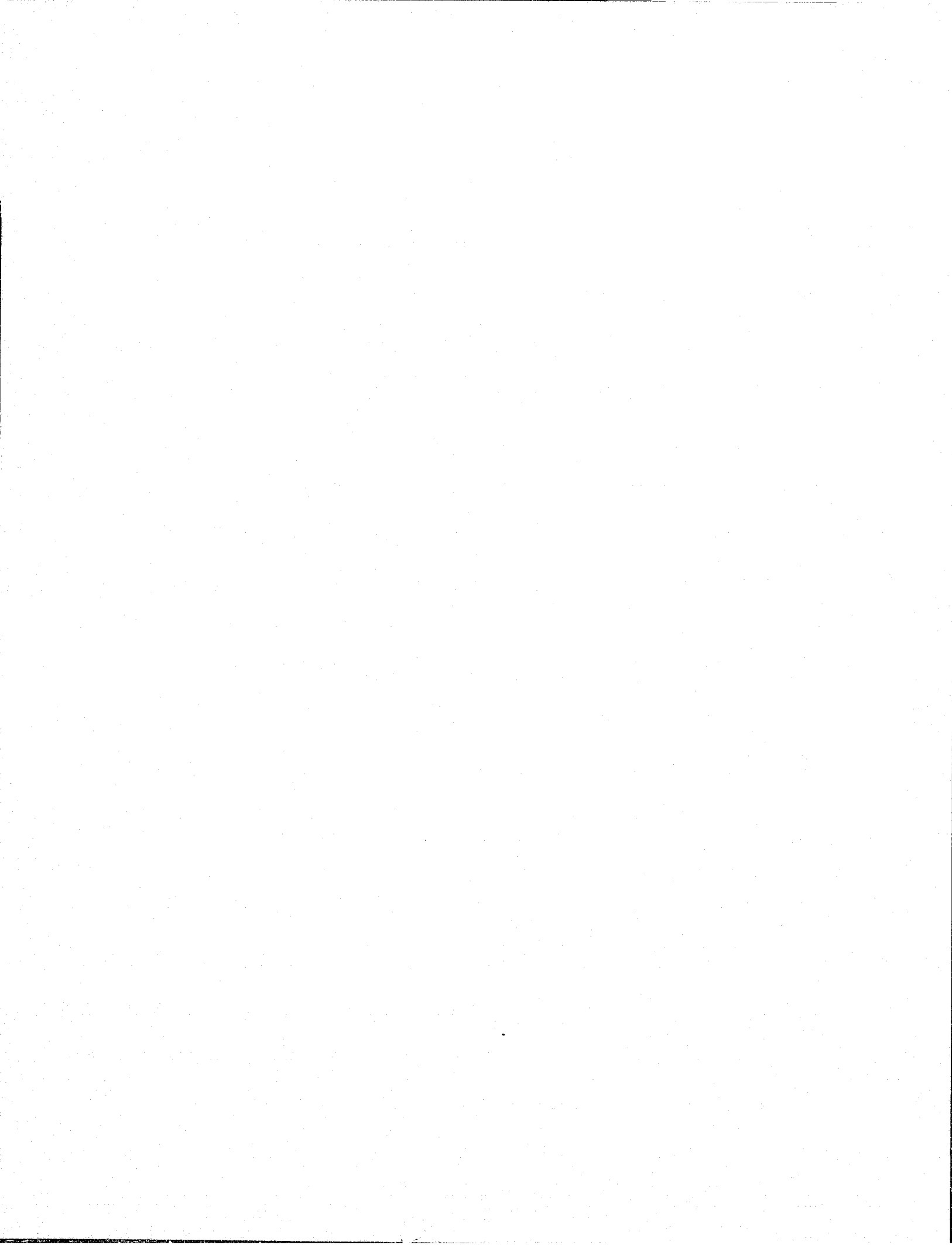
Jeffco



ORGANIZATIONAL CHART

Paradise Hill







A. TOTAL GOVERNMENTAL BUDGETS: \$3,345,694.00

B. LAW ENFORCEMENT

Budgetary Information

|  |                     |
|--|---------------------|
| (a) Total Sheriff's Budget 1973        | \$ 53,700.00        |
| (b) Total Jeffco Budget 1973           | 6,200.00            |
| (c) Total Paradise Hill Budget 1973    | 126,115.00          |
| Total Combined Law Enforcement Budgets | <u>\$186,065.00</u> |

C. 1970 OFFICIAL CENSUS

|               |       |
|---------------|-------|
| Total County  | 9,931 |
| Jeffco        | 1,006 |
| Last Chance   | 981   |
| Paradise Hill | 6,845 |
| Rural         | 1,099 |

D. PERCENT LAW ENFORCEMENT BUDGET OF TOTAL GOVERNMENTAL BUDGET: 09.44%

E. ANNUAL PER CAPITA EXPENDITURE FOR LAW ENFORCEMENT

|               |         |            |         |
|---------------|---------|------------|---------|
| Rural         | \$ 5.41 | per person | 5,948   |
| Jeffco        | \$11.57 | per person | 11,640  |
| Last Chance   | \$ 5.41 | per person | 5,308   |
| Paradise Hill | \$28.83 | per person | 163,117 |

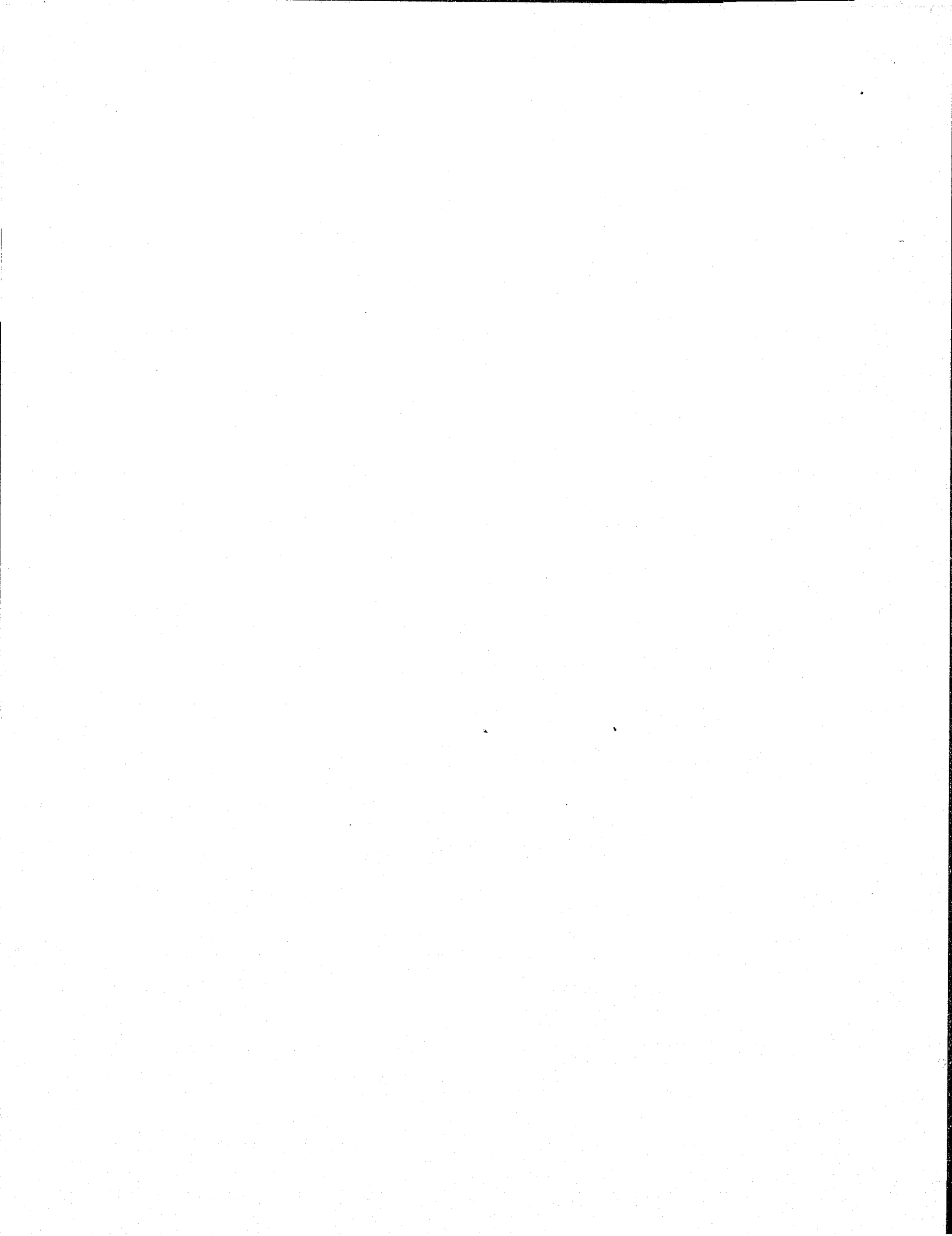
Note: Figures in "E" obtained as follows:

Sheriff's Budget: Paid all county residents average \$5.41  
 Rural: No city taxes so above average is only cost  
 Jeffco: Residents receive \$5.41 of sheriff's budget and \$6.16 of city cost  
 Last Chance: Residents have no city P. D. so they only share of sheriff's budget or \$5.41 average  
 Paradise Hill: Residents share \$5.41 of sheriff's budget and \$18.42 of local police budget

### COMPARATIVE COST ANALYSIS

Presently Hawkeye County residents pay \$186,065.00 for three administrators, five support staff members, eight line staff, and two line staff supervisors. Of the various departments represented, only one can provide its residents with uninterrupted twenty-four hour service. Using the same budget of \$186,065.00, county and city officials could combine resources to reduce duplication of services and waste.

An alternative solution might appear as follows:



PUBLIC SAFETY COMMISSION

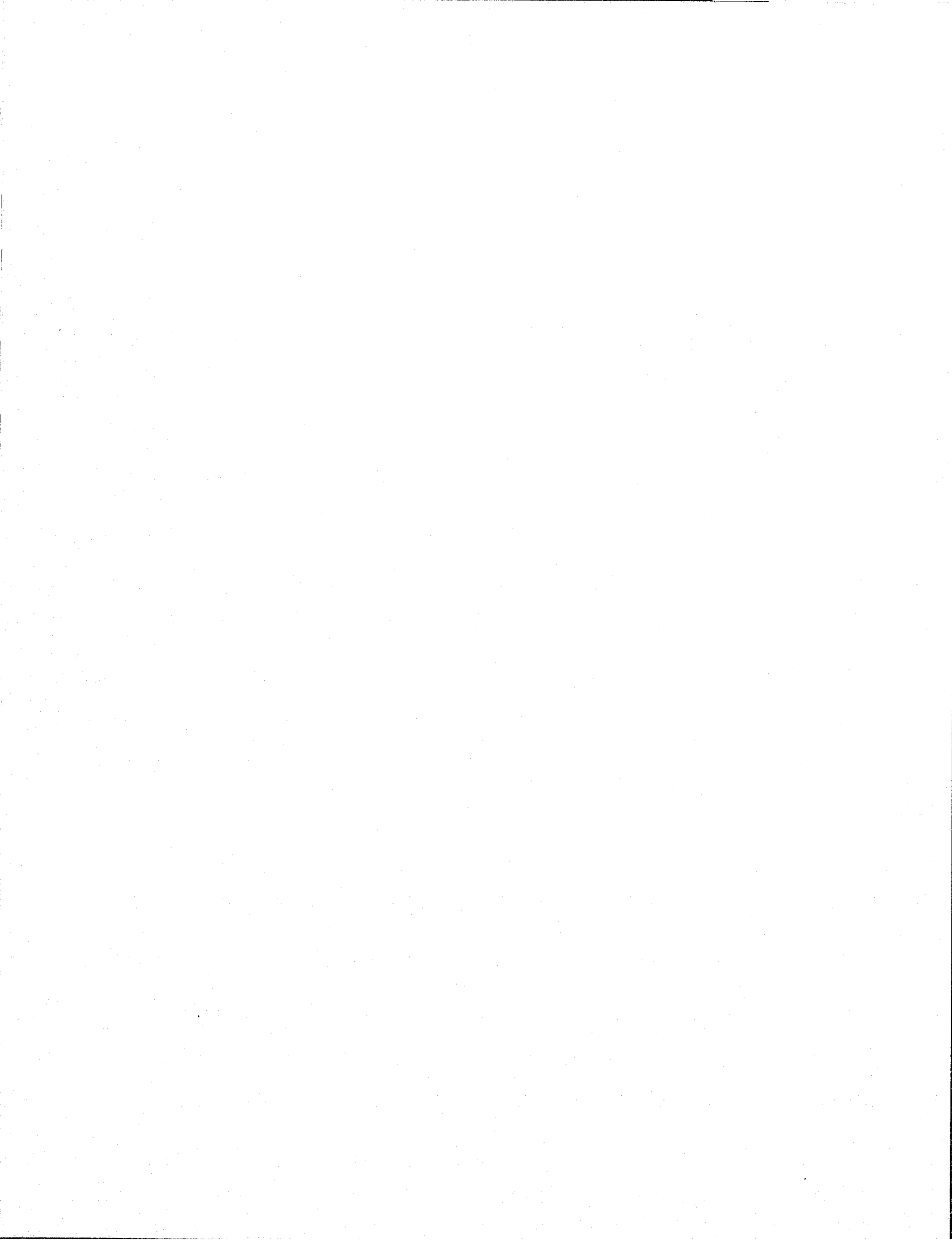
SHERIFF

5:30 a.m. - 2 p.m.  
1 Clerk-Dispatcher  
1 Sergeant  
3 Patrolmen

1:30 p.m. - 10:00 a.m.  
1 Clerk-Dispatcher  
1 Under-Sheriff  
3 Patrolmen

5:00 p.m. - 1:00 a.m.  
1 Patrolman

9:30 p.m. - 6:00 a.m.  
1 Dispatcher  
1 Sergeant  
3 Patrolmen



**CONTINUED**

**1 OF 3**

Ten patrolmen and two sergeants when properly distributed will provide seven duty slots in a twenty-four hour time frame. Four motor vehicles (one unmarked) will provide adequate transportation for seven men and administrative staff. Each officer will be responsible for the patrol of 200.57 square miles during each tour of duty. Assignments should be made based on actual incidence of crime.

A Sample Budget May Appear As Follows:

|                           |                     |
|---------------------------|---------------------|
| 1 Sheriff                 | \$ 10,000.00        |
| 1 Under Sheriff           | 9,200.00            |
| 2 Sergeants @ \$8,200.00  | 16,400.00           |
| 10 Patrolmen @ \$7,800.00 | 78,000.00           |
| 4 Clerk-Dispatchers       | 20,000.00           |
| TOTAL                     | <u>\$133,600.00</u> |

|  |                     |
|--|---------------------|
| FICA, Retirement, Insurance<br>@ 11% of Gross                          | \$ 14,696.00        |
| Telephone  | 400.00              |
| Gas, Oil, General Maintenance<br>(4 Cars) @ 50,000 miles<br>each @ 12¢ | 24,000.00           |
| Misc. Office Expense   | 700.00              |
| Radio Equipment and Repairs  | 500.00              |
| Training   | 1,600.00            |
| Clothing Allowance   | 2,600.00            |
| TOTAL  | <u>\$178,596.00</u> |

|                         |              |
|-------------------------|--------------|
| LEAA Matching Funds     | \$ 7,469.00  |
| Federal and State Funds | \$ 35,031.00 |

Start Up Costs

|   |                     |
|---|---------------------|
| 4 New Patrol Cars<br>@ \$4,000.00* each           | \$ 16,000.00        |
| 4 Car Accessories (Lights,<br>Siren, PA, Etc.)    | 2,800.00            |
| 4 Mobile Radios @ 1,600.00<br>(Multi Freq.)       | 6,400.00            |
| Uniforms and Officer Equipment<br>@ \$600.00 each | 7,800.00            |
| Training Costs @ ILEA @ \$600.00<br>each          | 7,200.00            |
| Lab Equipment                                     | 800.00              |
| Record System--Files, Forms,<br>Typewriter        | 1,500.00            |
| TOTAL   | <u>\$ 42,500.00</u> |

\*Based on State Car Dispatcher Price



APPENDIX

"B"

STANDARD 5.2

## Standard 5.2

### Combined Police Services

Every State and local government and every police agency should provide police services by the most effective and efficient organizational means available to it. In determining this means, each should acknowledge that the police organization (and any functional unit within it) should be large enough to be effective but small enough to be responsive to the people. If the most effective and efficient police service can be provided through mutual agreement or joint participation with other criminal justice agencies, the governmental entity or the police agency immediately should enter into the appropriate agreement or joint operation. At a minimum, police agencies that employ fewer than 10 sworn employees should consolidate for improved efficiency and effectiveness.

1. Every State should enact legislation enabling local governments and police and criminal justice agencies, with the concurrence of their governing bodies, to enter into interagency agreements to permit total or partial police services. This legislation:

a. Should permit police service agreements and joint participation between agencies at all levels of government;

b. Should encourage interagency agreements for and joint participation in police services where beneficial to agencies involved;

c. Should permit reasonable local control or responsiveness to local needs.

2. Every local government should take whatever other actions are necessary to provide police services through mutual agreement or joint participation where such services can be provided most effectively.

3. No State or local government or police agency should enter into any agreement for or participate in any police service that would not be responsive to the needs of its jurisdiction and that does not at least:

a. Maintain the current level of a service at a reduced cost;

b. Improve the current level of a service either at the same cost or at an increased cost if justified; or

c. Provide an additional service at least as effectively and economically as it could be provided by the agency alone.

4. Every State, in cooperation with all police agencies within it, should develop a comprehensive, statewide mutual aid plan to provide for mutual aid in civil disorders, natural disasters, and other contingencies where manpower or materiel requirements might exceed the response capability of single agencies.

5. Every State should provide, at no cost to all police agencies within the State, those staff services such as laboratory services, information systems, and intelligence and communications systems, which fill a need common to all these agencies and which would not be economical or effective for a single agency to provide for itself.

6. Every local government and every local police agency should study possibilities for combined and contract police services, and where appropriate, implement such services. Combined and contract service programs may include:

a. Total consolidation of local government services: the merging of two city governments, or city-county governments;

b. Total consolidation of police services: the merging of two or more police agencies or of all police agencies (i.e., regional consolidation) in a given geographic area;

c. Partial consolidation of police services: the merging of specific functional units of two or more agencies;

d. Regionalization of specific police service: the combination of personnel and materiel resources to provide specific police services on a geographic rather than jurisdictional basis;

e. Metropolitanization: the provision of public services (including police) through a single government to the communities within a metropolitan area;

f. Contracting for total police services: the provision of all police services by contract with another government (city with city, city with county, county with city, or city or county with State);

g. Contracting for specific police services: the provision of limited or special police services by contract with another police or criminal justice agency; and

h. Service sharing: the sharing of support services by two or more agencies.

7. Every police agency should immediately, and annually thereafter, evaluate its staff services to determine if they are adequate and cost effective, whether these services would meet operational needs more effectively or efficiently if they were combined with those of other police or criminal justice agencies, or if agency staff services were secured from another agency by mutual agreement.

8. Every police agency that maintains cost-effective staff service should offer the services to other agencies if by so doing it can increase the cost-effectiveness of the staff service.

9. Every police chief executive should identify those line operations of his agency that might be more effective and efficient in preventing, deterring,

or investigating multijurisdictional criminal activity if combined with like operations of other agencies. Having identified these operations, he should:

a. Confer regularly with all other chief executives within his area, exchange information about regional criminal activity, and jointly develop and maintain the best organizational means for regional control of this activity; and

b. Cooperate in planning, organizing, and implementing regional law enforcement efforts where such efforts will directly or indirectly benefit the jurisdiction he serves.

### Commentary

Local governments can benefit from some form of combined police service; the combination can take many forms. At one extreme, local government can get out of the police business entirely by contracting for all police services from another government or agency; or State and local police agencies may simply develop ways to assist and reinforce each other.

Consolidation can frequently upgrade police service and lower its cost. This is often the case when counties consolidate municipal and county police agencies to create a single countywide police force. Because it is larger, the consolidated agency usually has superior resources. Because it eliminates much duplication, it is usually less expensive—citizens get more for their money.

State government must insure that intergovernmental cooperation is possible by passing legislation permitting agreements between governments and agencies at all levels. The State should also take the initiative in promoting increased cooperation between State and local police agencies.

Local government must insure that any agreement it enters into is advantageous. Combining police services should mean better service at less cost. But many factors must be considered before an agreement is made. Among these are the size of the agency, the geographic area to be served, population density, the other agencies involved, and the legal responsibilities mandated to each level of government by State law.

Agencies should recognize also that there is no absolute correlation between size and efficiency. Larger agencies are not necessarily more efficient than smaller ones. They may be less so. Smaller agencies may be better structured to respond to local needs.

Factors other than cost must be considered. When municipal police service is contracted out or absorbed in a larger organization, what is the effect

on local pride? Do local police perform functions (such as giving safety lectures at schools or acting as members of a rescue squad) that will be lost if consolidation occurs?

Most police and government administrators recognize the dangers inherent in extremely large police agencies and agree that the very small agencies present much greater problems to the effective and efficient delivery of police services.

Although a large agency is no guarantee of effective and efficient police service, a small agency is certain not to provide a full range of police services. Small police agencies generally lack sufficient resources necessary for "full service" police agencies. Criminal mobility has turned what in earlier times were local problems, into areawide problems. As a result, law enforcement has been hampered in its ability to respond on an area-wide basis. Therefore, recombination and consolidation of police departments with less than 10 full-time sworn officers is recommended to increase the ability of law enforcement officials to deal with areawide problems. When small police forces combine with larger pre-existing police agencies or combine with other small police forces, the result will be larger police departments better able to provide a broad range of police services.

The Advisory Commission on Intergovernmental Relations, in its 1970 *Report on State-Local Relations in the Criminal Justice System*, made the following observation:

Small local police departments, particularly those of 10 or less men, are unable to provide a wide range of patrol and investigative services to local citizens. Moreover, the existence of these small agencies may work a hardship on nearby jurisdictions. Small police departments which do not have adequate full-time patrol and preliminary investigative services may require the aid of larger agencies in many facets of their police work.

Studies show that five sworn police officers are required to provide one sworn police officer on a full-time, around-the-clock basis allowing for days off, vacation, sick time, and other variables.

To provide for the full-time deployment of two policemen, a local government would ideally need to hire 10 police officers. Obviously, if they are used in the field, additional personnel may satisfy the need for station personnel.

If fewer than 10 sworn personnel are employed, deployment on such a small scale is usually not cost-effective and often results in inadequate services. In many instances, part-time employees provide primary police services to compensate for manpower deficiencies. Some jurisdictions are unable to deploy even one officer on a 24-hour basis, and are dependent upon a telephone operator's success in

reaching an off-duty policeman to answer calls for service. Consequently, any police agency employing fewer than 10 sworn officers should combine with one or more agencies to improve efficiency in delivering police services. In remote areas where there is no nearby agency, a combined or contract program with a county or State agency may be feasible.

According to the *Compendium of Public Employment, 1967 Census of Governments*, prepared by the United States Census Bureau, 8 to 9 percent of the general local government police departments in the United States have fewer than 10 full-time commissioned officers. Yet, at the same time, that accounts for less than 10 percent of the total local full-time commissioned police officers in the United States. Obviously, then, it will be difficult in some areas of the country to fully implement this standard. Where such circumstances exist, careful planning and full consideration must be given to community concerns. The full range of alternatives for combined police services that are set out in this standard should be considered.

Ten police officers should be considered as the minimum effective and efficient level for an agency to operate as an independent entity. Since police deployment problems may vary drastically among various regions and jurisdictions, each State should conduct an independent study to realistically determine the minimum size of local police agencies, above the minimum level established in this standard. Such a study will enable each State to consider the unique characteristics of each area within its boundaries in establishing the minimum manpower investment necessary to provide full-time basic police services at the local level. This standard sets out the factors that should be considered in making this determination.

### Enabling Legislation

State legislation is required before local government can enter into agreements to consolidate or contract for police services. Many States currently have such legislation (usually called an Inter-Local Government Agreement Act or a Joint Powers Act), while other States have enacted legislation as needed (such as the Dade County Home Rule Amendment, Article VIII, Section II, of the Florida State Constitution).

Others, however, have made no such arrangements. Each State that has not already done so should enact appropriate legislation to enable the various local governments, as well as the police and other criminal justice agencies, to enter into inter-agency agreements or to participate jointly in providing police services.

To be most effective, such legislation should permit local governments wide latitude regarding when and with whom they should make interagency agreements or provide combined services. It should permit agreements and consolidated services between governments and agencies at the same level or at different levels, and acknowledge that under given circumstances, different levels of government may be able to perform a particular service better than others. For example, two adjacent cities may find it expedient to meet their communications needs through a joint dispatch center. Each of these cities may have an agreement with the county for jail facilities for their prisoners awaiting arraignment. Both cities and the county may use the State's criminalistics laboratory services.

Because of the desire to keep police service responsive to local needs (and often for less lofty personal reasons—jealousy and fear of loss of prestige, for example), there is often a reluctance on the part of local governments and agencies to initiate programs involving combined services. State legislation should encourage interagency agreements and joint participation in police service wherever such efforts would be beneficial to the agencies involved. Such encouragement may be in the form of management consultation to determine need (see Standard 11.4), or it may go as far as providing financial assistance throughout planning and implementation of the project. Nevertheless, State legislatures should acknowledge that police service is primarily a local responsibility and refrain from making any agreements mandatory.

### **Local Government and Mutual Agreements**

Once State enabling legislation is available, local governments should take the necessary steps to provide police services through mutual agreements or joint participation with other police or other criminal justice agencies if this will result in greater efficiency. These steps may include legislation, resolutions of authorization or approval, joint powers agreements between governments, or other actions; they should clearly establish the procedures whereby such agreements or joint participation can be effected, and they should include safeguards to insure upgrading police service.

### **Considering Costs and Service**

Local governments and police agencies should not enter into agreements unless they provide the same level of service at a reduced cost or improve the service at a cost which is justified.

There are several ways this can be done. A pro-

gram that maintains the same level of service at less cost by combining or contracting for police services is one. For example, it may cost less for a small town to contract for patrol service instead of paying for a squad car, gasoline, and a full-time patrolman's salary.

A program that improves service at little or no increase in cost is another. Even if contracting for patrol service is just as expensive as hiring a local police officer, the fact the contracted patrol service is part of a larger organization with the ability to respond to emergency situations may still make it worthwhile.

A mutual agreement that provides a new and previously unavailable service is a third. For example, a small town may contract with a larger town for breathalyzer tests in an effort to increase its conviction rate in drunk-driving arrests.

### **Mutual Aid Plans**

Police agencies should be prepared to respond to emergencies where more men and equipment than the normal complement are available. A mutual aid agreement provides a workable solution. Under a mutual aid agreement, any one agency can ask other agencies for assistance. The other agencies furnish the men and materiel needed. Mutual aid agreements should be statewide and all agencies in the State should participate. They should be coordinated at the State level but provide for implementation at the lowest level capable of handling the situation.

Every State that has not already done so should enact mutual aid legislation. This legislation should authorize participation by State police agencies, and under conditions warranting their use, National Guard units. It should define the legal status of agencies and agency personnel responding to mutual aid requests and empower agencies receiving mutual aid to invest outside personnel with necessary authority and responsibilities—for example, peace officer status within the jurisdiction of mutual aid operation. It should insure that they are covered by the same workmen's compensation or other insurance benefits as they have in their home jurisdiction. It should also establish guidelines for requesting the Governor of the State to request Federal aid if the situation exceeds the capability of the combined local and State agencies.

Mutual aid planning and subsequent mutual aid agreements should provide answers to such questions as:

Under what circumstances is mutual aid to be requested?

Who is authorized to call for mutual aid?

Who is responsible for determining the amount and type of aid required?

To whom is the request for mutual aid to be directed?

What is to be the order of response to a mutual aid call?

To whom are responding mutual aid forces to report?

Under whose command are mutual aid forces to operate?

Who is to be responsible for salary and benefit expenses of mutual aid forces?

What materiel expenditures are to be reimbursable to a responding agency? By whom?

Only if questions such as these are answered in advance can agencies be expected to respond rapidly and effectively in time of emergency. Confusion, duplication of effort, ineffectiveness, and misunderstanding are likely to result if they are not answered in advance.

Some State systems, such as California's, provide that a police chief executive may request aid when his agency is totally involved in an emergency. It is the responsibility of the chief executive to determine what he will need from responding agencies. Responding forces report as supervised units and operate under his command; this assures that any action taken is responsive to local needs and creates an effective chain of command. The local agency receiving the aid is responsible for housing and feeding; but the responding agency continues to bear the costs of salary and benefits. The local agency usually pays for materiel expended during the mutual aid response.

Once a plan is agreed upon, the State and every local agency concerned should be prepared to carry it out. Guidelines should be established within each agency to insure an adequate response.

No jurisdiction, party to the mutual aid agreement, should be permitted to rely on mutual aid to help meet peak periods of activity or to assist in any day-to-day operations. For example, small agencies adjacent to large metropolitan agencies may find it necessary to use mutual aid with some frequency. A strain on the mutual aid relationship can occur where the response is usually from the large agency to the small and seldom, if ever, from the small agency to the large. Outright abuses can damage the entire mutual aid system.

#### State Staff Services

Police services such as a radio communications system and an intelligence network, each with statewide application, may not be included directly in some agreements, but they are important to mutual

aid operations. Having a statewide radio system makes it possible for all police agencies within the State to communicate on a common frequency under specified conditions; this greatly facilitates coordination during mutual aid occurrences. Such a system is also an asset where a police unit of one agency must communicate directly with an agency of another jurisdiction—during hot pursuit, for example.

The California Law Enforcement Mutual Aid Radio System (CLEMARS), actually a part of the mutual aid system in California, has proved extremely effective. The system is licensed and coordinated by the State's Office of Emergency Services and every police agency in the State is eligible to participate in it. Agencies may license base, mobile, and portable radio units through the State office under the conditions of the mutual aid agreement. Use of the system is governed by priorities. Top priority is given to mutual aid followed by other interagency use and finally by intra-agency use as an auxiliary frequency.

Having a statewide intelligence network makes it possible for police agencies to catalog information in a central repository and use information gathered by other agencies. It can be a great asset in preparing for certain types of mutual aid occurrences and many other police operations. The New York State Identification and Intelligence System (NYSIIS) represents perhaps the most complete statewide intelligence network in operation at this time. It consolidates identification (including fingerprints and arrest record data) on a statewide basis and provides a vehicle for information sharing among the criminal justice agencies of New York.

Other services that are a common need of all police agencies, but which cannot be provided economically or effectively by most agencies for themselves, include criminalistic laboratory services and information systems on-line to local agencies, either directly or through regional systems and the National Crime Information Center. A number of States currently furnish both of these services to all local police agencies within their State.

#### Types of Combined Services

Local governments and police agencies should be thoroughly familiar with the various methods of providing combined services. Every local government and police agency should study these methods, compare the cost-effectiveness of each to that of its own operations, and wherever appropriate, develop applications to its own operations.

The most comprehensive combined service is the total consolidation of local government—the merging

of two or more. In 1965, Sacramento, Calif., merged with North Sacramento. The smaller City of North Sacramento, population about 13,000, was incorporated into the larger City of Sacramento, population then about 240,000. All government services were taken over by the City of Sacramento. Personnel of the North Sacramento Police Department were absorbed into the Sacramento Police Department.

A second type of total consolidation is the merging of a city and a county government such as the 1968 merger of the City of Jacksonville and Duval County, Fla. In this case the governments of the city (population about 190,000), were abolished and a new charter was adopted establishing the new consolidated City of Jacksonville, covering an area of 832 square miles with a population of about 513,000. The new charter provided for a mayor and a 19-man council. All of the agencies of the old city and county were absorbed into the new structure. The 474-man Jacksonville Police Department and the 261-man Duval County Sheriff's Office were combined under the office of the sheriff and the elected status of the sheriff was retained.

In January 1973, the City of Lexington and Fayette County, Ky., also merged under a charter establishing the Lexington-Fayette urban county government. The city and county police departments have merged and the chief of the merged department reports to the chief executive of the urban county government.

Combining police responsibilities under one agency permitted the consolidation of such functions as communications, records and identification, investigation, and traffic and patrol. The result has been greater overall efficiency.

The Jacksonville consolidation demonstrated that although consolidation may be more efficient, it is not necessarily more economical. Consolidation may require more personnel to bring all areas up to the level of desired service; it may involve salary increases to equalize the salaries of personnel involved in the merger, and it may cost more to equip and house the larger staff. Consolidation is much less likely to save money than to improve effectiveness.

Where there is no governmental merger, consolidation of all or selected police services—as distinct from their provision by contract—should be arranged whenever cost-effectiveness can be clearly established and two or more jurisdictions can agree. The agreement that establishes the corporate structure of the consolidated operation should carefully delineate the services to be provided by the consolidated operation.

The consolidated services operation should be

managed by a director (with staff as needed) who is appointed by a board of directors composed of representatives of the participating jurisdictions.

The agreement should also spell out all conditions of employment, salaries, pensions and other fringe benefits, seniority and transferability, insurance, contract services, and other matters of logical concern to participating jurisdictions. This is essential if employees are assigned to the unit from participating agencies on a charge-back basis.

Charges for services, which should fully support the operation, should be prorated among users.

First priority should be given to consolidation of support services including communications, records and identification, information systems and intelligence, laboratory services, purchasing, recruitment and selection, training, and community relations. Second priority should be given to selected field services including investigations, field technical services, and special tactical (squad) operations. Third priority should be given to consolidation of total police services.

An annual evaluation should be made for effective budget development, changes in program emphasis (including discontinuing the program), re-allocation of resources, and revised charge-back schedules.

Regionalization of specific police services—the combination of personnel and physical resources of various agencies to provide specific services on a geographic rather than a jurisdictional basis—should be, like consolidation, pursuant to an agreement between all participating agencies.

There are many consolidated and regionalized police services throughout the Nation. Manzanita, Wheeler, and Nehalem, Ore., have agreed to share the cost of contracting with the Tillamook County Sheriff's Department for the service of one resident deputy to meet their needs. The Barnstable County, Mass., Police Radio System, a consolidated system, jointly operated, provides radio communications for the Barnstable Sheriff's Office, 15 townships, and numerous State, Federal, and private agencies. The Kansas City, Mo., Metro Squad, a squad composed of personnel assigned by the various participating agencies of the Kansas City Metropolitan Area, assists in investigating major cases deemed likely to constitute a regional threat. The squad functions throughout the multijurisdictional geographic area, even transcending the Missouri-Kansas State line. This type of regional effort has proved effective against the mobile criminal in a large multijurisdictional area.

Kentucky provides some of the more far-reaching examples of consolidated police support services and regionalized line and support services. In 1972, the

Jefferson County and Louisville police departments merged seven major functional areas: training, records, information systems, fingerprinting and identification, photo laboratories, planning and research and communication systems.

The Southern Kentucky Regional Police Agency consolidates police operations in four counties. It involves the merger of five police departments. The Chief of the merged Police Agency reports to a control board composed of the executive heads of local government.

The provision of public services through a single government to the communities within a metropolitan area is another variation of combined services applicable to the large multijurisdictional area.

The 1957 metropolitanization of Dade County, Fla., is an example. The Metropolitan Dade County Home Rule Charter, while providing for the continuance of the 27 municipalities within Dade County on a local option basis, requires the county government to provide public services to the unincorporated areas of the county, including police services by the Dade County Public Safety Department. The Charter also requires that the county take over and provide any services in any municipality at the request of the governing body of the municipality, by a vote of the people of a municipality, or by action of the county commission where the municipality does not meet the minimum standards established for that service by the county.

At present a number of police services, particularly staff and major case investigations, have been partially consolidated but almost all of the municipalities continue to provide their own routine police patrol and traffic enforcement. Without question, the total consolidation of specified services, such as criminal intelligence and crime laboratory services, has resulted in greater effectiveness, and partial consolidation of others, such as training, has produced desirable results. However, consolidation by metropolitanization has been a slow process.

Local governments and police agencies should contract for total or selected police services when it is clearly more efficient to do so than to provide these services themselves.

The most frequent contract is the city-county contract. In California's Los Angeles County, the stronghold of city-county contract services, 29 cities ranging in population from approximately 1,000 to nearly 100,000, contract for total police services from the Los Angeles County Sheriff's Department.

The first of these contracts became effective in 1954 when the City of Lakewood incorporated and contracted with the County of Los Angeles for police services, street maintenance, engineering, recreation, and planning staff services. This set the pattern

for most of the other cities subsequently incorporating within Los Angeles County. This has curtailed the proliferation of police agencies and the resulting fragmentation of police effort so often present in a metropolitan area with numerous municipalities. At the same time, it has permitted municipalities to establish, through contract, the amount of service to be provided.

With a few exceptions, contract services were initiated at the time the contract city was incorporated, so many of the problems inherent in substituting contract services for services already being provided by the city itself were not present in Los Angeles County. Additionally, contract costs have risen to a point of concern to contract cities; some have found it necessary to cut back on desired coverage. Other problems related to the necessarily decentralized line organization are emerging also.

Advantageous arrangements between cities and between States and local jurisdictions also exist. For example, the City of Yorba Linda, Calif., a city of 12,000, currently contracts for total police services with its neighboring City of Brea, population 19,000.

In New Jersey and Kentucky, State police departments provide contract services to certain local jurisdictions in their respective States.

Providing partial police services by contract, both line and staff services, is in widespread use throughout the Nation. It may involve the same level of government, different levels, or a combination: intracity, city-county or county-city, city-city-county, or even local-State. This contracting offers a flexible method of providing services.

#### Staff Service Evaluations

To assure adequate support for all line operations of the police agency, every police chief executive must evaluate all staff services within the agency and provide for a periodic review of these services. Such an evaluation should be made whenever there appears to be a deficiency or a new need, and routinely at least once each year. The annual evaluation can be integrated into the annual budgeting process; interim evaluations should be a responsibility of inspection service.

The evaluation should determine the effectiveness of each service and how much it costs the agency to provide it. The agency's cost should be compared to the cost of alternative ways of obtaining the service, such as by contract or consolidation. When an agency finds a staff service can be obtained more economically by those means, the police chief executive should do so.



Every police chief executive—following the same guidelines used to evaluate staff services—should evaluate all line services. A small police agency should consider obtaining some services through a larger agency. Such services may include supplemental patrol service and help in conducting criminal investigations. Every line operation that can be used multijurisdictionally should be identified and these operations coordinated with other agencies.

### Offering Cost-Effective Staff Services

Every agency that determines that its services are cost effective should offer those services to other agencies. In some cases, this will reduce the cost of the service even further. When it does not, the offer should still be made. Police agencies are interrelated; what helps one indirectly helps all others. However, if sharing a staff or line service with other agencies increases the cost of the service, or reduces the effectiveness of the service, or places a strain on the home agency, the service should not be offered, of course.

### Combined Line Operations

Criminal activity is often multijurisdictional. The success of each police agency in its operations has a direct effect on criminal activity in neighboring jurisdictions. The police chief executive must recognize certain criminal activity as a regional problem and realize that coping with it requires regional coordination.

By conferring regularly with other police chief executives within his area, the chief executive of every police agency can increase his knowledge of regional criminal activity. The more he knows about it, the more his agency can do about it, both in its own operations and in cooperation with other agencies in the area.

Regional coordination of police functions should be based on need, and need will vary significantly from area to area. The need might be satisfied by an interagency arrangement no more complex than providing for two officers, each investigating a similar crime, to pool information and resources in working together toward a solution. It might require a loosely knit squad of officers who normally work within their respective agencies and jurisdictions, but who may be designated to participate temporarily in a joint operation of specified scope. Or it might require an ongoing regional organization with a formal structure under the operational control of a board of directors and with personnel of participating agencies regularly assigned to it.

No police services should be provided by contract until all financial and service provisions have been thoroughly researched and developed, and responsible officials of both jurisdictions have fully accepted them. Every contract should be established on a sound economic basis; arrangements should be made for full compliance by both parties, including the employing of required personnel. The contract should include provisions for increases in both services and costs when they are indicated. Every contract should be written initially for a 2-year period with provision for termination by either party on 6-month notification. Arrangements should be made for formal evaluation of contract services and costs at regular intervals by both parties.

Whatever the regional needs, the police chief executive has a responsibility to contribute to planning, developing, implementing, and maintaining regional anticrime efforts because of their potential effect on his own operations.

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APPENDIX

"C"

FORT MADISON, IOWA

INTERNAL OPERATIONAL  
MANUAL & PROCEDURES

By  
James Carrell  
Chief of Police

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## INTRODUCTION

The need for professionalization in the police service has become very apparent in the past decade. No longer can we visualize ourselves in any way as the "cop on the corner." The demand for police service has become a very complex operation and demands on the police officer today bring about the need for the above-average personnel to accomplish the objectives of the Fort Madison Police Department.

The mission or objective of the Fort Madison Police Department is the preservation of peace through the City; the prevention of criminal activities; the safe and steady flow of vehicular and pedestrian traffic and the guarantee that all persons shall be treated in a manner so as to protect their rights under the ordinances, laws and provisions of the City of Fort Madison, the State of Iowa and the Constitution of the United States of America.

The purpose of these regulations is, in general, to provide a basis for the orderly and well-disciplined performance of duty. The printed copies of these Rules, Regulations, Orders, Policies and Procedures when supplied to each member and employee of the Department will promote a surer knowledge of what is expected of personnel generally, and all ranks and assignments specifically. This is done with a desire to promote a greater degree of self-assurance in all positions. In relationships between the ranks, divisions, units and sections of the Department, it is our aim to build continuously the mutual respect and confidence which is so essential to our operation.

During the development period of these Rules and Regulations, the criticisms and comments of various patrolmen and sergeants were solicited and incorporated into subsequent revisions. With this in mind, it is the desire that these guilded of better performance be self-enforcing.

The issuance of the Rules and Regulations provides a working pattern, but due to the complexity of our responsibilities, we must be mindful of the fact that we are basically and fundamentally a community service organization. Actually, the portion of police service dealing with real criminals is only a small part of our overall responsibilities. The greater percentage of our time and energy is expended in non-criminal service functions and in dealing with substantial citizens of the community. We must consider it our responsibility and privilege not only to protect the people from the criminal element but also to protect and defend the rights of persons and property in the community.

James E. Carrell  
Chief of Police



## LAW ENFORCEMENT CODE OF ETHICS

As a LAW ENFORCEMENT OFFICER, My fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life; I will be exemplary in obeying the laws of the land and the regulations of my department.

Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and accepting gratuities. I RECOGNIZE the badge of my office as a symbol of public faith, and I accept as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . Law Enforcement.

CANONS OF POLICE ETHICS

Committee of the International Association

of

Chiefs of Police, Inc.

Article 1. Primary Responsibility of Job

The primary responsibility of the police service, and of the individual officer, is the protection of the people of the United States through the upholding of their laws; chief among these is the Constitution of the United States and its amendments. The law enforcement officer always represents the whole of the community and its legally expressed will and is never the arm of any political party or clique.

Article 2. Limitations of Authority

The first duty of a law enforcement officer, as upholder of the law, is to know its bounds upon him in enforcing it. Because he represents the legal will of the community, be it local, state or federal, he must be aware of the limitations and proscriptions which the people, through the law, have placed upon him. He must recognize the genius of the American system of government which gives no man, groups of men, or institution, absolute power, and he must insure that he, as a prime defender of that system, does not pervert its character.

Article 3. Duty to be Familiar with the Law and with Responsibilities of Self and Other Public Officials

The law enforcement officer shall assiduously apply himself to the study of the principles of the laws which he is sworn to uphold. He will make certain of his responsibilities in the particulars of their enforcement, seeking aid from his supervisors in matters of technicality or principle when these are not clear to him; he will make special effort to fully understand his relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

Article 4. Utilization of Proper Means to Gain Proper Ends

The law enforcement officer shall be mindful of his responsibility to pay strict heed to the selection of means in discharging the duties of his office. Violations of law or disregard for public safety and property on the part of an officer are intrinsically wrong; they are self-defeating in that they instill in the public mind a like disposition. The employment of illegal means, no matter how worthy the end, is certain to encourage disrespect for the law and its officers. If the law is to be honored, it must first be honored by those who enforce it.

Article 5. Cooperation with Public Officials in the Discharge of Their Authorized Duties

The law enforcement officer shall cooperate fully with other public officials in the discharge of authorized duties, regardless of party affiliation or personal prejudice. He shall be meticulous, however, in assuring himself of the propriety, under the law, of such actions and shall guard against the use of his office or person, whether knowingly or unknowingly, in any improper or illegal action. In any situation open to question, he shall seek authority from his superior officer, giving him a full report of the proposed service or action.

Article 6. Private Conduct

The law enforcement officer shall be mindful of his special identification by the public as an upholder of the law. Laxity of conduct or manner in private life, expressing either disrespect for the law or seeking to gain special privilege, cannot but reflect upon the police officer and the police service. The community and the service requires that the law enforcement officer lead the life of a decent and honorable man. Following the career of a policeman gives no man special perquisites. It does give the satisfaction and pride of following and furthering an unbroken tradition of safeguarding the American republic. The officer who reflects upon this tradition will not degrade it. Rather, he will so conduct his private life that the public will regard him as an example of stability, fidelity and morality.

Article 7. Conduct Toward the Public

The law enforcement officer, mindful of his responsibility to the whole community, shall deal with individuals of the community in a manner calculated to instill respect for its laws and its police service. The law enforcement officer shall conduct his official life in a manner such as will inspire confidence and trust. Thus, he will be neither overbearing nor subservient, as no individual citizen has an obligation to stand in awe of him nor a right to command him. The officer will give service where he can, and require compliance with the law. He will do neither from personal preference or prejudice but rather as a duly appointed officer of the law discharging his sworn obligation.

Article 8. Conduct in Arresting and Dealing with Law Violators

The law enforcement officer shall use his powers of arrest strictly in accordance with the law and with due regard to the rights of the citizen concerned. His office gives him no right to prosecute the violator nor to mete out punishment for the offense. He shall, at all times have a clear appreciation of his responsibilities and limitations regarding detention of the violator; he shall conduct himself in such a manner as will minimize the possibility of having to use force. To this end he shall cultivate a dedication to the service of the people and the equitable upholding of their laws whether in the handling of law violators or in dealing with the law-abiding.

Article 9. Gifts and Favors

The law enforcement officer, representing government, bears the heavy responsibility of maintaining, in his own conduct, the honor and integrity of all government institutions. He shall, therefore, guard against placing himself in a position in which any person can expect special consideration or in which the public can reasonably assume that special consideration is being given. Thus, he should be firm in refusing gifts, favors, or gratuities, large or small, which can, in the public mind, be interpreted as capable of influencing his judgement in the discharge of his duties.

Article 10. Presentation of Evidence

The law enforcement officer shall be concerned equally in the prosecution of the wrong-doers and the defense of the innocent. He shall ascertain what constitutes evidence and shall present such evidence impartially and without malice. In so doing, he will ignore social, political, and all other distinctions among the persons involved, strengthening the tradition of the reliability and integrity of an officer's word. The law enforcement officer shall take special pains to increase his perception and skill of observation, mindful that in many situations his is the sole impartial testimony to the facts of a case.

Article 11. Attitude Toward Profession

The law enforcement officer shall regard the discharge of his duties as a public trust and recognize his responsibility as a public servant. By diligent study and sincere attention to self-improvement he shall strive to make the best possible application of science to the solution of crime, and in the field of human relationships, strive for effective leadership and public influence in matters affecting public safety. He shall appreciate the importance and responsibility of his office, and hold police work to be an honorable profession rendering valuable service to his community and his country.

CHAPTER ONE

AUTHORIZATION, APPLICATION, AND DEFINITIONS

1.100 AUTHORIZATION - as per Title 7, Section 1, of the City Code of Fort Madison, Iowa.

1.101 There shall be maintained a Police Department, the members of which shall be qualified and appointed under Civil Service rules and regulations.

There shall be appointed a Chief of Police by the Mayor on the second secular day in January after the biennial election, in accordance with Section 365.14 of the Code of Iowa. Such Chief of Police shall keep a public office, to be provided by the Mayor and Council; which office shall be open day and night. The Chief of Police shall devote his entire time to the discharge of the duties of his office and shall have all control of the police force of the city.

In addition to the Chief of Police, the Mayor and Council shall, in the organization of the Police Department, provide for a permanent police force which shall consist of such number of policemen as the Mayor and Council shall, from time to time, deem necessary to preserve the peace, protect the lives and property of the citizens, and enforce the laws and ordinances within the city.

The Chief and members of the Police Department shall have power to make arrests for violations of the ordinances of the city, and shall have the same power and authority to make arrests, and to serve processes within the city other than civil processes issued from district or lower courts, as is or may be vested in sheriffs or other peace officers by the laws of the State. They shall have such other powers and duties as the Mayor and Council may, by ordinance, provide.

1.200 APPLICATION

1.201 Police regulations are applicable to all officers of the department and, where specified, to all civilian employees of the department.

1.202 All existing departmental rules and regulations, orders, and instructions in conflict with these police regulations are canceled.

1.203 All general and special orders, instructions (including those on departmental forms), and manuals not in conflict with these police regulations shall have the same authority as police regulations.

1.204 Police regulations or general orders shall not be canceled, amended or issued without the approval of and over the signature of the Chief of Police; or, in his absence, the officer designated by the Mayor or Chief of Police as Acting Chief of Police.

1.205 Failure of an officer either willfully or through negligence or incompetence to perform the duties of his rank or assignment, or violation by officer or civilian employee of any police regulation or order, may be considered sufficient cause for discharge, demotion, suspension, or other penalty as approved by the Chief of Police.

1.206 Supervisors may, when specific conditions warrant, and when it can be justified, circumvent the departmental regulations. The total responsibility for the action taken will be borne by the supervisor making the decision.

### 1.300 DEFINITIONS

1.301 CIVILIAN EMPLOYEE - The term "civilian employee" as used in the provisions of the departmental rules and regulations shall be construed as meaning any person in the service of the department excluding police officers.

OFFICER OR MEMBER - Either word, when used alone, shall mean duly commissioned officer personnel of the department and shall have no reference to civilian employees.

COMMAND OFFICER - Any officer appointed to the rank of Captain or higher who is in command of any division, shift or other unit or section, or any other officer assigned by the Chief of Police to act in his capacity.

SUPERVISOR - Any officer or civilian employee appointed to the rank of sergeant or civilian supervisor or higher, or any other unit or section, or any other officer assigned by the Chief of Police to act in this capacity.

SENIOR OFFICER - In situations where two or more officers of the same rank are involved, the officer with the highest civil service seniority will assume charge unless otherwise assigned by an officer of higher rank.

RANKING OFFICER - The officer who holds the higher in the chain of command in the organizational outline of the Fort Madison Police Department.

The ranks of the Fort Madison Police Department in descending order:

Chief of Police  
Assistant Chief of Police  
Captain  
Sergeant  
Patrolman

DIRECTIVE - Orders or instructions issued to subordinates or groups as a whole.

POLICY STATEMENT - A broad outline of organizational objective, plan, principle or court action.

GENERAL ORDER - A permanent order which includes the whole department, or unit thereof, which is in effect until rescinded.

SPECIAL ORDER - An order affecting the department, or units of the department, which is of a temporary nature.

STANDARD OPERATING PROCEDURE - An explanatory statement which may accompany a general order to outline procedures or policy.

ORDER - An instruction, either written or verbal, issued by a senior or ranking officer which is temporary in nature.

SHALL - "Shall" is mandatory.

WILL - "Will" indicates conditions permitting.

MAY - "May" is permissive.

SHOULD - "Should" is advisory.

TENSE OF WORDS - Words used in the present tense include future tense.

PLURALITY OF WORDS - The single includes the plural and one plural includes the singular.

DEPARTMENT - Shall mean the Fort Madison Police Department.

DIVISION - Shall mean either the Detective Division, Uniform Division or Service Division.

LINE DIVISION - Shall mean those divisions doing the work for which the enterprise exists, and making the operational decisions (issuing orders, etc.) to get the work done. Line divisions in the department are the Detective Division and Uniform Division.

STAFF DIVISION - Staff divisions are those divisions assisting, supporting, planning and facilitating the operation of the line divisions in addition to assisting the Chief of Police and/or the Assistant Chief in administrative functions but without authority to command the line functions under normal conditions. Staff officers may issue directives and cause directives to be instigated in line divisions.

## CHAPTER TWO

CHIEF OF POLICE2.100 DUTIES AND RESPONSIBILITIES

2.101 The Chief of Police shall devote his entire time to the discharge of the duties of his office, and shall have full control of the police force of the city of Fort Madison.

2.102 For the purpose of transmitting orders, communications, and other matters requiring the order of rank, the following order down the chain of command shall prevail:

Mayor  
 Chief of Police and/or Assistant Chief of Police  
     in the absence of the Chief of Police  
 Captain  
 Sergeant  
 Patrolman

Subordinate-to-superior chain of command shall pass in inverse order.

2.103 In the event the Chief of Police is temporarily absent, the Assistant Chief shall assume the command of the department. When so designated by the Chief of Police, the Assistant Chief shall assume the responsibility of Acting Chief of Police. An assignment as Acting Chief of Police shall remain in effect during the absence of the Chief of Police unless terminated sooner by the Mayor. The person acting in the Police Chief's capacity shall assume and be invested with the authority and responsibilities necessary to maintain the policies and procedures of the Chief of Police.

In the event the Assistant Chief is not present, command of the department shall be designated by the Chief of Police to any member of the police department who he feels is best qualified. In the event the Chief of Police is unable for any reason to designate any other member to take temporary command of the department, the designation shall be made by the Mayor.

2.104 The Chief of Police in the exercise of his duties shall have the power to prescribe, promulgate and enforce rules and regulations for the government of the members and employees of the department which shall, however, not be inconsistent with the Ordinances of the City or the Laws of the State or Civil Service Commission of the City of Fort Madison.

2.105 The Chief of Police shall have the authority from time to time to review and revise the Manual - these rules and regulations - to conform with existing conditions, not inconsistent with 2.104.

2.106 It shall be the duty of the Chief of Police to cause the public peace to be preserved and enforce all the laws and ordinances of the City of which the police must take cognizance; and whenever any violation thereof shall come to his knowledge he shall cause the requisite complaint prosecution of the offender or offenders.



2.107 The Chief of Police shall make all appointments and promotions subject to the rules and regulations of the Civil Service Commission.

2.108 The Chief of Police may, at his discretion, punish by discharge, demotion or suspension, any member or civilian employee of the department proved guilty of the violation of any of the rules and regulations, in accordance with the rules and regulations of the Civil Service Commission.

2.109 The Chief of Police shall cause to be kept such books and records as may be specifically provided by ordinance, and shall make monthly reports to the City Council at the end of the month of the number of arrests made during each month, together with the causes of arrest; and he shall give such other information to the Council as may be required from time to time. He shall also cause to be made and kept such other books and records of the proceedings of the department as he may deem necessary.

2.110 The Chief of Police shall preserve the peace of the city. He shall arrest and take and cause to be arrested and taken, before the proper court, all persons committing or attempting to commit any offense against the laws of the United States, the State of Iowa, and/or the Code and ordinances of the City of Fort Madison. He shall prevent and suppress all affrays, riots and breaches of the peace which may come to his knowledge. He shall serve or cause to be served all writs and processes issued by the City Magistrate, and shall make or cause to be made proper return thereof and thereon. He shall have supervision and direction of the police of the city. He shall keep a full and accurate record of all arrests made by him or the police of the city, showing the name of each person arrested, date of arrest, and the nature of the charge upon which the arrest was made, the name of each person committed to jail, the nature of the charge or process under which such imprisonment was made, the length and term of such imprisonment and when and why released.

2.111 He shall assume charge of, preserve and care for all property of the city used in connection with the police department thereof, and shall safely keep and preserve for the rightful owner thereof all other property which shall be entrusted to his care and/or come into his possession.

2.112 He shall at all times be subject to the supervision and control of the Mayor, and he shall do and perform such other and further duties as may be required of him by the Constitution of Iowa, the laws of Iowa and the Ordinances of the City of Fort Madison, and also such lawful additional duties as may be from time to time required of him by the Mayor.

2.113 The Chief of Police shall have the authority to award incentive awards to members and civilian employees of the department. The awards may be made in the form of decorations or commendations or such other awards or form of recognition as may be approved by the Mayor and City Council.

## CHAPTER THREE

CHAIN OF COMMAND AND ORGANIZATION

3.100 CHAIN OF COMMAND - The chain of command is from the Chief of Police, to the Assistant Chief of Police, to the Captains and on down the ranks. The line of authority from the patrolman to the Sergeant and on up in the ranks shall be preserved in order to maintain principles of good administration. Ranks shall not be by-passed unless it is felt that a superior is guilty of misconduct, negligence or unfairness in his decisions. Patrolmen shall not directly take matters to the Chief of Police, or to the police Captains, which should ordinarily be taken up with their immediate supervising officer, unless it is a matter of which the supervising officer has no official concern.

Command officers shall keep their subordinates informed of changes within their command, or orders, assignments and other matters that concern them, except in cases of emergency necessitating other actions, or which, by the nature of the business, does not warrant such procedure.

No force shall become so isolated from the other forces as to interfere with efficient intra-departmental relationships and morale. All members and employees of the department shall work together and strive to obtain a high degree of cooperation with each other.

3.200 ORGANIZATION

3.201 At this time the department isn't large enough to have separate divisions of responsibility. The department is organized on a three force level, with all divisions of responsibility to be maintained within the respective force on duty.

3.202 SPECIAL SERVICE UNIT - This unit will consist of as many members as deemed necessary by the Chief of Police. The unit will be under the command of the Chief and Assistant Chief and will perform such duties as may be assigned. When members of the unit are assigned to a Force, they shall be subject to the supervision of the Commanding Officer of that force.

3.203 INVESTIGATORS - Investigators shall function to investigate criminal and other cases referred to them; to coordinate felony investigations of serious nature when referred to by other officers; attempt to apprehend violators and interrogate them for the purpose of investigations and prosecutions; recover stolen property; investigate and apprehend persons wanted for crimes in other jurisdictions; maintain investigative liaison with other police agencies; supply material for warning merchants of criminal activities; and supply necessary cooperation and information for effective operation of the department. Members shall wear plain clothes unless otherwise directed. Responsibilities and assignments are subject to change at the direction of the Chief of Police.

## CHAPTER FOUR

ASSISTANT CHIEF OF POLICE4.100 DUTIES AND RESPONSIBILITIES

4.101 The Assistant Chief of Police shall be next in line of authority under the Chief of Police. He shall possess a full and comprehensive knowledge of police administration, policy and procedure, and shall be capable of controlling, subject to direction by the Chief, the administrative and internal affairs of the department. He shall during his assigned hours of duty assist the Chief of Police in carrying out the functions of his office, and be responsible for general and special orders, administrative directives, rules and regulations, and shall be held accountable for the discipline and efficiency of each force within the department.

4.102 The Assistant Chief shall in the absence of the Chief of Police assume the position of Acting Chief, and subject to direction by the Chief of Police or Mayor, shall have general supervision and responsibility of the department during the Chief's absence, unless so relieved by the Mayor.

4.103 The Assistant Chief shall perform such duties as may be assigned to him by the Chief of Police, giving prompt attention to all complaints and applications of persons which may be referred to him, in addition to performing such other duties as may be from time to time directed by the Chief of Police.

## CHAPTER FIVE

FORCE COMMANDERS

5.100 Force Commanders shall be required to supervise the operation and administration of his Force and to require the satisfactory performance of those in his command, subject to the orders of the Chief of Police. He shall use his best effort in meeting problems, appraising effectiveness of police techniques used and interpreting departmental policies and rules as set down by the Chief of Police.

5.101 He shall strive to coordinate the activities of his force with that of other forces in the department. He shall strive to maintain a feeling of high morale and esprit de corps among members and civilian employees of the force and be constantly aware of the quantity and quality of supervision provided by subordinate officers. He shall be responsible for periodic reports on efficiency of personnel in his command in accordance with departmental orders.

5.102 He shall make a personal inspection of the area under his command at irregular intervals as frequently as may be necessary to keep him thoroughly informed as to conditions therein.

5.103 He shall determine if all personnel of his command are efficiently performing these duties and shall take suitable action to correct any violation of departmental orders or dereliction of duty that he may observe. He shall note all cases of non-compliance with the laws and ordinances and all matters requiring police attention.

5.104 He shall keep his force advised of current problems by consulting with the Chief of Police and other force commanders. He shall transmit to members of his command such instructions, outlines of policy and other matters of importance as may be necessary.

5.105 He shall report to the office of the Chief of Police when necessary and keep him informed of the work of the force and all important matters.

5.106 He shall be responsible for the maintenance and operation of a selective enforcement program designed to create the greatest amount of traffic safety throughout the city. This program will be directed toward the constant improvement of traffic problems employing the use of traffic analysis, accident reports, spot maps and other related information. He shall from time to time, cause reports of these problems to be issued to each member of the department with suggestions for corrective action.

5.107 He shall be responsible to keep abreast of crime trends in the city and take proper actions to meet these problems by the proper deployment of personnel under his command. He shall hold the responsibility for the assignment of personnel under command to their respective duties twenty-four hours a day.

5.108 He shall keep himself informed of unusual and special events taking place within the city and take steps to meet these problems. He shall be responsible for the proper operation of his command in any type of catastrophe, special event or major incident in compliance with the directions of the Chief of Police.

5.109 He shall take "operational command" of personnel from other Forces in the absence of their commanders to insure the adequate performance of their duties in compliance with the directions of the Chief of Police.

5.110 He shall have the immediate responsibility of planning to accomplish the over-all objective; organizing to do the best job with material available; staffing of his command to insure the best results; training to maintain the most efficient operation; equipping to insure proper utilities to perform the job and the care and proper use thereof; coordinate all functions within his command; keeping up to date with public information to produce better public relations, problems of the community and general area of police concern; proper reporting of pertinent matters of police jurisdiction to his superior, to his subordinates and to those personnel in equal authority who would be effected; and directing through the proper channels any and all matters affecting the operation of the department. The responsibilities in this regulation will be subject to the approval of the Chief of Police.

## CHAPTER SIX

DUTIES AND RESPONSIBILITIES OF RANKS6.100 POLICE SERGEANT

6.101 A sergeant shall have personal direction and supervision over all patrolmen assigned to his command, subject at all times to the orders of his captain. In the absence of a senior officer he shall assume all the authority, duties, and responsibilities of that rank.

6.102 He shall be present at roll call and shall see that outgoing members and civilian employees are prepared for roll call and assigned duty unless otherwise authorized by his commander.

6.103 He shall instruct members and civilian employees of his command in the proper method of reporting and such reports shall be subject to his inspection and approval.

6.104 He shall at all times strive to create and maintain a high degree of morale and esprit de corps among his personnel.

6.105 He shall report to his commanding officer in writing any violation of departmental orders and any improper conduct by members or civilian employees of the department.

6.106 He shall have a thorough knowledge of laws and ordinances of the State, County and the City of Fort Madison as they pertain to police business.

6.107 He shall at all times in his dealing with civilian employees or members of the department and citizens be an example of intelligence, efficiency, promptness, accuracy, trustworthiness, and courtesy and shall advise and instruct the men under him in their duties.

6.108 He shall attend to the immediate and proper disposition of complaints by citizens as necessary.

6.109 He shall call the attention of his supervising officer to all matters of unusual importance and occurrence.

6.110 A sergeant is strictly enjoined to require from his subordinates the proper attitude of respect and obedience at all times and shall on no occasion indulge in unofficer-like familiarities with them.

6.111 A sergeant assigned to special details or divisions where area of assignment and responsibility vary from the general duties described in prior sections shall be subject to the policies, orders and procedures set forth by their commanding officers in compliance with approval of the Chief of Police.

6.112 He shall be responsible for all personnel under his supervision, and in areas where certain personnel are assigned to him in a group, the sergeant shall have the responsibility of making periodical evaluations of such personnel making written and oral reports denoting progress and need for training,

6.112 (con't.) filling out personnel evaluation rating; the explanation of general and special orders, departmental directives, policies, and other training materials which may be provided by the department; the field or vocational training of each person in his command and the general appearance and conduct of each person. The sergeant shall at all times be responsible to his commanding officer in compliance with the directions of the Chief of Police.

6.200 POLICE PATROLMAN

6.201 Every patrolman, in carrying out the functions of the department, namely, the preservation of the public peace, the protection of life and property, the prevention of crime, the arrest of violators of the law, and the proper enforcement of all the laws and ordinances, shall constantly direct his best efforts to accomplish that end intelligently and efficiently and shall hold himself in readiness at all times to answer to calls and obey the orders of his supervisor. He shall, to the best of his ability protect the rights of those persons with whom he has contact, as provided in the Constitution of the United States and the laws of the State of Iowa and the City of Fort Madison.

6.202 He shall be held to strict accountability for the good order of his assigned area or post to which he may be assigned to duty and shall have such regular hours of duty as may be prescribed by his commander.

6.203 All original appointments of patrolmen to the department shall be for a probationary period of six months; continuation of the service being dependent upon the conduct of the appointee and his fitness for the performance of the duties to which assigned, as indicated by the quality of his work and by reports and recommendations of his supervising officer. If, during that period, the appointee proves unfit, he shall not be entitled to an appeal from such dismissal.

6.204 Unless otherwise directed, he shall be present at the daily roll call and briefing periods punctually at the specified time and place, properly uniformed and equipped, and shall give careful attention to dispatches and to orders and instructions read or used by his supervising officers. If absent without leave, the absence will be reported to the Chief of Police.

6.205 When assigned to an area he shall proceed to his area without delay. He shall not loiter around the station. He shall faithfully, diligently, constantly, and continually be aware of his responsibilities of his assigned area and shall not leave his assigned area before the time set by his supervising officer.

6.206 When required to interrupt his regular duties to give attention to a complaint, call for assistance, arrest or other duty, he shall attend to such duty with business-like dispatch and courtesy and without unnecessary loss of time.

6.207 He shall not refuse to give his assistance for the protection of persons and property near his assigned area if called in for any case requiring immediate attention. He shall return to his own area as soon as possible, and, when ever practicable, shall notify the radio dispatcher before leaving his assigned area. In any case, upon returning to his assigned area notify the officer in charge of his shift of the action taken.

6.208 He shall not conceal himself except for police purposes and shall not patrol on public or other conveyances except when so assigned. He shall be constantly alert, observing everything that takes place within his sight or hearing, and keep a vigilant watch for fires and offenses against persons, property and public peace.

6.209 He shall familiarize himself with his assigned area of responsibility and shall be responsible for such activity and assignments as set forth by his supervisory officer. The patrolman assigned to specific responsibilities will be held to answer for his actions or lack of actions.

6.210 He shall familiarize himself with and have working knowledge of all laws and ordinances relating to criminal acts. He shall familiarize himself with and have working knowledge of all laws of the State of Iowa and the City of Fort Madison, relating to the stopping, standing or movement of vehicular and pedestrian traffic.

6.211 He shall investigate all crimes that occur in his assigned area and all traffic accidents that are assigned to him. He shall interview complainants or informants whenever possible and satisfy all parties concerned as may be consistent with good police work. He shall secure names, addresses and such other information that is required to complete necessary police reports.

6.212 He shall furnish such information or render such aid to all persons when requested as is consistent with his duties. He shall at all times when in uniform keep his badge in sight and give his name and badge number, if any, in a respectful manner when requested.

6.213 He shall make himself thoroughly familiar with the City, including the routes of bus lines, the location of streets, public buildings and points of interest, hospital, courts, transportation offices and depots, highways and the boundaries thereof and of the city; and the location of the City, County, State and Federal officials and such other knowledge pertaining to the government of the City and County and the institutions thereof as will enable him to render assistance and intelligent and helpful information when requested.

6.214 He shall at night and during the time that business houses are closed exercise the greatest vigilance, frequently examining and trying accessible doors and windows of business and public places and vacant or unoccupied houses on his beat, investigating all suspicious circumstances which present themselves. In the daytime he shall examine in like manner all vacant dwelling houses and buildings on his beat.

6.215 He shall be responsible for the failure to discover or report any doors or windows of business houses broken open or unsecured in his area of responsibility during his tour of duty. If any windows or doors are found broken open or unsecured, that fact shall be promptly reported to his supervising officer and the owner notified when possible. The patrolman will summon



6.215 (con't) assistance, if necessary, and secure such windows or doors whenever possible. Reports regarding such matters shall be made on prescribed forms and submitted to the officer in charge of the shift before going off duty. He shall not have in his possession, without the knowledge and consent of his commanding officer, a key to any premises in his area except his own residence.

6.216 Patrolmen assigned to area shall pay particular attention within the area to residences of families who are temporarily out of the city leaving the premises in care of servants and shall note the persons admitted to such houses, especially during the night time, and any suspicious actions about the place, and shall make a memorandum of the circumstances and the hours of the day or night when such persons are admitted or leave so that such information is available if required.

6.217 He shall note as far as possible, without intruding on the privacy of individuals, all removals from or into the limits of his area of responsibility and acquire such knowledge of the inhabitants so as to know and recognize as many as possible and be able to furnish information regarding them. It is necessary that a patrolman make himself perfectly acquainted with all parts of his area and with the streets, thoroughfares, courts and houses within.

6.218 A patrolman shall strictly note the conduct of all suspicious persons and all persons of known bad character and make such observations as will enable recognition of them at any time. He shall particularly note their movements, habits, associations and the premises they enter or frequent. He shall learn their names, residences, occupations and keep a record of the same and report to his commanding officer all information he may obtain.

6.219 A patrolman working an assigned area shall inform himself as to houses and/or buildings in his area in which violations of the law are believed to exist and shall take necessary police action and, if uncertain as to how to proceed, shall report the fact to his supervising officer. He shall keep a record of all known or suspected gambling houses, houses of ill fame, disorderly houses, resorts for persons of known bad character and all places of questionable conduct and report the same promptly to his supervising officer.

6.220 Patrolmen working an assigned area shall take particular notice of all places and persons in this area engaged in any business or activity which requires a license and shall report to his commanding officer all such unlicensed places or persons and all cases where the provisions of the license are not complied with. He will be prepared to give information to his supervising officers relative to the nature of all businesses being conducted on his beat.

6.221 A patrolman working an assigned area shall acquaint himself with all public vehicles and drivers thereof, permitted to stand in his area. He shall note and investigate, especially during the nighttime, all vehicles, the drivers or occupants of which in any manner may excite suspicion. He will take such immediate action as he deems necessary and will report the facts to his supervisor. He will pay particular attention to motor vehicles and watch for such as have been stolen, or which may have been used in the commission of crime, or are not properly licensed or legally equipped.

6.222 A patrolman working assigned area shall report leaking water pipes, gas mains, sewers, street lights out, power lines down, traffic lights or signs in need of repair. If he observes anything likely to prove dangerous or inconvenient to the public he shall remedy it if possible or report it without delay. He shall report immediately dangerous conditions of streets, sidewalks, or city property. All such conditions shall be called to the attention of the department orally or on a written memo.

6.223 In making an arrest the officer shall make such examination of suspect or prisoner so as to protect himself or others from injury. He shall be thorough in his search and certain in his conclusions that there are no weapons. If weapons are discovered, he shall take them for safekeeping until disposed of as provided by court action or regulations. He shall take possession of evidence, noting the part of the clothing or person that it came from and making sure that it has all been found. Evidence is often hidden by the prisoner on the ground or patrol car. The officer shall not hurry or become careless in questioning and searching the persons.

6.224 He shall be alert for the physical and moral welfare of the children in his assigned area of responsibility.

6.225 A patrolman shall not use his or any other private vehicle for purposes of covering his area of responsibility or for any other purposes, whether assigned to a patrol car or a foot patrol unless authorized to do so by his supervising officer.

6.226 When assigned to duty in or on any motor vehicle he shall operate such vehicle at a moderate rate of speed and in a manner such as will enable him to observe any conditions or happenings which may require police attention, except when prohibited from doing so by the necessity of other duties. He shall also operate such vehicle at all times in keeping with the laws regarding the same and shall be an example to all citizens in this respect. When assigned to special duties he shall be responsible for his actions to his commanding officer.

6.227 A patrolman shall at all times have with him an official approved notebook in which he will enter the names of persons taken into custody by him and such particulars in each case as may be important in a trail thereof; and also all other transactions, information and such matters of importance relative to the discharge of his official duties. Notebooks shall be subject to inspection by supervising officers at any time they deem it necessary.

6.228 Patrolmen assigned to special detail or divisions where areas of assignment and responsibility vary from the general duties described in prior sections shall be subject to the policies, orders and procedures set forth by their commanding officers in compliance with approval of the Chief of Police.

## CHAPTER SEVEN

CIVILIAN EMPLOYEES

7.101 All civilian employees appointed to the department will be assigned to offices by the Chief of Police and shall perform such work, and have such regular hours of duty as directed.

7.102 They shall attend to the duties of their respective positions in a thorough, business-like, accurate and efficient manner. They shall be energetic, alert, discreet, courteous, attentive and punctual, and will cooperate with their supervisors or superiors to the fullest extent that the work of the police department may require. They shall dress in moderate, tasteful clothes so as not to bring about embarrassment to the department.

7.103 They shall, in any emergency when the expediencies of police service require, be on duty such extra or additional hours as may be ordered by their supervisor within the provision of the law.

7.104 They shall, at all times during their duty hours, be neat and clean in appearance, of good and proper habits, and keep in good order the desks, books and other equipment used by them or entrusted to their care.

7.105 Civilian employees shall also be subject to the orders of their supervisors and the general rules and regulations of the department so far as they are applicable.

## CHAPTER EIGHT -

COMPLAINTS, SUSPENSION, RESIGNATIONS  
DISMISSALS AND DISCIPLINARY ACTIONS8.100 Complaints

8.101 Complaints in writing may be made to the Chief of Police by commanding officers, or by officers of a higher rank against any subordinate member or civilian employee of the department for any alleged violation of these rules and regulations or of the departmental orders and intructions or of conduct prejudice of good order, efficiency and discipline.

8.102 Commanders may dispose of minor derelictions of duty or misconduct, a repetition of which, in their judgment, may be corrected by admonishment or warning, but in each incident of this type a written record shall be maintained as prescribed by departmental order.

8.103 All complaints made by citizens or other persons against members of the police department shall be thoroughly investigated. The results of such investigations put in writing, with such remarks as may be necessary, together with the original complaint and any transcripts that may be taken, shall be forwarded to the Chief of Police.

8.104 Complaints against supervisory officers by subordinates shall be made to the supervisor and if satisfaction is not forthcoming, he may resort ot the prescribed procedure.

8.105 Any member of the department whose character has been compromised may have an inquiry made as to the truth of any accusations made against him.

8.200 Suspensions

8.201 Whenever it is deemed necessary for the reason of any violation of the rules and regulations of the department and the preservation of good order, efficiency and discipline, any supervising officer may relieve from duty pending formal charges any subordinate member or civilian employee of the department until same can be reported in the manner prescribed to the Chief of Police and by him approved and confirmed, provided however, that no member with the rank of sergeant or higher will be relieved from duty except by the Chief of Police.

8.202 In every case of relief from duty the officer ordering same shall as soon as practicable notify the Chief of Police in writing; stating the name of the accused, effective date of relief from duty and the particular rule or order violated and the specific charges against him, together with the names and addresses of all witnesses.

8.203 Any member or civilian employee of the department so relieved will immediately surrender his badge of office and all other departmental property in his possession to the relieving officer and such property shall be kept in possession of the property custodian pending investigation of the case.

8.204 A suspended member or civilian employee will not be restored to duty pending investigation of the charges for which he was relieved except by the direction of the Chief of Police.

8.205 Members of the department will not wear their uniforms during any period of such relief but shall remain subject to rules and regulations of the department pending reinstatement or dismissal or official suspension from the service.

### 8.300 Resignations

8.301 All members and civilian employees of the department shall give not less than fifteen days notice of their intention to resign from the department unless permission from the Chief of Police has been obtained.

8.302 An unexplained absence without leave of any member or civilian employee for three days or more may be deemed and held as a resignation without proper notification and will be treated as such.

8.303 Members and civilian employees while under charges or investigations shall be subject to the same procedures in giving notice of resignation as previously described in 8.301.

8.304 Resignations submitted to the Chief of Police not in compliance with the prescribed regulations shall be subject to review and the action taken shall comply with existing departmental orders and the Civil Service Commission regulations.

### 8.400 Charges Resulting in Dismissal or Disciplinary Action

8.401 Any member or civilian employee of the department is subject to discipline by the Chief of Police and to dismissal, demotion or suspension by the Chief of Police for committing any of the following offenses, and in accordance with the Civil Service Commission laws and the Code of the City of Fort Madison:

1. Commission of a felony or misdemeanor under any statute or ordinance.
2. Illegal use of narcotics or drugs.
3. Using intoxicants in violation of departmental rules and regulations.
4. Neglect of duty.
5. Absence from duty without leave.
6. Neglect or disobedience of any order or failure to comply with departmental rules and regulations.
7. Conduct unbecoming an officer, either while on or off duty detrimental to the service.

8. Cowardice, either physical or moral.
9. Insubordination or disrespect toward a superior officer.
10. Overbearing, oppressive or tyrannical conduct in discharge of duty.
11. Incapacity for duty, either mental, physical or educational.
12. Inefficiency and incompetency.
13. Breach of discipline.
14. Falsification of reports, records or communications.
15. Criticizing departmental orders.
16. Communicating information relative to police work without permission.
17. Immorality.
18. Discourtesy or insolence.
19. Untruthfulness.
20. Sleeping while on duty.
21. Uncleanliness in person or dress.
22. Accepting or soliciting a bribe.
23. Keeping fee, gift or reward.
24. Engaging in partisan politics.
25. Feigning sickness or injury to escape duty.
26. Rough or careless handling of city property.
27. Refusing to give name and badge number when requested.
28. Failing to report known violations of law or ordinance.
29. Failure to make written reports as required.
30. Neglect or refusal to pay just debts.
31. Willful mistreatment of a prisoner.
32. Neglecting to give receipt for property taken from prisoners.
33. Appropriating any lost, found, stolen, departmental or evidence property to his own use.

34. Any attempt to induce any officer or employee of the city to commit an illegal act in violation of any lawful and reasonable department regulation.
35. Being a subversive person.
36. Failure to live up to the conditions of employment enumerated in the employment questionnaire or other arrangements with the department duly entered into.
37. Any other act or omission contrary to good order and discipline or constituting a violation of any other provisions of the rules and regulations of the department or of any departmental order.

## CHAPTER NINE

GENERAL RULES AND REGULATIONS9.100 ORGANIZATION INFORMATION

9.101 MEMBERS AND CIVILIAN EMPLOYEES - "Member", as used in the provisions of the departmental rules and regulations, shall be construed as meaning a person duly appointed as a police officer in the police department. "Civilian employees" shall be construed as meaning any person in the service of the police department who is not a police officer.

9.102 OATH OF OFFICE - Members upon employment and before being assigned to any duty in the department shall take and subscribe to an oath of office, administered by the mayor or other qualified office holder in such form as may be prescribed.

9.103 PROBATIONARY PERIOD - All appointments to the police department or promotions within for those classifications confined exclusively to police officers shall be probationary for a period of six months. All other classifications not restricted to police officers will have a six month probation. The continuance in any assignment is dependent upon the conduct of the appointee and his fitness for performance of the duties to which assigned. A mandatory written report from his supervising officer shall determine his fitness to continue at his grade. If, during a said probationary period, the employee is deemed unfit, he shall be dismissed from the service or reduced in rank. He shall not be entitled to an appeal before the Civil Service Commission from such discharge or demotion.

9.104 DEPARTMENTAL RULES AND REGULATIONS - It shall be the duty of every member and civilian employee of the Fort Madison Police Department to thoroughly familiarize himself with such provisions of the rules and regulations as may deal specifically with the duties of rank, grade, or position. Acceptance of appointments shall constitute implied consent to all departmental requirements that countermand and/or supersede any previously issued. Failure on the part of a member or civilian employee to acquaint themselves with the provisions of these rules and regulations shall be deemed a neglect of duty and may be made a subject of charges against such member or employee.

9.105 KNOWLEDGE OF LAWS - Members of the department shall familiarize themselves with the statutes, laws, ordinances, and regulations enforced in the City of Fort Madison and the State of Iowa, as well as all applicable federal laws. Failure to take action consistent with departmental policy as related to such violations which come to their attention or about which they have knowledge, will be deemed a gross neglect of duty.

9.106 DEPARTMENT - Members or civilian employees, whether on active or rest duty, shall be governed by ordinary and reasonable rules of good conduct and behavior and shall not commit any act or become involved in any discussion bringing reproach or discredit upon the department.

9.107 DEPARTMENT, RANKING OFFICERS - Ranking officers shall, by example, demonstrate and shall instruct their subordinates in proper department and desirable attitudes in their dealings with the public. Authority in the department shall be exercised with kindness and firmness to the end that justice is



9.107 (con't) accomplished. Supervising officers shall sustain their sub-ordinance when they can do so consistently and avoid, as far as circumstances warrant, censoring them in the presence of others. Supervisors are forbidden to injure or discredit those under their authority by tyrannical or officious conduct or abusive language.

9.108 DEPARTMENTAL PROPERTY - Members and civilian employees of the department shall be responsible for the good care of departmental property, whether fixed or movable, assigned to their care or keeping. They shall promptly report to their supervising officer the loss of or damage to, or unserviceable condition of such property. Roughness or carelessness in the handling of such property shall not be tolerated and shall be made the subject of report by supervising officers who shall be responsible for the strict enforcement of this rule.

9.109 FIREARMS CARRYING - Each member shall carry upon his person an authorized firearm at all times except within the confines of the individual's home or when in or about the police headquarters, or under conditions where such would be an affront to accepted social procedure. Such firearms shall be carried concealed except when in regulation police uniform or within the confines of the departmental facilities.

9.110 FIREARMS DISCHARGE - Officers shall not discharge firearms in connection with police duties except under the following conditions:

- In defense of their lives
- In defense of another's life
- To effect the capture or prevent the escape of an individual, or individuals, known to have committed a crime of no lesser degree than a heinous felony, and where resistance to arrest is dangerous to the life of the person making the arrest
- Firearms training or departmental shoot

There shall be no discharging of firearms in a promiscuous manner. Warning shots or accidental discharges of weapons are subject to departmental review. Upon review by the department, the officer firing the weapon in the situation must show justification for the act.

9.111 FIREARMS DISCHARGE REPORT - Any officer who discharges a firearm accidentally while performing any police function shall make a written report giving details of the incident as soon as possible after the occurrence.

9.112 FIREARMS SECURITY - Officers shall not unholster, clean, repair or unload personal firearms at any place within the police building or unnecessarily display the weapon at any time publicly. This restriction shall not apply to firearms when loading or unloading is ordered by a supervisor. The uniform holster shall have a safety strap and such safety strap shall be worn over the hammer and closed at all times except when imminent use of the firearm is indicated. Emergency firearms drawn from the weapons locker shall be presented to the station's supervisor for inspection prior to being placed in the weapons locker.

9.113 FIRST AID - All members of the department are required to have a current certificate of completion of the advanced Red Cross First Aid Course. It shall be the duty of every member of the department to have a valid advanced first aid card and administer first aid to the injured. Any member failing to render first aid whenever necessary, or who may be found incompetent to do so, shall be charged with neglect of duty.

9.114 CHEMICAL MACE - The use of legal force by a police officer in many incidents results in some physical injury to his assailant. No matter how justified the incident may appear, criticism of the police for using physical force seems to result. Chemical mace, a liquid, long-range, selective, tear gas projector, has been developed to temporarily incapacitate violent or dangerous persons.

GUIDELINES FOR THE USE OF CHEMICAL MACE ARE AS FOLLOWS:

1. The use of this device will be restricted to those occasions that would demand the use of force to the extent of the firearm or baton or other authorized restraint equipment.
2. The chemical causes temporary discomfort. Its indiscriminate use will be avoided.
3. If a situation develops where it is probable that either the arrestee or the officer may be injured if traditional methods are followed, this device shall be used if its use is feasible.
4. Whenever chemical mace is used, the circumstances surrounding its use will be described in detail in an officers report.
5. When a person has been restrained or handcuffed and can be handled with normal methods, the affected skin area where the chemical mace was used should be bathed with water.
6. UNAUTHORIZED OR INDISCRIMINATE USE OF THIS DEVICE WILL RESULT IN DISCIPLINARY ACTION.

9.115 AUTHORIZED FIREARM - Authorized firearms shall be limited for uniformed personnel to revolvers capable of chambering and firing 38 Special ammunition and having a barrel of no less than 3.5 inches in length. Authorized firearms shall be limited, for non-uniformed personnel and uniformed members assigned to office duty, to a revolver capable of chambering and firing 38 Special ammunition and having a barrel of no less than 2 inches.

All weapons, to be considered "authorized firearms", shall first be inspected by the officers Force Commander, who will issue him written approval if the weapon is satisfactory. Weapons will then be registered with the Police Department before being placed in use.

9.200 APPEARANCE

9.201 PERSONAL APPEARANCE - Every member and civilian employee of the department, while on active duty must at all times be well-groomed and clean in person. His clothes and shoes shall be clean and properly cared for. His dress shall at all times conform with the rules and regulations. He shall as often as necessary examine and clean his equipment and keep it always in good, servicable condition.

9.202 OFFICER'S BEARING - Officers shall maintain a soldierly bearing and avoid a slouchy, slovenly, attitude of mind and body. When in uniform an officer shall not lean against a building or assume a loafing attitude. He shall keep his hands out of his pockets, whether engaged in conversation or otherwise.

9.203 PHYSICAL HEALTH AND WEIGHT CHART - All men are to closely check the following weight chart against their own personal weight and height, and govern themselves accordingly. Allowances will be made for members of unusually large frame or other physical factors resulting in overweight at the discretion of the Chief of Police.

| <u>HEIGHT</u> | <u>MINIMUM</u> | - Pounds - | <u>MAXIMUM</u> |
|---------------|----------------|------------|----------------|
| 5-8           | 145            |            | 183            |
| 5-8½          | 145            |            | 185            |
| 5-9           | 145            |            | 190            |
| 5-9½          | 145            |            | 193            |
| 5-10          | 150            |            | 195            |
| 5-10½         | 150            |            | 198            |
| 5-11          | 150            |            | 200            |
| 5-11½         | 150            |            | 205            |
| 6-0           | 150            |            | 210            |
| 6-½           | 150            |            | 212            |
| 6-1           | 155            |            | 215            |
| 6-1½          | 158            |            | 220            |
| 6-2           | 160            |            | 225            |
| 6-2½          | 163            |            | 227            |
| 6-3           | 165            |            | 229            |
| 6-3½          | 168            |            | 230            |
| 6-4           | 170            |            | 232            |

9.203 (con't) Members during their period of employment with the Fort Madison Police Department, may not exceed the maximum weight as given on the chart.

The weight program will consist of weighing the individual twice each year, fully clothed, less gunbelt, on July 1, and January 1.

Failure to meet the weight requirements will result in the loss of one day off for each five pounds or fraction thereof of weight over the maximum as allowed by the chart for their height when measured without shoes. Officers failing to comply will be required to weigh in on the first of each succeeding month. Days off will continue to be cancelled as previously described for each month's violation until the officer complies. THE FIRST WEIGH - IN WILL BE JULY 1, 1971. Enforcement will begin January 1, 1972.

PHYSICAL EXAMINATIONS WILL BE REQUIRED OF EACH EMPLOYEE BY THE DEPARTMENT EVERY OTHER YEAR ON THE OFFICERS ANNIVERSARY DATE. THIS DATE WILL BE COMPUTED FROM STARTING YEAR. IE. . . . ., OFFICERS EXAMINATION YEAR WILL CORRESPOND WITH HIS STARTING YEAR, STARTED ON EVEN YEAR, EXAMINATION ON EVEN YEAR. START ON ODD YEAR, EXAMINATION ON ODD YEAR.

9.300 ACTIVE DUTY

9.301 DUTIES - Members shall at all times and to the best of their ability support and enforce the Constitution of the United States, all applicable federal laws, laws of the State of Iowa, as well as the ordinances, resolutions and rules and regulations of the City of Fort Madison.

Members and civilian employees of the department shall be held responsible for the proper performance of the duties assigned them, and for the adherence on their part of the rules and regulations adopted from time to time for the administration of the department.

Following the advice of another person whether or not that person be connected with the department, except a supervisor, shall not be accepted as an excuse or justification by a member or civilian employee for anything he may do contrary to the rules and regulations or anything he may omit doing. An officer of higher rank, however, may take upon himself the responsibility of issuing direct and positive orders in a situation of emergency so warrants, but shall assume all responsibility for such action.

9.302 BULLETIN INFORMATION - Members shall acquaint themselves daily, when on active duty, and immediately upon return from absence, with the information of the Daily Police Bulletin, i.e., work sheets, and wanted circulars, pertinent to themselves or their assignment.

9.303 COURTESY - Courtesy and civility toward the public are demanded of all members and civilian employees of the department, and any conduct to the contrary shall not be tolerated. Members and civilian employees in their conduct shall be quiet, civil and orderly and shall at all times be attentive and zealous in the discharge of their duties, controlling their tempers and exercising the utmost conditions of patience and discretion. They must at all times and under all conditions refrain from using coarse, violent, profane, or insolent language. When required to do so, they must act with firmness and sufficient energy to perform their duties, and shall always be respectful towards each other.

9.304 WRITTEN REPORTS - A report shall be made of every police action taken during an officer's tour of active duty and shall be submitted prior to termination of the shift or active duty period. In instances where several officers are involved in one incident, the report may be made by the senior officer or may be made jointly. However, no officer is exempt from the responsibility of seeing that every action is reported. All reports shall be complete in detail and submitted on appropriate police department forms. Each report shall be checked by the submitting officer for correctness in detail. In all instances requiring written signature of information, either blue or black ink shall be used. Each report in completed form shall be reviewed and approved or disapproved by the supervising officer.

9.305 REPORTING AND INVESTIGATION OF CRIMES - Members and civilian employees of the department shall communicate promptly to their commanding officers all crimes, suicides, attempted suicides, fires, accidents, important happenings, complaints and information of which the department takes cognizance which may come to their attention. Any member or civilian employee withholding information with a view to personal achievement, or for any other reason, shall be subject of disciplinary action. When any member is called or happens to be on the scene of a crime, he shall at once investigate and note all particulars.

9.306 ACCIDENT INVESTIGATION - Members of the department when at the scene of any accident on the public street, sidewalks, alleys or other city property shall take prompt measures to obtain all information which would be of value in determining the cause of the accident. They shall procure the names and addresses of all persons who witnessed the accident or have particulars concerning it, the statements made by them and all necessary measurements. When investigating an accident, care should be taken to acquire all information necessary to accurately complete the prescribed accident report forms. In cases of injury or death to persons resulting from accidents, the person or persons responsible for same shall be properly detained until proper investigation is made. In cases where it is not reasonably possible to give the necessary aid to the injured and also effect the detainment of the responsible party, care of the injured and their property will take precedence.

9.307 PRISONERS (Treatment of) - All prisoners shall be treated with the utmost kindness and consideration, compatible with the enforcement of rules and regulations necessary to compel obedience to the member or civilian employee in charge.

9.308 PRISONERS (Safeguarding) - Members and civilian employees shall be cautious in the arrest and detention of prisoners, and shall take all necessary precautions to prevent escape or injury to themselves or any other person, or damage to property.

9.309 PRISONERS (Search of) - Members and civilian employees shall make a thorough search for weapons and contraband of all persons arrested, upon transfer of custody the receiving member or civilian employee shall also be obligated to conduct a thorough search of such prisoner.

9.310 PRISONERS (Transportation of) - Members and civilian employees shall not transport prisoners in any unit other than those designated as transportation units, unless in dire emergency, or upon receipt of authorization from supervisory level.

9.311 PRISONERS (Property Receipts) - Any person shall be provided with receipt for money or other property taken or recovered. Said receipts shall be rendered by the member receiving such property.

9.312 FEMALE PRISONERS AND SUSPECTS - Before transporting women prisoners or suspects, the time, location and speedometer reading shall be transmitted to headquarters. Upon arrival at destination the same information shall once again be transmitted for record. Members, shall if possible, utilize the service of a woman in processing female prisoners or suspects whenever practical. A male officer shall not talk to a female prisoner alone in an interrogation room unless there is visibility into the room through glass or an open door.

9.313 COWARDICE - Members of the department are required to dispatch and discharge their duties with coolness and firmness. In time of extreme peril they shall act together and assist and protect each other in the restoration of peace and order. Whoever shrinks from danger or responsibility shall be deemed guilty of cowardice and gross neglect of duty and unworthy of a place in the service.

9.314 FALSE REPORTS - No member or civilian employee of the department shall make or submit false official reports. He shall not knowingly enter or cause to be entered in any departmental records any inaccurate, false or improper information.

9.315 PUBLIC INFORMATION REQUEST - Any member or civilian employee of the department shall give proper information carefully, courteously, and accurately upon request. He shall avoid all unnecessary conversation or controversy and shall give his name and badge number, if any, in a courteous manner to any person who may request it.

9.316 USE OF DEPARTMENTAL VEHICLES - No departmental vehicle shall be used by any member or civilian employee without the knowledge or permission of his supervising officer. No person other than members of the department or persons involved in police action shall be permitted to ride in departmental vehicles except by special order or consent of the officer in charge.

9.317 ACCIDENT INVOLVING DEPARTMENTAL VEHICLES - Members and civilian employees shall immediately report to their supervising officer any accident with or damage to, a departmental vehicle operated by them or in their charge. Members and civilian employees shall report on proper forms and shall also submit a detailed report to the Chief of Police.

9.318 LOITERING ON ACTIVE DUTY - Sleeping, idling or loitering while on active duty shall be considered a dereliction of duty. Members shall not remain or congregate in cafes, drive-ins, service stations, or other public places except for the purpose of transacting police business or to take regular meals as provided for in departmental orders. Members or civilian employees on active duty shall not read newspapers, periodicals or similar material in public except within connection with official duties. Any member or civilian employee of the department in violation shall be subject to charges of neglect of duty.

9.319 COMMUNICATIONS OBLIGATION - Members on active duty, or when officially on call, shall be directly available by approved communication, or shall keep their office, headquarters or supervising officer informed of the means by which they may be reached when not immediately available. Any member failing to respond when called by radio and who is not officially checked out may be subject to disciplinary action.

9.320 RESPECT OF SUPERVISORY OFFICERS AND ASSOCIATES - Members and civilian employees of the department shall treat their supervising officers with respect due the officer. Their demeanor toward associates in the department shall be courteous and considerate. They shall guard against envy, jealousy or other unfriendly feelings and refrain from all communication to the discredit of an associate, except to their supervising officers when it is their duty to inform of neglect or disobedience of orders that may come to their attention.

9.321 OBEDIENCE (Ranking Officers) - Members shall obey the lawful orders of a ranking officer at all times. Should an order conflict with any order given previously by another ranking or with any departmental order, to the conflict. If the ranking officer giving such an order does not change it to eliminate the conflict, the order shall stand and the responsibility shall remain with the ranking officer.

9.322 SICKNESS OR INJURY OF DEPARTMENT MEMBERS OR EMPLOYEE ON ACTIVE DUTY - Any member or civilian employee who becomes injured or ill while working and who must leave his post, shall, if at all possible, first report this fact to his supervisor before absenting himself.

#### 9.400 REST DUTIES

9.401 OFF-DUTY REQUIREMENTS - all members of the department shall be on duty twenty-four hours per day, every day of the year. Each shall have regular duty hours per day, every day of the year. Each shall have regular duty hours assigned to him for active duty, with the remaining time being assigned as rest duty. The term "detached duty" shall describe outside police employment where compensation is drawn from a source other than the police department. Any officer on rest duty who leaves the immediate vicinity of the City of Fort Madison with the intention of being absent from the city for a period exceeding eight hours shall notify the officer in charge giving his destination, tentative time of arrival or return and other information that may assist the department in contacting him in case of emergency.

9.402 COURT ATTENDANCE - All officers of the department concerned in cases before the courts are to be punctual in their attendance and shall wear their normal active duty attire unless otherwise requested by the prosecutor. Clothing worn shall be neat and clean. Officers shall have the cases in which they are interested properly prepared and all property which is to be used in evidence suitably arranged for presentation in court. Officer shall observe the utmost attention and respect to court at all times. When giving testimony they shall speak calmly and explicitly in a clear, distinct and audible tone so as to be easily heard by the court and jury. Officers shall testify with the strictest accuracy, confining themselves to the cases before the court and neither suppress nor overstate the slightest circumstances with a view of favoring or discrediting any person. When cross-examined they shall answer with the same readiness and civility as when testifying in support of a charge.

Officers shall conduct themselves properly in both speech and demeanor while in court or on the witness stand and on no occasion shall smoking or the chewing of gum be permitted. No officer under subpoena as a witness shall bear any sidearm while in court exposed, unless at the request of the judge.

#### 9.500 GENERAL POLICIES

9.501 CO-OPERATION WITH PRESS AND OTHER AGENCIES - Members and civilian employees shall co-operate with all law enforcement agencies, other city departments and public service organizations and shall give aid and information as such organization may be entitled to receive, consistent with departmental policies. Officers shall extend full co-operation to members of the press consistent with departmental policies, provided the successful situation which involves a question of relationship with the press and which cannot be satisfactorily resolved by the member or civilian employee shall be referred to a commanding officer.

9.502 RESIDENCE REQUIREMENTS - No employee of the department shall reside outside the state, nor further than ten (10) miles by established roads, beyond the city corporate limits, and for this purpose only 48th Street shall be considered as the west corporate limits.

9.503 CHANGE OF ADDRESS - Each member and civilian employee of the department shall notify the office of the Chief of Police of any change in his residence or telephone and shall report same in writing twenty-four hours of such occurrence.

9.504 DOMESTIC STATUS - Members and civilian employees of the department shall report to the Chief of Police, in writing, any change in their domestic status with reference to marriage, births, divorce, separations or death of spouse at the earliest possible time.

9.505 OUTSIDE EMPLOYMENT - No member or civilian employee shall engage in outside employment without the permission of the Chief of Police. Upon application by member or civilian employee, the Chief of Police may authorize employment or occupation of said member or civilian employee which does not conflict with departmental duty. Any member or civilian employee cleared for outside employment shall have the obligation of reporting to the shift commander or station supervisor during each period of such employment, indicating location of employment and hours of duty. At the conclusion of employment the station supervisor shall be contacted and informed of any irregularities or items of police interest which may warrant further consideration or report.

Outside employment shall in no case relieve an officer of his sworn obligation or duty and shall be regulated as follows:

No officer shall work, without permission of the Chief of Police

- a. At any location or in any employment which may tend to bring the department into disrepute or which tends to reduce his efficiency or usefulness.
- b. In any establishment where the sale of liquor is the principle business.
- c. In any employment requiring an affiliation, membership or allegiance tending to influence his conduct in a manner inconsistent with the proper discharge of his duties as a police officer, or which in any way would effect his loyalty to the department or public interest.
- d. In uniform at the performance of tasks other than of a police nature.
- e. In any employment requiring in either full or part-time the service of civil process.
- f. On investigation or other work in which he may avail himself of access to police information, records, files or correspondence.

9.506 OVERTIME - When any member or civilian employee of the department accumulates authorized overtime through the continuance of police matters beyond assigned hours, special assignment or court appearance, reimbursement may either be monetary or in the form of compensatory time, dependent upon existing policy and conditions.

9.507 DEBTS AND BANKRUPTCY - Members and civilian employees of the department shall pay all legal debts and no member or civilian employee of the department shall encumber or obligate another member or civilian employee by signature as a co-signer on any note, mortgage or other form of indebtedness.. Any member or



9.507 (con't) civilian employee of the department who undertakes the act of bankruptcy shall be subject to dismissal or disciplinary action following review of verified facts by the Chief of Police.

9.508 BADGE AND POLICE CREDENTIALS (lending) - Members shall not use another's badge or official police credentials without the permission of a command officer. They shall not knowingly permit any person not a member of the department to use the Fort Madison Police Department badge or official credential at any time.

9.509 PERSONAL AGGRANDIZMENT AND ADVERTISING - Members or civilian employees shall not permit the use of their photographs or names for advertising purposes or by testimonial, recommendation or by other means participate in any advertising scheme or enterprise related to or based upon their employment with the department without the express permission of the Chief of Police.

9.510 OUTSIDE ASSISTANCE WITH PERSONAL CONSIDERATION - Members or civilian employees of the department shall not request the aid of any person outside the department in transferring from one to another assignment or in being restored to any assignment from which they have been removed or in being promoted to higher rank within the service. They shall not knowingly permit any petition to be prepared or presented by a citizen in their behalf requesting such transfer, restoration or promotion.

9.511 GIFTS, REWARDS AND SOLICITATIONS - No member or civilian employee shall for himself or another solicit or accept gifts, gratuities or compensation for services performed in the line of duty other than paid by the city or as provided in departmental orders.

Should any reward, gift, or other compensation come into a member or civilian employee's possession, it shall immediately be forwarded to the office of the Chief of Police accompanied by a written report outlining all circumstances connected therewith. No member or civilian employee shall seek or accept any money or other compensation for damages sustained or expenses incurred by them on duty unless, after presentation of a written detailed account of the expenses as incurred, express permission to do so is granted by the Chief of Police. No member or civilian employee shall use his badge, uniform identification card or official position in a personal manner to solicit special privileges for himself or others; i.e., free admission to places of amusement, discounts or purchases or other favors. An officer may use his badge or other official credential to obtain admission when such is in the furtherance of official duty or in accordance with the law.

9.512 CORRESPONDENCE - A member or civilian employee shall not enter into official departmental correspondence over his signature, nor shall he convey official communications outside of the department by telephone or any other means except by express permission of his supervising officer or head of the division. All written communications of any nature with any party or agency outside the department shall be cleared and forwarded through the office of the Chief of Police and over his signature. Any exception to this rule must be with the express permission of the Chief of Police.

9.513 ATTORNEYS AND BAILBONDS, RECOMMENDING - No member or civilian employee of the department shall recommend, directly or indirectly, to any prisoners or interested person the employment of an attorney for counsel or suggest the name of any bailbondsmen except as provided by departmental directive.

9.514 MEMBERS POSTING BAIL - Members of the police department shall not post bail for any person held under arrest except at the discretion of the Chief of Police.

9.515 COURT CASES - Members or civilian employees shall not take part or be concerned, either directly or indirectly, in making or negotiating any compromise or arrangement for any criminal or other person to escape the penalty of the law. They shall not seek to obtain continuance of any trial with the course of justice. Any member having knowledge concerning such compromise or arrangement and failing to inform his supervising officer thereof shall be subject to disciplinary action.

9.516 CIVIL CASES AND PROCESSES - Members of the department shall not serve civil processes nor shall they render assistance in civil cases except when the City of Fort Madison is a party. They shall, however, prevent breaches of the peace and quell disturbances growing out of such matters and take persons breaking the peace into custody if necessary. Members and civilian employees shall not participate or testify in civil cases unless summoned to do so. No member or civilian employee of the department shall be principle or party to any civil action without written notification to the office of the Chief of Police prior to the filing of such action. Any member or civilian employee being served with processes concerning civil litigation shall immediately notify the office of the Chief of Police in writing.

9.517 RELIGIOUS, RACIAL, POLITICAL DISCUSSIONS - Members or civilian employees of the department shall not engage in political or religious discussions to the detriment of discipline. They shall not speak slightingly of the nationality, color or religion of any person.

9.518 POLITICAL SOLICITATIONS - Members or civilian employees of the department shall not solicit or make contributions in money or any other manner, directly or indirectly on any pretext, to any persons, committees or associations or partisan political reasons nor shall they interfere or use the influence of their office for partisan political reasons.

9.519 ORGANIZATION MEMBERSHIP - Members or civilian employees of the department are prohibited from joining with any organization or body, the constitution of which embraces provisions or philosophies of striking to obtain goals in the police service. Nor will any member or civilian employee participate in any picket line or take an active part in any demonstration activities unless permission has been granted by the Chief of Police for such act.

9.520 BUSINESS OR PERSONAL CARDS - Business or personal cards which refer to the department shall be used by members only in connection with official business and shall conform to the approved departmental form.

9.521 SMOKING - Smoking shall not be indulged in by any member or civilian employee of the department while in direct contact with the public or when transacting police business of any nature where such an act might be considered detrimental to good conduct or procedure or offensive to the public.

9.522 ALCOHOL - Members or civilian employees of the department shall not drink any intoxicating liquor while on active duty nor shall any member or civilian employee at any time when in uniform, except in the performance of duty, enter any place in which the sale of intoxicating liquor is the principle business. No member or civilian employee when not in uniform shall habitually frequent or loiter in any place where intoxicating liquor is sold or furnished except in the performance of duty. Members and civilian employees of the department whether on active or rest duty if found intoxicated shall be immediately suspended. Any member or civilian employee who reports for active duty, or while on active duty, is suspected of being under the influence of any intoxicant shall submit to a chemical test upon the request of the officer in charge. Refusal to comply with said request shall result in immediate suspension.

No intoxicating liquor shall be brought into or kept in the department building or any part thereof except when officially seized or in urgent necessity upon the advice of a physician.

9.523 UNTRUTHFULNESS - Untruthfulness is a grave disqualification for the police service. Members and civilian employees are required to speak the truth at all times and under all circumstances whether under oath or otherwise. In cases where they are not allowed by the rules and regulations of the service to divulge facts within their knowledge, they shall say nothing. Failure to comply with the above shall subject the offending member or civilian employee to disciplinary action.

9.524 GAMBLING WITHIN POLICE BUILDINGS - No games of chance, for stakes, card playing or other gambling shall be conducted in any police building or area.

9.525 POSTING ADVERTISING - No member or civilian employee shall post upon the walls of the department building any calendar, poster, picture, advertisement or other matter except those relating to, or essential for police purposes without the approval of the Chief of Police.

9.526 DEPARTMENTAL PROPERTY, STATIONERY (Use of) - Departmental stationery shall not be used for personal correspondence nor shall any departmental property whatsoever be used for private purposes without permission of the Chief of Police.

9.527 CRITICISM OF ORDERS - Members and civilian employees of the department shall not under any circumstances or in any manner whatsoever speak critically or derogatorily to other members or civilian employees of the department or to any person outside the department regarding orders or instructions issued by supervising officers. In the case where there is a sound reason to believe that such orders or instructions are inconsistent or unjust, it is the right and duty of any member or civilian employee to appeal to higher authority in the department.

9.528 PENALTIES FOR VIOLATIONS - Members and civilian employees found guilty of any violation of these rules and regulations or convicted of a misdemeanor may be dismissed from the department or suffer such other disciplinary action as the Chief of Police may direct. Any member or civilian employee of the department convicted of a felony shall be dismissed from the department.

9.529 ANNUAL VACATION LEAVE - Annual vacation leave will be from January 1, to December 31.

Vacation is earned. Two (2) weeks after the completion of one year of service, with additional vacation time earned with additional years of service. An employee must work for a full year before annual vacation can be requested.

Earned leave must be taken in the year earned, with the exception of two (2) weeks which may be carried over into the next year. No vacation leave shall be granted for a period longer than six (6) weeks at any one time.

No more than one (1) member shall be on vacation leave from any one Force. Civilian employees attached to a Force shall be considered in the overall force vacation scheduling by the Force Commander.

All vacation leave requests shall be submitted through you immediate supervisor and approved by the Force Commander and forwarded to the Chief of Police for review.

It shall be the individual Force Commanders responsibility to maintain an efficient and well-manned force.

Vacation request shall be submitted each year before 1 April by rank and seniority. Anyone senior to another employee, not having submitted his request by this date, may have his seniority passed by a junior employee.

Emergency and non-routine situations will be handled on an individual basis, with the approval of the Chief of Plice.

9.530 RULES GOVERNING SCHOOLING

SCHOOLS - Full-time department in-service training must obviously be on City time. Studies in institutions of higher learning, however, should be on the officer's own time. When he has successfully completed department- approved courses, he should be reimbursed for all fees pertaining ot the course not paid by another governmental source.

We of this department, are fortunate in having a City Administration that has an understanding for the need of education in police work and has authorized a Police-College Porgram. The following is the policy governing all kinds of schooling for officers.

9.532 COLLEGE COURSES - Shall be scheduled on the off-duty time. The department is paying for all books and tuition for approved courses and also paying the officer for the courses they have completed. Therefore, it would be unfair to the administration to take these courses on City time. The participation in the College is highly recommended but it is not mandatory.

9.533 IN-SERVICE TRAINING - Shall be attended by all sworn officers of the department. There shall be a minimum of one (1) training session per month. It shall be a departmental function and each off-duty officer shall fill out a time slip for the time attending.

9.534 RANGE TRAINING - Shall be a part of the total in-service training program and each officer shall qualify with all police weapons. There will be a minimum of three (3) certified shoots per years. The range and personnel on the range shall be under the direction of the Range Officer, who shall be appointed by the Chief of Police.

9.535 DEPARTMENTAL MEETINGS - Shall be a departmental function on city time and off-duty officers will submit to their supervisors a time slip for the time spent in departmental meetings. Departmental meetings will, with some exceptions, be in conjunction with a regular in-service training session.

9.536 STAFF MEETINGS - Shall be held at least once a month. All officers from the rank of sergeant and above will attend.

9.537 VOCATIONAL TRAINING - Shall be on a need basis as deemed necessary by the Chief of Police. Officers assigned to vocational training at the Academy and other areas out of the Fort Madison area will attend as an assignment and at city expense.

## CHAPTER TEN

STANDARD OPERATION PROCEDURES

|        |                                    |
|--------|------------------------------------|
| 10.100 | General                            |
| 10.200 | Investigative (Other than traffic) |
| 10.300 | Traffic                            |
| 10.400 | Arrests and Prisoner Custody       |
| 10.500 | Records and Communications         |
| 10.600 | Personnel                          |
| 10.700 | Administrative                     |

10.101 REPORTING TIMES - PERSONNEL SUBPOENAED INTO CITY COURT

In order to allow for adequate briefing of witnesses called to testify before the Police Court, the following reporting times shall be effective for all departmental personnel subpoenaed.

Traffic Citations

Personnel subpoenaed to testify in cases involving traffic citations shall report to the City Attorney fifteen (15) minutes prior to the time the case is scheduled to be heard.

Cases Other Than Traffic Citations

Personnel subpoenaed to testify in cases other than those involving traffic citations shall report to the City Attorney thirty (30) minutes prior to the time the case is scheduled to be heard.

ABANDONED VEHICLE PROCEDURE10.102 An Abandoned Vehicle Shall Mean Any of the Following:

1. A vehicle parked on a public highway within the city for a period longer than 48 hours.  
"9-7-13 (A)"
2. A motor vehicle which has been left unattended on public property, other than a highway, for longer than 48 hours and lacks current registration plates or two or more wheels or other structural parts which renders the vehicle totally inoperable.  
(n.f. 671 64G.A.)
3. A vehicle which has remained illegally parked on public property for more than fifteen days.  
(h.f. 671 64G.A.)
4. A vehicle which has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours.  
(h.f. 671 64G.A.)

When a complaint is received concerning an abandoned vehicle parked on a public highway the officer will mark said vehicle and relay location and description of this vehicle to the dispatcher. The dispatcher will fill out and place in the abandoned vehicle file an abandoned vehicle card. After 48 hours the dispatcher will pull this card and advise the shift supervisor that 48 hours has elapsed. If the car has not been moved at this time a summons will be issued charging a violation of 9-7-13 (A) of the city code. Issuing of the summons will be noted on the abandoned vehicle card and it will be refiled. After 72 hours (3 days) the dispatcher will advise the shift supervisor that 72 hours has elapsed since issuing of the summons. If the car has not been moved at this time a "towing record" will be filled out by the officer, in duplicate, and given to the dispatcher.

The dispatcher will notify the Police towing service and give him a copy of the "towing record" to be completed and returned to the Police Department, after the vehicle has been taken into custody.

10.103 INVESTIGATION OF ACCIDENTS INVOLVING CITY EQUIPMENT, PROPERTY OR EMPLOYEES

The liability, or degree of liability faced by the City of Fort Madison in respect to accident damage or claims is most often dependent on the efficiency and dispatch of the initial investigation. In view of this fact, the Police Department will, in most cases, assume the important position in such action. The following procedure is set forth for the guidance of police personnel in the investigation of injury or fatal accidents and/or damage to City property.

Whenever the Fort Madison Police Department receives notice of an accident or incident involving City equipment or property which results in the injury or death of a person and/or property damage, an immediate investigation shall be initiated by the Force Commander.

1. A complete and thorough investigation shall be accomplished by the investigator(s), and information submitted on case reports and such other forms as may be required, ie., traffic accident reports, supplements, diagrams, etc.
2. The Police Identification personnel on duty shall be called out when necessary to supplement the investigation by photography and such other identification processes as may be necessary.
3. The City Clerk, shall be notified or informed as soon as conveniently possible through the Records Section after reports of the investigation have been transcribed and signed by the investigating officer(s) and approving supervisor.
4. When City police equipment and/or personnel are involved, no citations shall be issued to either party until after the Board of Inquiry has met. At the conclusion of the Board of Inquiry and when City property is damaged and facts or information indicates that a citizen is responsible, the person responsible should be cited for the related offense. Citations numbers in such cases shall be included in the investigator's report.
5. When the investigation of an accident or incident indicates negligence on the part of the City, the existing conditions shall be immediately drawn to the attention of the responsible department who shall receive notification from the station supervisor.
6. All knowledge of any claims from citizens for alleged damage by the City of Fort Madison or its employees are to be referred immediately to the City Attorney for review and consideration.



10.104 ADVICE TO PUBLIC ON CIVIL MATTERS

Frequently members of the Department receive complaints from the public which are not police problems, but concern civil matters such as rent disputes, failure to pay bills, etc. On occasion such persons have been referred to the City or County Attorney with the understanding that a complaint would be issued by that office. This is not true and cannot happen.

All members of this Department have received instructions in criminal law and should know the difference between a criminal complaint and a civil complaint. When a member of this Department receives a complaint concerning a civil matter, the complainant is to be referred to their own private attorney. If the complainant does not have or know of an attorney, he should be referred to the Lee County Bar Association.

NO CIVIL DISPUTE COMPLAINTS ARE TO BE REFERRED TO THE CITY ATTORNEY'S OFFICE.

10.105 OPERATION OF POLICE MOTORIZED EQUIPMENT

All drivers of City owned motor vehicles are reminded that strict adherence to all traffic laws must be observed continually. The fact that the driver is an employee of the City and that the vehicle is owned by the City provides no immunity to any traffic ordinance or statute. Rather, the driver of a City of Fort Madison vehicle must strive to set a good example for all motorists by his actions.

The control of speed in accordance with posted limits, proper and timely signals for the benefit of other motorists, compliance with regulatory signs or traffic signals, and the practice of road courtesy at all times must always be kept in mind.

## EMERGENCY ASSIGNMENTS

1. No unit of motorized equipment assigned to departmental personnel for any reason shall be driven in excess of fifteen (15) miles per hour over the legal posted speed limit while on an emergency or escort assignment. (THIS DOES NOT APPLY TO HOT PURSUIT)
2. No unit shall be driven through an intersection which is controlled by an automatic traffic signal when the red light is showing until said unit has been brought to a complete stop. The officer will then proceed with caution.
3. No unit shall be driven through an intersection which is controlled by an arterial stop sign in excess of five (5) miles per hour.
4. Red lights shall be used at all times while driving on an emergency assignment; however, the display of red light alone does not constitute an emergency vehicle. A siren must be used before the vehicle is granted emergency status.
5. Sirens shall be used whenever it is necessary in the judgment of the officer driving the vehicle. (There are many times when the use of a siren is unnecessary and only creates confusion and collects crowds.)

### 10.106 ESCORT SERVICE

1. Departmental personnel shall not solicit escorts.
2. Escort service shall be rendered only after it has been requested and the officer to whom the request is made is reasonably sure his service may be instrumental in saving human life.
3. Outside, or other emergency vehicles (law enforcement, fire department, ambulance service, etc.) shall at no time be given escort by an officer of this department.
4. Escort service shall be rendered under strict compliance to the provisions of this directive.

### 10.107 JUVENILE OFFENDERS

Police contacts with juveniles are among the most important and critical interactions which may occur between a constituency and its government. These contacts are a powerful force in the dynamics which influence public opinion and behavior, present and future. At no subsequent period in his life will the young person be so susceptible to the formation of lasting attitudes, whether positive or negative, toward law and law enforcement. It is therefore a primary duty of each police officer to be an exemplar of fairness, understanding, and discretion in all dealings with youth.

### DEFINITIONS

In the State Code, the "juvenile" and "child" are used interchangeably. A "juvenile" or "child" is defined as any person under the age of 18 years. A delinquent child is defined as any person under the age of 18 years who has violated any state law or habitually violated local laws or ordinances except any offense which is exempt from chapter. Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court. Who is uncontrolled by his parents, guardian, or legal custodian by reason of being wayward or habitually disobedient. Who habitually deports himself in a manner that is injurious to himself or others.

### POLICE AUTHORITY

The Iowa Code gives authority to police to take into custody immediately, without warrant or delay, any child when it is reasonably believed that a child has run away from his parents, guardian, or custodian. When a child is found in surroundings or conditions which endanger the health or welfare of the child. When it is reasonably believed that the child has violated the terms of his probation, parole or other official supervision, or has violated any law. (The taking of a child into custody under the provisions of section 232.15 shall no be considered an arrest.)

### CONSTITUTIONAL RIGHTS

A juvenile has the same constitutional rights to counsel and privilege against self-incrimination as an adult. Statements made by juveniles without a valid waiver of these rights may not be used as evidence of delinquency. In order for a waiver to be valid, the child must be:

1. At least 14 years of age.
2. At least of the junior high school level of education. (seventh grade)
3. Of at least "average" intelligence.

In addition to the waiver by the child, the parent or guardian must also make an intelligent waiver of the child's rights. If either the child or parents refuse, the waiver is not valid. If the child or parent desires legal counsel and is unable to provide it, they are entitled to appointed counsel through the court. In all contacts with juveniles which may result in the referral to the Juvenile Court, the standard warning and advisement of rights as outlined in the departmental regulations, shall be given.

### DISPOSITION OF JUVENILE OFFENDERS

Upon the detention or arrest of all juveniles, the arresting officer should notify the juvenile's parents or guardian and the juvenile should be held until his parents arrive to receive him. If the parents or guardian do not come to the Police Station to pick him up, he should be held until morning, at which time the Court should be advised and arrangements made depending on the circumstances. There should be two exceptions to the rule of turning him over to his parents, and that is in the case of a juvenile fourteen years of age and over who the arresting officer believes to be a menace to himself or society, and the case of a runaway who the arresting officer believes may run away again, in these two situations the arresting officer should hold the juvenile, after notifying his parents, until morning. A juvenile should not be held as a menace if, as an adult, he would be released on his own recognizance under considerations listed in Section 763.17 (2) of the Code.

The morning following the arrest, the County Attorney should be advised immediately of any juvenile who has been arrested the previous evening, whether released to his parents or still in custody. If, from the information supplied by the arresting officer, the County Attorney determines that a felony has been committed and the juvenile involved is fourteen years of age or over, the County Attorney may authorize the Police to release the name of the juvenile involved for publications. No name is to be released without first obtaining authority from the County Attorney's office. If a child is over fourteen (14) years of age, a determination will be made by the County Attorney and the Juvenile Judge as to whether the child shall be tried as an adult or not. All children under fourteen years of age, will, as a general rule, be handled as juveniles.

10.107 (con't) In the event the County Attorney is not available and an order to hold a juvenile is needed, the ranking officer present or the department youth officer should contact the nearest District Court and explain the situation. An all purpose "Order" to hold a juvenile is attached and should be used as a form.

FORM

IN THE JUVENILE COURT OF THE STATE OF IOWA IN AND FOR  
LEE COUNTY AT FORT MADISON

\*\*\*\*\*

In the Matter of the Interest of )  
 )  
\_\_\_\_\_, a child )

JUVENILE CASE NO. \_\_\_\_\_

Order

Now, on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, it having been called to this Court's attention that the above named juvenile is currently in the custody of the Fort Madison Police Department being held for the crime of \_\_\_\_\_, and it being alleged that it would be in the best interest of said juvenile to be detained in custody until this matter comes on for hearing and this Court being fully advised in the premises finds this juvenile should be held in custody until further Order of this Court. IT IS THEREFORE HEREBY ORDERED that the above named juvenile be held in custody by the Lee County Sheriff until further Order of this Court.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
JUDGE OF THE JUVENILE COURT

\*\*\*\*\*

DETENTION

A child may be detained for the purpose of protective custody for a period not to exceed twelve (12) hours or a child fourteen years of age or older may, upon the order of the judge, be temporarily confined in a room entirely separate from adults in an adult detention facility. A child may be detained in an adult detention facility upon the order of the Judge only if the child is alleged to be delinquent and has shown by his habits, conduct or conditions that he constitutes a menace to himself or society to the extent that he cannot be released or cannot be

released or cannot be detained in a suitable place. Juveniles should be turned over to the SHERIFF'S DEPARTMENT for detainment.

### EVIDENCE AND TESTIMONY

All things of an evidential nature pertaining to a juvenile arrest shall be gathered and maintained in the same manner as it would be for an adult. Arresting officers shall maintain records and be prepared to give competent courtroom testimony in all juvenile cases.

### 10.108 ONE MAN PATROL CAR PROCEDURES

Today the majority of police departments in the United States use one man patrol units to a varying degree. The regular patrol or beat officer spends a large part of his time answering calls for service, taking reports, conducting preliminary investigations, and providing other necessary services which do not require the presence of a second officer. A properly trained and equipped officer is safe working alone when he consistently employs safe and efficient techniques. Safety presents little problems if the officer is mentally and physically prepared, adequately trained and thoroughly schooled in strict compliance with the one man patrol procedure. The most important things to keep in mind is to always be cautious and apply common sense and good judgment.

One man patrol units allow the beats to be reduced in size in most instances, thus more units are on the street. The greater number of officers on the street insures a greater possibility of safety for the individual officer. If assistance is needed, the probability of "cover cars" is increased, due to smaller beats and more patrol vehicles. (The basic purpose of patrol is the PREVENTION OF CRIME and this is done best by ever-present patrol units making frequent checks throughout the city).

The basic rules that must be followed for successful one man patrol are as follows:

Each officer must have the proper equipment with him at all times. You will have the following equipment with you before leaving the station:

1. Gun and Handcuffs
2. 18 Rounds of Ammunition
3. Mace Can
4. Flashlight with Adequate Batteries
5. Notebook, Pen and Pencil
6. Citation Book
7. Identification Card
8. Shotgun or Rifle and Ammunition

Each officer must patrol within his beat unless he receives permission to leave it. However, some overlapping may be necessary in areas where an outbreak of break-ins, etc. seem to be concentrated. The area within your beat is your individual responsibility for your shift. You must concentrate your activities within your beat area. Even more important is the fact that if you leave your beat without permission you may be out of position and unable to help a fellow officer in

need of assistance. Frequently there will be a need for you to leave your beat to assist officers on adjacent beats. However, you will not leave unless you are dispatched to do so. DO NOT assume you are needed and leave your beat without permission. Other assistance may have already been dispatched without your knowledge. Permission to leave your beat for eating must be obtained from the dispatcher or your Shift Commander. You may, of course, leave your beat in pursuit of a traffic offender or other person who has committed a criminal violation. However, in these circumstances, the dispatcher should be notified immediately of your location and direction of travel.

When an officer leaves his car he must always notify the dispatcher of his location and reason for leaving. The dispatcher must always be able to communicate with you, or if he cannot communicate with you, he must always know your location so that he may reach you if it becomes necessary. When you leave the care without notifying the dispatcher you are endangering your life and the life of your fellow officers. When giving you location to the dispatcher, be specific. Do not, for example, say First Avenue. Give a definite address, intersection, or known building or landmark. When stopping vehicles for traffic violations or more serious offenses, always give the vehicle license number, make, and color to the dispatcher before leaving your patrol vehicle. This will only take a few seconds, but may be very valuable in some instances.

When an officer returns to his car he must advise the dispatcher. He may have an urgent call and be waiting to hear that you are available. If you are out of the car a long time and still must stay out of service, notify the dispatcher of how much longer you will be out of service. It will make his job easier.

An officer must frequently leave his patrol car to perform foot patrol in certain areas. The primary reason that police have turned from foot patrol to motorized patrol is to give officers mobility and communications. However, in order to perform satisfactorily, each officer must perform some foot patrol during his shift. Many crime hazards are inaccessible to motorized patrol. You must leave your vehicle to properly check them out. When you come upon traffic congestion, you must be prepared to leave your vehicle to direct traffic if the situation requires it.

Whenever an officer leaves his squad car, he must take the keys with him.

The dispatcher must screen all calls carefully to ascertain the nature of each call. He must dispatch two or more cars to any call in which the safety of an officer may be in danger. The dispatcher must obtain as many facts regarding the situation as possible before dispatching a unit. The more information obtained the greater the possibility that the correct number of units will be sent. The dispatcher will send two units to all calls which involve danger or potential danger, such as: family disturbances and fights; crimes in progress; mental cases; known or suspected dangerous person; riots or gang fights; drunkenness; serious traffic accidents; or any case in which the exact nature of the call or request for service is unknown or of doubtful nature to the dispatcher. Many calls may require more than two cars. When the dispatcher or Shift Commander decides that more cars are necessary, he will dispatch them.

10.108 (con't) Officers must use extreme care and follow department procedures in stopping any vehicle, especially suspicious vehicles or those carrying felony suspects. Experience has proven in many jurisdictions that officers in one man cars are alert and less prone to accidental injury than two man cars. The always hazardous business of stopping cars to issue citations and interrogate suspects present some additional hazards for the officer working alone. The following examples are tried and approved car stop techniques, which, if used by one man units, will minimize the danger to the officer.

10.109 ROUTINE TRAFFIC STOPS

Prior to stopping the violator, the officer must remember to take EVERY PRECAUTION TO PROTECT himself from attack by the violator and other street hazards. After deciding to stop the violator and issue a warning or citation, the officer should:

1. Select a satisfactory place for the violator to stop his car.
2. If possible, the officer should make his stop on a populated business street where he has a distinct psychological advantage.
3. When the stopping site has been selected, the officer should use the red light, horn, hand signal, spotlight, or any combination of these to attract the attention of the violator and let him know you want him to stop. Use the siren only if other methods fail.

When the violator has stopped, the officer shall:

1. Advise the dispatcher of his unit number, location, type of stop, and license number of the violator vehicle.
2. Write down the license number of the violator vehicle on your clip board, notebook, or pad.

These procedures should be completed before the officer leaves the police car. Be sure you receive an acknowledgment from the dispatcher on your message before you depart the car.

One of the most hazardous moments of making any traffic stop is parking the police car and approaching the violator car. The best position for parking the police car in most situations is 8 to 15 feet to the rear of the violator car and off-set the police car 2 to 3 feet to the left of the violator car. From this position, you will be able to observe the actions of the driver and any passengers in the violator car; be protected from other traffic due to the off-set cars position.

The officer will leave his red light on, day or night, as a warning to approaching motorists. When approaching the violator car the officer shall make his approach from the left rear, keeping close to the violator car. This makes it possible for the officer to look into the rear and side windows before approaching the driver. The officer should never carry his citation book in his gun hand, but should keep his hand free.

The position of the officer while talking to the driver is very important. The officer should stand slightly to the rear of the left door of the violator car. This forces the driver to turn to the rear to observe and talk to the officer. Proper position will also protect the officer from any sudden attack by the violator, such as opening the car door to strike the officer. If the officer is going to ask the violator to step out of the car he should:

1. Use his left hand to open the door of the violator car.
2. When the door is open the officer should move backward with the swing of the door. This allows the officer to face oncoming traffic and also observe all of the violator's movements while leaving the car.

The officer should then have the violator walk to the curb and hold his conversation off the street. This will protect the officer and violator from traffic hazards, DO NOT talk to the driver while standing in the street. NEVER stand between the violator car and the police car while talking to the violator or writing the citation. NEVER turn your back to the violator. NEVER assume that a traffic stop is routine. Many otherwise careful officers have lost their lives because they made such assumptions and were wrong.

REMEMBER THIS: When the officer stops a vehicle, the driver automatically knows all he needs to know while the police officer knows nothing about the vehicle except its description.

#### 10.110 STOPPING FELONY SUSPECTS

Officers operating a one man patrol car will have occasions to stop known felony suspects or persons suspected of having committed a felony. It is here that the officer must appreciate the difference between common sense and foolishness. When the suspect is a known felon or when there are several possible felons in the car the officer shall CALL FOR ASSISTANCE. Prior to stopping a known or possible "hot suspect" the lone officer shall notify the dispatcher of his intention to do so.

Success or failure of any activity may depend upon the information given radio. In his initial broadcast, the officer shall give: his unit number, his location, description and license number of the suspect vehicle, direction of travel and last street crossed. Be sure to get confirmation from the dispatcher before taking any action. Here again, the officer should write down the license number of the suspect's car on a paper or pad which will remain in the police car. The lone officer should follow the suspect(s) UNTIL ASSISTANCE ARRIVES or he is sure assistance is immediately available. When the officer is sure of his assistance he should select the stopping site. If the stop is made, whether day or night, the advantage is with the officer if he is able to stop the subject at a known address or location. This makes it much easier for the assisting units to locate you. If the stop is made at night, the officer should attempt to make it in a well lighted area where he will have a definite advantage. When the officer has selected his stopping place he should signal the suspect vehicle to stop and position the police car for a felony stop.



The police car should be to the rear of the suspect car some 8 to 15 feet, off-set to the left with the front angled toward the center of the street. In this position, the officer is afforded maximum visibility and protection. When the suspect has stopped, the officer should:

1. Get out of his left front door with his gun drawn but not cocked.
2. Use the hood of the car as cover or the car door.
3. In this position, the officer is best protected against any attack from the suspect.

If the stop is made at night, the officer should use his spotlight to shine in the rear window of the suspected car. This will have a tendency to hinder the vision of the suspect and it will aid the officer in observing the suspect and his movements. From this point the officer should control every move the suspect makes. Now, the suspect is stopped and the officer is in position.

4. When he is out of the car move him in a position next to the driver, and have him assume the kneeling position.
5. The passenger in the left rear seat will be ordered out of the car next, then the passenger in the right rear seat. Use the same procedure as above.
6. When removing the suspects order them all out on the left, or driver's side of the car.

Now that the suspects are out of the car the first officer will act as guarding officer while the assisting officer checks the car for other suspects and closes and locks the doors on the driver's side.

After the car has been checked and LOCKED, the suspects may be searched. To search the suspects, the assisting officer will act as guarding officer while the first officer searches the suspects. The suspects will be ordered, ONE AT A TIME, to stand up, keeping their hands on top of their heads, and moved to the suspect's vehicle. At the car, the suspects will be placed in a wall search position and the search conducted. This procedure is to be repeated for each suspect. As the search of each suspect is completed, he will be returned to the kneeling search position. The searching officer should NEVER CROSS IN FRONT OF the field of fire of the guarding officer. Walk behind the guarding officer if necessary, but NEVER CROSS IN FRONT OF HIM.

#### 10.111 Other Major Incidents Confronted While on Patrol.

An officer who comes upon a major crime in progress should:

1. Immediately notify radio dispatcher of the crime and its location.
2. Advise radio of your anticipated location and your exact location.
3. Wait for assistance if the situation permits you to.

#### 10.200 INVESTIGATIVE (OTHER THAN TRAFFIC)

### 10.201 CRIME LABORATORY PERSONNEL AT CRIME SCENES

Meticulous and scientific searches of major crime scenes are essential if we are to be successful in securing and preserving all evidence. Frequently minute particles of evidence are overlooked or their importance minimized.

In an effort to bring the full facilities of the Police Department into proper use during a major crime investigation, more use of crime laboratory personnel is clearly indicated. This increased use must be coordinated with the Investigators and employed only when, in the opinion of the crime scene commander, it is indicated.

Henceforth, the crime scene supervisor arriving at the scene first shall determine the need for crime laboratory personnel and if their use is indicated he shall inform the station of the need. The request shall be relayed to the crime laboratory supervisor, who shall immediately assume responsibility for adequately covering the crime scene search for evidence.

The crime scene supervisor, once having decided that crime laboratory assistance is required, shall take all possible steps to preserve the scene until their arrival. He shall, upon their arrival, turn over the actual evidence search of the scene to the crime laboratory personnel assisting them where ever possible.

Crime laboratory personnel are members of the Special Services Section.

### 10.202 CIVIL REPOSSESSION OF MOTOR VEHICLES

Personnel of this Department are often confronted with determining a course of action in cases where a representative of various loan associations, finance companies, banks, etc., are attempting to repossess motor vehicles. In many instances these actions are contested by the persons from whom the vehicle is to be recovered. Each may contend legal possession of the vehicle and may appeal to the police for protection of alleged rights.

It should be realized that the aforementioned is strictly a civil matter and no police action is indicated unless a breach of the peace occurs. Each party involved should be advised if either or both breach the peace in any way, police action will then be initiated.

Representatives or lien-holders should be referred to a court of competent jurisdiction where they may obtain a court order for repossession or replevin of the vehicle in question. Writs of replevin or repossession are always served by a representative of the court, civil division, sheriff's office, constable's office, etc. The processing and serving of such writs in no way constitutes a police obligation, unless a breach of peace occurs.

10.300 TRAFFIC10.301 PHYSICAL POSSESSION OF MOTOR VEHICLE WHILE UNDER INFLUENCE OF ALCOHOL OR NARCOTICS

Obvious physical control of a motor vehicle while under the influence is unquestionably an offense under certain circumstances, while on other occasions it is probably subject of a lesser charge.

1. Individuals obviously in physical possession of a motor vehicle who has lapsed into unconsciousness leaving the vehicle stopped in the traveled portion of a roadway, up over the curb and/or against a stationary object, or in other positions indicating operation while under the influence and with evidence that the driver may at any moment awaken and attempt to drive off will constitute adequate evidence to support a charge of operating a motor vehicle while under the influence.
2. Individuals found unconscious or asleep in a motor vehicle safely parked out of a traffic lane should be charged with public intoxication (in motor vehicle) only.
3. Individuals under the influence of alcohol or narcotics observed prior to the act of driving a motor vehicle shall, if possible, be prevented from driving. If an arrest is indicated, the charge is to be public intoxication. No member of this Department shall allow any person to drive a motor vehicle for the sake of making a case of OMVUI.
4. Supervisors shall be consulted whenever a doubt exists.

10.302 CITATIONS FOR VIOLATIONS OF AUTOMATIC TRAFFIC SIGNAL

1. Citations shall be issued only when issuing officer has clear vision and is in a position to observe entire area where violation occurs.
2. Citations shall not be issued when all or any portion of a motor vehicle is within the nearest crosswalk, where a crosswalk is clearly delineated. Where no crosswalks exist, citations shall not be issued if all or any portion of the motor vehicle is in the intersection at the time the light completes its cycle to red.
3. Citations shall be issued to the operator of a motor vehicle who drives his motor vehicle into an intersection prior to the display of a green signal. This individual is usually called a "light jumper" and is a menace.
4. In each instance where traffic is controlled by an automatic traffic signal there exists a minimum of three seconds of amber traffic cycle. Motor vehicles traveling at legal speeds have a minimum of 112.5 feet in which to clear the intersection at 25 MPH before the red cycle appears, 135 feet at 30 MPH, 157.5 feet at 35 MPH.
5. All individuals to whom citations are issued shall be treated in a courteous, efficient, business-like manner.

10.401 ARREST AND PRISONER CUSTODY

#### 10.401 PREFERENCE OF CHARGES

In many instances where a person is cited or arrested, there develop circumstances which could substantiate additional charges. Preference of these charges tend to give a "sand-bagging" aspect with regard to the case and normally provide only corroborative evidence. In all instances involving citations and physical arrest, no more than one violation shall be indicated unless each is a separate and clear-cut offense.

In no instance shall an additional complaint be placed against a subject for the purpose of harassment, or as a backstop for other questionable charges.

It shall be the duty of the arresting officer, force supervisor or force commander to screen such procedure.

#### 10.402 PROCESSING PERSONS CHARGED WITH INTOXICATION

All persons charged with being under the influence of intoxicants shall, after being booked and upon request, prior to incarceration in the jail proper, be allowed to make such phone calls, within the Fort Madison area, as may be necessary for the purpose of arranging bail, securing the services of an attorney, or securing a physician to make such tests as desired by the defendant to determine the degree of intoxication. Such test shall be at the expense of the defendant.

If the defendant desires to post bail while still under the influence of intoxicants, he shall be allowed to do so only if a sober citizen of the community will agree to be responsible for his actions while still under the influence of intoxicants, and to prevent any harm to the defendant or other members of the community after his release. Before release, all requirements of police processing shall be completed.

The person agreeing to accept responsibility for the defendant upon his release must so indicate by signing the arrest record that he received the defendant.

It shall be the duty of the releasing officer to ascertain that the person signing for the release of the defendant fully understands the responsibility incurred by such action.

#### 10.403 PROCESSING PERSONS ARRESTED AND CHARGED WITH FELONY OFFENSES

The following operational procedures for processing persons arrested and charged as felony offenders shall be complied with in all usual circumstances.

##### 1. ARREST

1. When a felony warrant has been prepared and signed by a Justice of Peace, Lee County, Fort Madison, Iowa, and the subject of the warrant is later arrested by a Fort Madison Police Officer, the subject, after arrest and/or interview, shall be booked and charged with the violations indicated on the warrant.
2. When a felony warrant is received from an agency "outside" the City of Fort Madison, or states other than Iowa, the following procedure shall be followed by the assigned or responsible officer:
  - a. Take the warrant and certified complaint (if one exists) to the County Attorney's Office for review.

- b. If the felony warrant and complaint is found in order, request shall be made to the County Attorney that a local fugitive complaint and warrant be prepared as authority for arrest in this jurisdiction; and "hold" pending any extradition action after the subject has been apprehended.
3. When a subject has been arrested for a felony offense on sight or on information (no warrant has been secured), the suspect shall be booked in the same manner as though a warrant had previously been issued.
4. Immediately after booking, it shall be the responsibility of the arresting officer to have the subject fingerprinted and photographed.

## 2. SECURING COMPLAINT AND WARRANT (RETURN OF WARRANT)

1. It shall be the responsibility of the assigned investigator (or other officer) to secure the following when no previous warrant exists:
  - a. COMPLAINI - Alleging the above felony offense and naming the above subject as the offender by presenting all available information and facts to the County Attorney. This also applies to juveniles remanded by the Juvenile Court Judge.
  - b. FELONY WARRANT - Calling for the formal arrest of the subject. (The warrant is usually prepared with the assistance of the County Attorney and then signed before a Justice of the Peace or Police Judge). This also applies to juveniles remanded by the Juvenile Court Judge.
  - c. Upon securing the Complaint and the formal Warrant of Arrest, the warrant shall be taken to the dispatcher for logging on the work sheet.
  - d. After the subject has been formally booked and charged, the assigned investigator (or other officer) shall sign the reverse side of the warrant for return.

## 10.404 APPREHENSION OF INDIVIDUALS WANTED BY OUTSIDE AGENCIES

To give complete cooperation whenever possible to outside agencies requesting the apprehension of subject residing within our jurisdiction and assuring reasonable protection to departmental personnel, the following order is issued.

Persons shall not be apprehended for outside agencies except under the following conditions:

1. That a crime punishable under Iowa law has been committed if the agency is from within the state.
2. That the department has in hand, at the time of arrest, a certified copy of the warrant.
  - a. If the request is from out of state, the department shall have in hand written certification that the crime as charged is a felony and that the requesting authority will extradite.
3. If time is a factor and there will be too great a delay to wait for a certified copy of the warrant, officers may make an arrest under the following conditions:
  - a. The Department has in hand telegraphic or radio authority which specifically states:
    - 1) Name of fugitive
    - 2) Date of birth (if possible)
    - 3) Name of crime (charge)

- 4) That it is a felony
  - 5) Warrant number if applicable (be sure warrant has been issued and forwarded to this office or same has been mailed)
  - 6) The requesting authority will extradite
- b. An arrest for an outside jurisdiction shall not be made until the authority is reviewed and approved by the force commander.
4. When a telegram is received requesting apprehension of a subject and does not contain information fulfilling Section 3, Paragraph 2, the agency submitting same shall be notified by collect telegraph of these requirements.
  5. Whenever possible, the subject shall be arrested for violation of a local law in addition to the charge made by the outside jurisdiction.

REGULATION UNIFORM  
OF THE  
FORT MADISON POLICE DEPARTMENT

|      |  |             |
|------|--|-------------|
| 1.   | 1 Uniform Cap. . . . .   | \$ 7.00     |
| 2.   | 4 Short-Sleeve Shirts. . . . .                                 | 8.00 (ea.)  |
| 3.   | 4 Long-Sleeve Shirts . . . . .                                 | 9.00 (ea.)  |
| 4.   | 5 Pair of Trousers . . . . .                                   | 22.00 (ea.) |
| * 5. | 3 Black Clip-On Ties . . . . .                                 | 2.00 (ea.)  |
| 6.   | 1 Car Coat . . . . .   | 28.50       |
| * 7. | 1 Light Weight Zipper Jacket . . . . .                         | 12.00       |
| 8.   | 2 Shoulder Patches for Each Shirt<br>and Jacket (20) . . . . . | 1.00 (ea.)  |
| * 9. | 1 Pair of Black Gloves . . . . .                               | 8.00        |
| *10. | 1 Pair of Uniform Shoes. . . . .                               | 25.00       |
| *11. | 1 Pair Boots (Rubber). . . . .                                 | 6.00        |
| *12. | 1 Raincoat & Cap Cover . . . . .                               | 8.00        |
| 13.  | 1 Fur Cap. . . . .   | 5.00        |
| 14.  | 1 Helmet . . . . .   | 35.00       |
| 15.  | 1 Pair of Coveralls. . . . .                                   | 20.00       |
| 16.  | 1 Parka (Not Issued) . . . . .                                 |             |

\*These items may be purchased locally with maximum allowance listed above on an approved request.

## CHAPTER TWELVE

UNIFORM REGULATIONS12.100 GENERAL

This chapter on uniform regulations complies with Title 7, Chapter 1, Section 14(c) of the City Code of Fort Madison, Iowa 1967.

The uniform of the Forst Madison Police Department is symbolic of the dignity and pride that we represent as members of the City Government, and it is essential that it be worn in a manner commanding respect and reflecting honor and esteem toward the Department and the City of Fort Madison.

Members on uniform duty shall be guided by the following directions for the manner and condition of uniform wear.

12.101 All members of the department shall possess and maintain for immediate use the uniform, equipment, and other required articles prescribed in this regulation, except:

1. When performing established plain-clothes duty.
2. When attending events where civilian attire is more suitable for the occasion.
3. When prior exemption has been granted by the Chief of Police.

12.102 The uniform shall be worn only during on-duty hours, or in travel incidental to duty, or when otherwise authorized by the Chief of Police.

12.103 Care shall be taken that the police uniform fits well, is neat, clean, properly pressed, and that all leather, plastic, metal and fiberglass articles are polished and in presentable order.

12.104 Members shall wear only the uniform prescribed for their particular rank or assignment. Civilian clothing shall not be worn with any distinguishable part of the uniform when in public view. Items not authorized by uniform regulations, other than watches, pens, or pencils, shall not be affixed to any part of the uniform or equipment.

12.105 Members wearing a uniform while assigned to office duty, desk duty, or any other prescribed duty of an inside nature shall be exempt from wearing a revolver and such accouterments not necessary for thay duty.

12.200 BASIC UNIFORM ARTICLES

12.201 An appropriate cap or helmet, as prescribed by rank, complete with cap badge or replica, side buttons, chin strap, grommet, and braid shall be worn at all times, except:



1. When in patrol vehicles where decreased head room makes the wearing of the cap or helmet impractical.
2. When decorum dictates the removal of the cap or helmet.

The cap or helmet shall be worn in a military manner, level on the head at all times.

The police emblem decal shall be applied on the helmet so that it is centered, 1 and 3/4" from the front point of the helmet bill. Follow directions on the reverse side of the decal for application. Use extreme caution when smoothing wrinkles and air pockets out of the decal. Wrinkles and air pockets will cause cracks in the decal. Due to the rounded surface of the helmet, only careful application will insure a smooth finish.

After the decal has been properly applied and allowed to dry, apply a good quality automobile wax to the entire surface. It shall be each officer's responsibility to keep his helmet in inspection order at all times.

Damage or excessive wear to the helmet shall be reported immediately and replacement or repair shall be instituted.

12.202 Uniform shirts shall be worn as prescribed by order as to summer and winter wear. The summer shirt shall be short sleeved, complete with shoulder patches and appropriate insignia of rank, if applicable. The winter shirt shall have long sleeves, complete with shoulder patches and appropriate insignia of rank if applicable. The shoulder patches on both the winter and summer shirts shall be worn on both sleeves, centered, and 1/4" from the shoulder seam.

When the short sleeved summer shirt is worn open at the neck, members shall wear a clean, pure white undershirt with a high throat. Chest hair shall be trimmed so that it is not visible over the throat of the undershirt.

Shirt sleeves shall not be rolled up, and all shirt buttons shall be buttoned unless otherwise ordered. Winter shirts shall not be worn without a uniform necktie.

Care shall be taken that uniform shirts fit well but not so tight that complete freedom of movement is inhibited. Tailoring shall be done at the side seams, with no darts or tucks taken in the back.

12.203 A four-in-hand, clip-on black necktie shall be worn except when otherwise specified. Departmental orders shall specify when members may remove neckties during work shifts and wear their shirt with the collar unbuttoned. A necktie shall be worn for all activities in which decorum directs the wearing of a necktie.

The necktie shall not be removed when the long sleeved shirt and the uniform jacket are worn.

A plain bar tie clasp of silver metal for patrolmen, and gold metal for supervisory and command personnel shall be worn. No other necktie clasp or tie-tacks shall be worn with the uniform.

12.204 Trousers shall be worn so that they rest on the upper tips of the hip bone, belted by a black belt. Wearing departmental trousers so that they ride low on the hips shall not be permitted. Each trouser leg shall be tailored so that it falls straight down to a maximum length, but not so long as to create a "break" in the trouser. As a general rule, with the officer standing at attention in full uniform, including accouterments and regulation footwear, the bottom of the trouser leg shall be 1" to 1-½" from the shoe last (where the shoe and the heel join).

12.205 Departmental issued footwear or other footwear meeting departmental specifications shall be worn and maintained in good condition and appearance.

12.206 The winter uniform of the day will be dependent upon existing weather conditions and the discretion of the force commander. During those periods of the day when the force commander feels that the temperature and atmospheric conditions warrant, he shall specify that the uniform of the day shall consist of the full winter uniforms, complete with regulation jacket. During mild weather the light weight dark blue zipper jacket will be worn and during colder weather the heavy weight dark blue zipper car coat shall be worn. At all times the official departmental badge, shoulder patches shall be worn on the outermost garment of the specified uniform of the day.

The departmental insignia (shoulder patch) shall be worn on both sleeves of the jacket, 3/4" from the shoulder seam. A departmental badge shall be worn attached to the badge holder centered above the left jacket pocket.

Control methods and proper notification of all uniformed personnel concerning existent uniform of the day shall be the responsibility of the force commander. Upon receipt of a uniform order, all personnel shall immediately, until receiving the countermanding order, assume the indicated uniform of the day.

Red Cross insignias shall be worn by all members of the department except Captains and above. The insignia shall be located on the right sleeve of the jacket, centered 3" above the tip of the sleeve. The insignia shall be centered by measuring the width of the sleeve. The insignia shall be worn on the winter shirts three inches centered above the top of the cuff.

#### 12.300 UNIFORM ARTICLES (OTHER THAN CLOTHING)

12.301 The departmental badge issued to the member shall be worn attached to the badge holder of the outermost garment and clearly visible at all times.

12.302 A Sam Browne Belt shall be worn over the belt that supports the trousers. The Sam Browne Belt shall be held in place by leather keepers.

12.303 A revolver and authorized holster shall be worn on either side of the wearer, centered between the side belt loops over the center of the trouser leg seam, depending on whether he uses the right or left hand, attached to the Sam Browne Belt.

A revolver meeting departmental specifications, shall be carried in the holster with all cylinder chambers loaded with specified ammunition. Revolvers will be subject to inspection and shall be kept in a clean and serviceable condition.

A holster safety strap or device shall be in use at all times over the hammer of the revolver except when the revolver is being used, cleaned, or inspected.

12.304 An authorized ammunition case shall be worn on the forward portion of the Sam Browne Belt on the same side as the revolver between the holster and the front buckle. A minimum of twelve rounds of ammunition shall be carried in the ammunition case in addition to that carried in the revolver.

Members shall keep all ammunition clean and serviceable and shall replace it when new ammunition is issued.

12.305 A handcuff case shall be worn on the Sam Browne Belt on the opposite side from where the revolver is worn and to the rear of the center trouser leg seam. Handcuffs shall be carried in the handcuff case at all time. Handcuffs and other departmental keys shall be carried in a safe, concealed place on the person.

12.306 The Chemical Mace holster and Chemical Mace shall be worn on the side opposite the revolver attached to the Sam Browne Belt forward from the center trouser leg seam.

12.307 A departmental whistle shall be carried by uniformed members while on duty.

12.308 Flashlights shall be carried at all times but shall not be attached to the uniform or Sam Browne Belt.

12.309 Departmental identification cards shall be carried at all times.

12.310 The departmental issued rights card shall be carried by all members while on duty.

12.311 Pens or pencils shall be carried in a concealed fashion in the uniform jacket or left shirt pocket.

12.312 Members shall have in their possession a valid Iowa Driver's License when operating motor vehicles.

12.313 Departmental name plates complete with longevity insignia, shall be worn at all times attached to the uniform shirt. The plate shall be centered just above the right breast pocket of the shirt so that the bottom of the name plate is aligned with the top seam of the pocket.

## 12.400 OPTIONAL UNIFORM ARTICLES

12.401 During rain storms, the specified raincoat, rain pants, waterproof cap cover, and rubbers or galoshes may be worn.

12.402 Force commanders may authorize members of his force to wear with the winter jacket a white scarf. The scarf shall be worn in a fashion that creates a "puff" at the neck with the ends falling straight down the front of the body. Scarf ends shall not fall on the outside of the regulation jacket.

Members of the department may wear black leather or fabric gloves during cold weather.

12.403 When performing odd police duties that may unusually soil the regulation uniform, members may wear the specified undress uniform.

12.404 Members shall return to the prescribed regulation uniform as soon as reasonably possible following abatement of extraordinary conditions.

12.405 Those members wearing marksmanship awards shall be guided by the following regulations:

1. The NRA-Police Marksmanship Award shall be worn  $\frac{1}{2}$ " above the name plate and centered with the name plate over the right breast pocket.
2. The departmental PPC small gold shield award, when worn alone, shall be centered above the name plate breast pocket 1" from the top of the name plate.
3. When wearing NRA-Police Marksmanship Awards, only the highest award earned may be worn at one time. The highest marksmanship award earned shall prevail and nullify any lesser awards previously earned.
4. Other awards for firearms proficiency that the department may subsequently authorize shall be worn  $\frac{1}{2}$ " apart and in order of size, the smaller insignia on top and the larger one closer to the name plate.

## 12.500 INSIGNIA OF RANK

12.501 All members with the rank of sergeant or above shall wear the appropriate insignia of rank in conjunction with their specified uniform.

12.502 The Chief of Police shall wear the regulation cap with gold badge and gold band.

The Chief of Police shall wear the regulation jacket with the departmental shoulder patch centered on both sleeves  $\frac{3}{4}$ " from the shoulder seam, and silver eagles on outer edge of the epaulettes of each shoulder shall be worn.

A departmental shirt complete with a shoulder patch on both sleeves and silver eagles on each collar point of the shirt.

Departmental trousers, footwear, tie, gold colored tie clasp, and black belt shall be worn with the uniform.

12.504 The Police Captain shall wear the regulation command officer's cap.

The regulation jacket with the departmental shoulder patch centered on both sleeves 3/4" from the shoulder seam, and gold twin bars on the outer edge of the epaulettes of each shoulder shall be worn.

A departmental shirt complete with shoulder patch on both sleeves and gold twin bars on each collar point of the shirt.

Departmental trousers, footwear, tie, gold colored tie clasp, and black belt shall be worn with the uniform.

12.505 The Police Sergeant shall wear the regulation cap with silver cap badge and silver cap band.

The regulation jacket with the departmental shoulder patch centered on both sleeves 3/4" from the shoulder seam, and three stripes on each sleeve 1" below the lowest point of the shoulder patch.

The Police Sergeant shall wear the department shirt with shoulder patches 1/4" from the shoulder seam and sergeant's chevrons positioned in the same manner as on the jacket. On the summer short sleeve shirts the gold sergeant chevrons will be worn in the same manner as the command officers.

Departmental trousers, footwear, tie, gold colored tie clasp, black belt, and Sam Browne Belt with accouterments shall be worn. A revolver of departmental specifications shall be carried.

12.506 Police Patrolmen shall wear the department regulation cap with silver cap badge and silver band.

The departmental jacket with shoulder patch centered on both sleeves 3/4" from the shoulder seam.

Patrolmen shall wear the departmental shirt with a shoulder patch located 1/4" from the shoulder seam on both sleeves.

Departmental trousers, footwear, tie, silver colored tie clasp, black belt, and Sam Browne Belt with accouterments shall be worn. A revolver meeting departmental specifications shall be carried.

Those members who have successfully completed First Aid Instructor Training shall wear the instructor patch in lieu of the regular First Aid insignia.

The jacket may be worn in a zippered or unzipped fashion depending on the situation, but at all times it shall be worn in the most presentable position.

12.600 NON-UNIFORM PERSONNEL

Members working in plain clothes shall dress in an attire comparable to that of businessmen. Unless otherwise directed, depending on weather and seasonal conditions, members shall wear business suits or dress slacks and a shirt designed for wearing of a tie.

At all times, plain-clothes personnel shall have the following articles in their immediate possession:

1. Departmental Badge
2. Departmental Identification Card
3. Rights Card
4. Valid Iowa Driver's Licenses when operating motor vehicles.
5. A departmental authorized revolver. The revolver shall be carried on the person, concealed from view, with all cylinders loaded with prescribed ammunition.
6. Handcuffs and handcuff keys
7. Pocket Chemical Mace

12.700 DRESS CODE FOR FEMALE CIVILIAN EMPLOYEES

The following wearing apparel will be considered appropriate for on duty periods for the female employees at the Police Department, excluding the uniformed metermaids.

DRESSES, SKIRTS AND BLOUSES: Dresses, not sundresses or party dresses, in good taste for office work with the hemlines no shorter than five (5) inches above the knee cap when standing. Skirts will be required to be the same length as the dresses.

CULOTTES, PANTSKIRTS, ETC: Both of these will be allowed as long as the length is the same as the dresses and skirts and they must look like a skirt. No shorts, loose leg or tight, will be allowed, no hot pants or skooter skirts, etc., will be allowed.

PANTSUITS : Will be allowed as long as they are bonafide pantsuits according to the following: Appropriate pantsuits are those with jackets, long vests, or tunic tops in matching or coordinated colors. Any jacket top must cover the hips, falling at least to the level of the wrist. Pantsuits are dressy and/or tailored and generally have full, loosely fitted trousers. A pantsuit is not a sweater and slacks, a shell or blouse with slacks or any top with jeans.

No see-through materials will be used in dresses or blouses.

No extremely low neck blouses or dresses will be worn.

Navy blue blazers may be worn over white blouses and blue, but blazers are not required.

No minis or maxis will be worn.

APPENDIX

"D"

SAMPLE RECORDS SYSTEMS

By  
Mike Lewis

## PART III

Information Sharing Criteria: National and Local

The war on crime has been fought, traditionally, on two separate fields of battle. One has been waged in direct confrontation with criminals and the other among the police for control of useful information. This lack of information continues despite the widespread understanding by police personnel of its value to their operations. Factors contributing to this condition have been an unrealistic competition for information between the police and the lack of a uniform and integrated system for gathering and storing it. Fortunately these problems are being remedied today and a long range plan for a complete criminal justice information system is off the drawing boards.

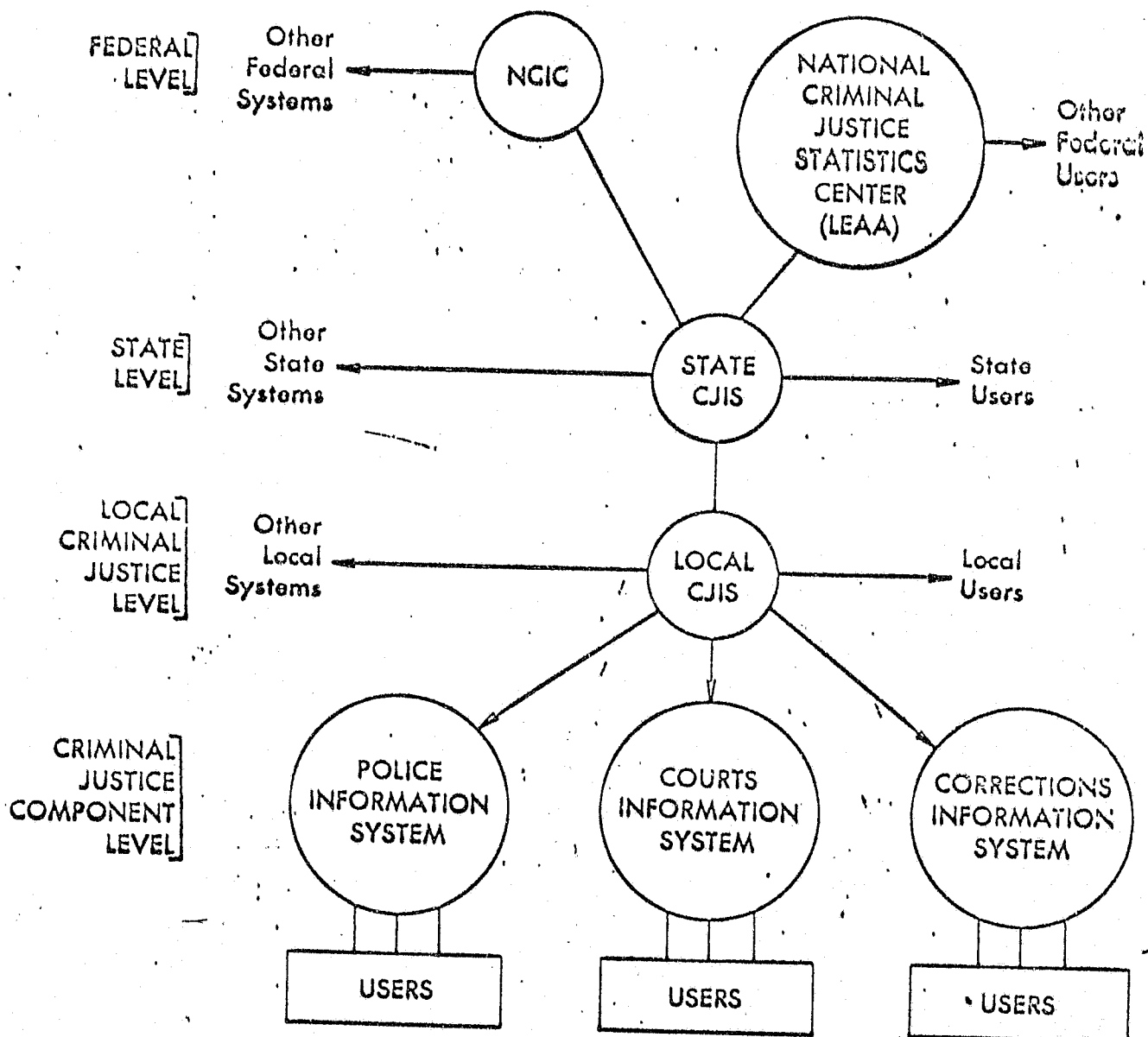
In 1973 the National Advisory Commission on Criminal Justice Standards and Goals presented their report. Included were recommendations for a national crime information-sharing system based on a linkage between federal, state and local systems. Each, according to the proposal, performs specific functions and assist in the flow of information upward, downward and laterally. The locally designed system is of major interest to the Crystal Lake Police Department because of its present plans and activities. The department is now in an enviable position of being able to become the center for a regional criminal justice information system to serve not only the county but other closely related areas. Regardless of where or how the system is created one thing is reasonably certain; it will happen.



The system which is proposed by the Commission has been under study for several years, being the subject of generous federal funding. More than one system has been examined and the features of the best have been selected. The system operates at three levels of the government with the beginning point at the local or regional level. Here, the system is divided into three separate areas each representing the source of the specific information, or if not source, the agency having the greatest need for it. Included are the police, courts and corrections. Chart #2 depicts the system which has been outlined by the Commission. Presently, the police records system in McHenry County provide the greatest and most useful source of information to the criminal justice system. The courts and corrections systems rely heavily on the records maintained by the various police departments. By the same token, information generated by courts and corrections is slow getting back to the police, if ever. This, however, is not the only problem to be remedied.

The records of each police department are not open to casual search by the members of other departments. Aside from the fact that to expect to be able to do so would be presumptuous, the actual task would be difficult because of the variety of ways and the completeness with which records are kept by individual departments. Most have been compiled over the years in a hodge-podge manner without the benefit of a systems approach or any special skill. The proposed criminal justice information system would remedy this problem by providing a central repository for all local or regional records. They would be uniformly kept and available without conflict to any agency in the system.

The Network of a National Integrated Criminal Justice Information System



To overcome the problems presently experienced nation-wide regarding the uniformity with which information is gathered and recorded, a set of standards has been proposed. If adopted locally, comprehensive information-sharing programs could be established which would interface with state and national systems, thereby increasing by vast degrees the amount and nature of information available in return.

It is significant to note that the proposed system is one built on a combination of existing systems which have been designed and encouraged by the Federal Bureau of Investigation and the International Association of Chiefs of Police. The concepts behind these systems are based on criminal histories and case records. The FBI has, for years, provided all departments with a central repository for these bits of information, has collected and returned the information to local police departments in many useful ways. The new system is built on top of these two systems and is called Offender Based Transaction System (OBTS). Some modification of present record practices by departments entering the new system is required but these pose no major problem, least of all to a department in midst of change.

The thrust of OBTS is to create a record of individuals from the time they enter the criminal justice system until their eventual **departure**. Each agency, the police, courts and corrections add to the record as each transaction with the individual takes place, thus providing users of the system with "real time" information on him. Peripherally, the traditional forms of information are added regarding crimes, crime rates, missing and stolen property in much the same manner as in the past by way of the National

Crime Information Center and other interfacing agencies. From there it moves upward, downward and laterally as the need arises. The major task confronting Crystal Lake, if it proposes to become the headquarters for this system, would be that of establishing the Offender Based Transaction System from existing records.

Throughout this discussion it has been pointed out that the Crystal Lake Police Department is in an ideal position to become the regional headquarters for criminal justice information. This is not done for the purpose of encouraging such a move but merely to alert the administration that such a potential does exist. It may prove just as desirable to remain a contributor to a regional headquarters. Regardless of the choice made, the department should not ignore other recommendations regarding local crime information systems. Two standards are reported below. They are important adjuncts to any police records systems and it is recommended that the department make every effort to follow these standards in the establishment of its own records system. The design which is proposed in this document acknowledges and builds on the standards proposed by the Commission.

## Standard 4.6

Expanded Crime Data

For use at the local level, or for state and regional planning and evaluation, data collected concerning an incident regarded as a crime should include as a minimum:

1. Incident definition, including criminal statute violated and (I)UCR offense classification;
2. Time, including time of day, day of week, month, and year;
3. Location, including coded geographical location and type of location;
4. Incident characteristics, including type of weapon used, method of entry (if applicable), and degree of intimidation or force used;
5. Incident consequences, including the type and value of property stolen, destroyed, or recovered, and personal injury suffered;
6. Offender characteristics (each offender), including relationship to victim, age, race, sex, residency, prior criminal records, criminal justice status (on parole, etc.), employment and educational status, apparent intent, and alcohol/narcotics usage history;
7. Type of arrest (on view, etc.); and
8. Witnesses and evidence.

The data should be obtained for at least for murder, forcible rape, robbery, aggravated assault, and burglary (both residential and commercial)

## Standard 4.7

### Quality Control of Crime Data

Every police agency should make provisions for an independent audit of incident and arrest reporting. The audit should verify that:

1. Crime reports are being generated when appropriate;
2. Incidents are being properly classified; and
3. Reports are being properly prepared and submitted.

To establish an "audit trail" and to provide the basic documentation needed by management, the following key characteristics or records should be adopted:

1. The police response made to every call for police service should be recorded, regardless of whether a unit is dispatched. Dispatch records should be numbered and timed; if the service leads to a complaint, the complainant should be registered on a numbered crime report, and that number also be shown on the dispatch record.
2. All dispatches should be recorded, indicating time of dispatch and arrival on scene.
3. Dispatch records should show the field unit disposition of the event and should be numbered in such a way as to link dispatches to arrest reports or other event disposition reports.
4. All self-initiated calls should be recorded in the same manner as citizen calls for service.

#### IV POLICE RECORDS FOR CRYSTAL LAKE

##### Basic Considerations

By police records it is meant those collections of information concerning crimes and persons which are maintained by the police. Traditionally, the term records refers to that collection of reports of crimes and incidents which are of official concern to the police. Identification records, a second, but equally important form of record, refers to the dossier of criminal histories which are prepared for each person who is arrested by the police. There are other records which must be maintained by the police but for the purposes of this project they should be considered separate from the two mentioned above. They would include such items as correspondence, personnel, budget and evidence.

Police records must be organized and stored systematically. Of primary consideration is that a record, once filed, can be quickly and easily recovered. Within this concept there are additional sub-considerations. They are:

1. A record can be recovered on the basis of standard information or fragments of information which might be possessed by an investigator; and,
2. Useful information can be recovered from the records files in a variety of forms, on demand, for purposes of management and planning.

To demand less of a records system is to waste its potential.

A second consideration of importance to police records is its accountability. Any system designed must provide a ready and easily discernable "audit trail" so that anyone, even an outsider,

can examine the record of past activities and be assured of the honesty and integrity with which it has been gathered and stored. Inspections should be performed frequently to determine if the system is failing in any of these areas.

One key to an easily audited system is that of using some means to provide a case number log to show the consecutive assignment of case numbers to each incident reported to the police. The importance of maintaining a numerical list of each case in its proper sequence should not be underestimated.

Numbers are essential in two other areas. One is used to chronologically record arrests made by the police and the other is used to identify individual criminal histories. Other numbering systems might be devised but the three mentioned here are the most essential and provide adequate control.

The third consideration for an effectively functioning records system is that it be properly organized and managed. The authority to collect and maintain records must be properly delegated and responsibility for work performance must be clearly and equitably assigned. The process of gathering and keeping records is done as a service to the management and line functions of the department and this role should be adhered to at all times lest it evolves into a case of the tail wagging the dog. Delivery of service, in all cases, should be weighed against its cost and benefits, however, the department should strive to make records information available on an around-the-clock basis.

The following series of discussions describe each facet of the proposed records system for Crystal Lake. It will be found that they meet the minimum standards and criteria recommended.



General Description of Dispatch Complaint Card Use:

The Dispatch Complaint Card is a record made in the daily business of the department, therefore, in terms of court use it is admissible as documentary evidence. The only direct testimony necessary for its admission into evidence is in regard to methods and processes of records keeping and a statement that the card proffered as evidence comes from the records maintained by the department. It is even unnecessary to have the person present to testify who prepared and used the card in the original incident since, as a document it "speaks for itself." What this can mean to the department is that in most cases, the unavailability of a radio operator to testify in court will not necessarily jeopardize the prosecution on the basis that the person preparing the document is not available to testify to that fact.

The most useful entries on the card are the location, times and nature of incident. From these entries useful management information may be developed as well as provide assistance in criminal investigations in a variety of ways.

The handling of the dispatch complaint card by the radio operator requires a series of steps which is listed in the systems flow chart and procedural chart following this section. These steps assist the radio operator in recording essential bits of information and document the status of officer's activities until such time as the assignment is complete and he returns to routine patrol activities.

During the time the officer is on an assignment he may request that the radio operator provide him with information regarding vehicle licenses, names or numbers. The card's back side provides adequate space for a limited number of notes which will be permanently filed.

Marking the time blocks are important tasks. Each card ought to be marked four times. They occur when:

1. the complaint is first received by the radio operator
2. the officer acknowledges receiving the assignment
3. the officer arrives at the scene (note: occasionally circumstances are such that this can not be done. It should be estimated by those concerned with the data.
4. officer returns to service

Marking the time is accomplished mechanically by means of a time-stamping device mounted in the radio console.

When the officer returns to service he notifies the radio operator if he plans to write a report in the case. If a report is planned, the operator makes a notation in the proper box on the dispatch complaint card. If no report is planned a brief disposition of the incident will be recorded in a manner which can be summarized in the limited space available.

At specified times Dispatch Complaint Cards which have been completed are picked up by the records clerk and taken to the records room. Cards are then matched with the reports turned in by officers. All cards for which reports are submitted are verified and then are placed into the permanent file in numerical order.

Cards for which no report has been received will be held in suspense until the report is submitted and verified. The card then goes into the permanent file as did the others.

Those cards for which no report is prepared are handled somewhat differently by the records clerk. For each card of this nature the clerk prepares a single Location Index Card on a white 3 x 5 card. Once the accuracy of the typing has been verified both are filed in their respective files.

The processing of the Dispatch Complaint Card is complete when it arrives in file. The file is considered complete at that point where all case numbers which have been issued are present in the file and are accounted for. The Dispatch Complaint Card is never taken from the records bureau unless under subpoena.

Dispatch Complaint Cards should only be filed in numerical sequence since this is the only place in the records system where a consecutive log will be maintained of department activities. Not only does this provide a chronological time file for the department it also provides an excellent "audit trail" necessary for management control.

Dispatch Complaint Card Use:

All complaints received by the department whether by telephone, in person, on view or by other means, are recorded on a Dispatch Complaint Card by the radio operator. The card is utilized by the operator to maintain documentary control over essential information received on the complaint and the officer's actions in response to the complaint. When the preliminary investigation is complete and the officer resumes routine patrol duty the card has completed its usefulness in communications and is forwarded to the records bureau where it will form a permanent record of the department's activities.

In the records bureau the card serves as a management control device.

- \* Records is notified of offense reports which are due.
- \* Card serves as a minor reportform eliminating formal reports that serve no useful purpose.
- \* Is transformed into a departmental log, identifying chronologically, all official functions the police are called upon to perform.

Need for a Dispatch Complaint Card:

The department must accurately log all its official activities. The present means, a complaint memo, cannot be used to activate the radio room status board. Further, it is not organized in files chronologically, but by the nature of the offense. Presently the department accounts for all case numbers assigned by writing offense reports on all incidents, regardless of the circumstances and importance.

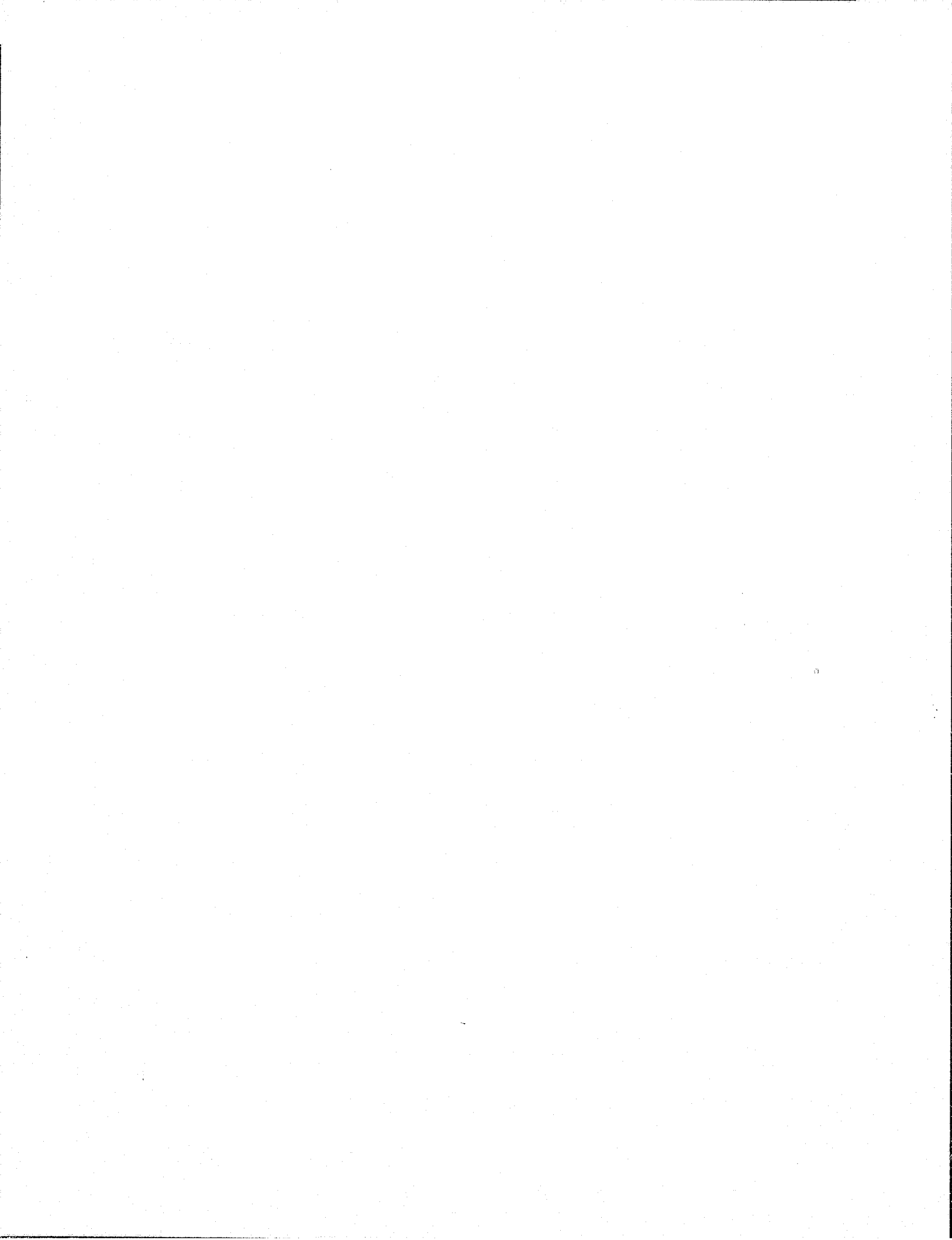
All these reports are filed according to case number. Although case numbers are accounted for this practice generates excessive reporting, clerical work and space utilization. The Dispatch Complaint Card reduces these problems and further, serves to activate the radio status board during the time the case is active.

The status board slot is designed to be activated by use of a standard data process punch card. The complaint card is cut to matching size and information is printed accordingly. It may serve as the only record of a call for as many as 25 percent of those dispatched. Its use will reduce the space required for other filing, the number of reports written and clerical activity. It further reduces the flow of extraneous or useless information which tends to detract from the more important information which must flow through the system. The space required to file the Dispatch Complaint Card will be reduced to one-third that presently used by the complaint memo forms. The Dispatch Complaint Card may then be filed chronologically, thus affording the department an accurate record of activities. Those incidents for which no formal report is prepared will create gaps in the case file but the Dispatch Complaint file becomes a log which may be used to validate such gaps.

In summary, the Dispatch Complaint Card:

- \* Serves as a communications control device.
- \* Provides a consecutive record of department's official functions in a manner which supports the integrity of the operation.
- \* Increases space available for report utilization.

- \* Reduces unnecessary report preparation.
- \* Provides an added cross-index resource, listing chronologically the events as they occurred.
- \* Provides a permanent source for case number records and the circumstance of their issue.



**CONTINUED**

**2 OF 3**