

# 4

## Environmental Influences

### LEARNING OBJECTIVES

Upon completion of this chapter, students should be able to do the following:

- Identify funding sources in criminal justice and describe how funding impacts the criminal justice system
- Discuss how the use of technology by criminal justice professionals and offenders influences organizations in criminal justice
- Explain how cultural and demographic factors affect criminal justice services
- Identify the types of laws involved in criminal justice and how the system is altered as a result of legal changes
- Describe how unions impact criminal justice agencies and personnel issues
- State how politics influences decision making, funding, technology, legal decisions, union negotiations, and other resources in criminal justice

Organizations in criminal justice identify their organizational structures, missions, goals, policies, and procedures to assist them in carrying out tasks; however, organizations do not operate within a vacuum. They must take into account many different environmental influences. A few of these, such as funding opportunities, technological advancements, the cultural and demographic characteristics of the community, legal decisions, political decisions, and unions and union negotiations, will be addressed in this chapter. Although U.S. Supreme Court decisions and the media are also environmental factors that greatly impact criminal justice, these two issues will not be discussed in detail here. Students can understand their importance, however, by recalling information learned in other courses.

First of all, funding sources will be addressed. Funding is perhaps one of the most critical issues in criminal justice. Without funds, the police cannot be proactive in their approach to crime, probation cannot treat and rehabilitate offenders, and correctional institutions cannot alleviate many of the problems they face. One example of how important funding is can be seen in 1992, when the Criminal Justice Act, which provided compensation and expense reimbursement to more than 10,000 attorneys who represented indigent federal offenders in court, ran out of money. The result was that cases were suspended and there were worries that if additional supplemental funding were not found, cases would not proceed to trial (violating the defendants' constitutional rights) and charges would have to be dropped (McMillion, 1993). Most recently, we have seen states struggling to support their criminal justice systems, as federal funding has declined and block grants have disappeared or "zeroed out." North Carolina has claimed to have seen a 43% decline in federal funding in just five years (Yearwood, 2009, pp. 672–673).

Second, the chapter will discuss the tremendous impact technology has had on criminal justice. As services become more efficient and effective due to improved technology, they also become harder to provide because of a lack of training and skilled employees in technology and the inability of criminal justice to afford the newest technology available, along with the invention of new offenses—like cyberbullying, Internet fraud, and identity theft. Consequently, technology has created a standard for crime prevention and control that the criminal justice system has a difficult time accomplishing.

Just as technology is changing, so is the cultural and demographic makeup of American society. Immigrants have moved to the United States in greater numbers than ever before. As they do so, the demands on the social structure change and the abilities of the criminal justice system to handle the needs and desires of the new population are challenged. Sometimes, laws are able to ease a few of the burdens placed on the system as a result of cultural, demographic, and technological changes. However, this is not always the case. Laws themselves can initiate problems for the system. Reading the case study at the end of this chapter may make it clearer how laws can conflict at federal, state, and local levels, at times putting unrealistic expectations on the criminal justice system and its employees. Unions can add input to laws and attempt to make them more applicable to the jobs criminal justice employees perform, although union membership and support have declined over the last several years. Finally, politics and political pressures are never-ending. Simple elections or appointments of new administrators have staggering effects on the processes, procedures, and job performance of those working in criminal justice. Politics also influences organizational effectiveness.

## Funding in Criminal Justice

In the context of this book, *funding*, usually defined as payment or interest on a debt or an investment in a program or agency, refers to different methods of financially supporting the criminal justice system. Funding determines the programs that will continue or cease to exist and the new programs that will be offered. The annual

budgets of criminal justice agencies rely most heavily on public funds (taxes), and they are highly influenced by political and social concerns. If, for example, politicians are concerned about smoking in public places, laws may be enacted to ban smoking. If this is the case, the police must comply with the new statute and develop ways in which enforcement of the new smoking ban will be effective. The ban could require a change in, and increased cost of, policing tactics, including driving by bars and restaurants or actually entering them to detect smokers and increasing patrol in and around public buildings. Police administrators and the courts must be concerned with what the law means for their agencies, how to monitor the behavior, and how best to use already stretched resources to enforce the new law. The recent decision by Washington and Colorado to legalize marijuana is another example of how laws change the way the criminal justice system operates. In the News 4.1 demonstrates how police practices have changed in response to the new marijuana laws.

#### **In the News 4.1**

### **K-9 Dogs Are Retrained or Retired After Marijuana Legalized**

K-9 units are often highly skilled to assist officers in performing certain tasks of policing, such as drug identification, suspect location, bomb identification, etc. K-9 units undergo months of training in order to develop the skills they need to be successful on the job. But, dogs in Washington State and Colorado are finding that their particular skill sets may not be as useful as they once were. Since Washington State and Colorado legalized recreational marijuana, police dogs trained to sniff-out drugs in cars, buildings, and on people have to learn a new trick. Some police agencies in these states are training K-9's not to alert on pot while other agencies are phasing out marijuana sniffing K-9 units altogether by allowing the dogs to retire.

In both states, possession of one ounce or less of marijuana is legal, and concerns exist that K-9 alerts, and the resulting searches by police, will violate citizen rights. There's also concern that evidence of other crimes found during a search from a K-9 alert could lead to cases being dismissed in court.

There hasn't been agreement about how to respond to the new laws. There's some debate on responses since possession of marijuana by minors is still illegal in both states, and marijuana possession by anyone is illegal under the laws of the U.S. federal government. Possessing large amounts of marijuana is also illegal, so there may still be a need for drug dogs in Washington and Colorado. What actions police agencies eventually take in these states may depend on Supreme Court interpretations of search and seizure.

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Paraphrased from "Police Under Pressure to Retrain Drug Dogs After Marijuana Legalized in 2 States," by Dan Springer, June 9, 2013, FoxNews.com. Retrieved from <http://www.foxnews.com/politics/2013/06/09/police-forced-to-retrain-dog-dogs-after-marijuana-legalized/#ixzz2XR76aiTa>.

Although these opportunities have declined during the recent economic issues experienced by the United States, each year the Department of Justice and many other governmental offices announce grant opportunities for programming in criminal justice. Criminal justice agencies are encouraged to apply for and use grant funds to supplement the budgets they get from state and local governments. In addition to the grants, county and city boards and state legislators sit down and hash out how tax dollars will be distributed among the various agencies requesting public funds from the city, state, and county. This is a daunting task, but they are the only true *funding sources*—entities that provide funding through monetary or material goods—available to law enforcement, corrections, probation, parole, courts, juvenile systems, and public security agencies. Each of these groups has to develop budgets identifying their potential needs and wants for an entire year, and they hope that those holding the purse strings will see the agency's priorities as important enough to fund. All of the agencies are in competition with one another to secure funds and other resources, yet they are expected to work with one another in accomplishing the similar goals of deterring and preventing crime. This rather unique relationship sets up a type of rivalry that can, in some cases, carry over into other aspects of crime fighting. Known as *territorial jealousy*, agencies are often afraid to collaborate with one another because they do not want other agencies invading the "territory" they have staked out for themselves (Cox, Allen, Hanser, & Conrad, 2014). They consider themselves experts and resent involvement from outside agencies and people. Even if they have a good idea for programming or services, they might not share it or ask for funding for fear that another agency will steal the concept. As expected, this inhibits creative and innovative programming. If they do ask for funding for the idea and do not receive it, they may blame other agencies that were given funding for new programs or services, or may hold a grudge throughout the budget year toward agencies that got more money than they did. The costs of territorial jealousy can be very serious, especially if agencies fail to cooperate with one another and fail to create necessary programs and ask for funding for them (Cox et al., 2014).

Innovative administrators may be able to identify additional funding sources for their individual agencies, as often occurs when an agency wants to implement a program without asking the county or state for tax dollars. Still, with the enormous number of responsibilities the manager has in running the agency, dedicating time to fundraising can be difficult. If an administrator dedicates too much time to raising funds and not enough time to managing and guiding employees, the agency may suffer. If the administrator focuses on management duties and fails to participate in fundraising, the agency may be unsuccessful in monetarily meeting its needs. A balance between the two must be met. Basically, the manager of the agency is asked to run a second business, which is raising money to support the first business (McNamara, 2007). Unfortunately, as is often the case in criminal justice, managers may come from nonmanagerial ranks within the agency. They may not have the skills necessary to accomplish both managing and fundraising, and they may not be experts in planning, marketing, implementing, financing, fundraising, and evaluating

programs on top of guiding and leading the employees and organization. Agencies that already struggle to meet their monetary needs might hesitate to spend money on the administrative overhead needed to attract and retain managers that have the skills to appeal to funding sources (McNamara, 2007).

Of course, big businesses and for-profit agencies would suggest hiring outside consultants to aid in creating and marketing programs provided by the agency. But criminal justice agencies are not always able to rely on the expertise of outside consultants because, in most cases, they do not have enough money to hire these consultants. The fees paid to private consultants are seen, at times by the public and the media, as frivolous spending, taking valuable dollars away from the services provided to the agencies' clients (McNamara, 2007). Consequently, criminal justice agencies commonly rely on low-cost or volunteer-based assistance, which leads to a lack of research and comprehensive strategic planning—both of which are necessary in sustaining an organization. This brings the issue full circle—back to the initial dilemma faced by managers in these agencies. If managers want to research and support developmental activities for new programs, they must convince potential funders that there is a low risk of loss and a high chance for success (McNamara, 2007). To do this, the managers, using the little time available, must be experienced and skilled enough to strategically plan and implement a program that warrants additional and continued funding. Perhaps most important, the managers must be able to market the program.

Potential external funding sources for criminal justice agencies include state and federal grant programs; foundations; individual donors; in-kind donations of equipment, land, or buildings; religious or other civic groups and agencies; and private businesses. In some states, fees for services such as probation and parole and for electronic monitoring have been authorized by legislation. State and federal legislators have also authorized forfeitures of money and property that can be shown to have been the result of criminal activity. Fines and restitution are other ways that agencies can finance services and programs for clients. All of the money or property gained through supplemental resources is funneled back into the agency.

Federal and state governments use public funds collected through taxes to sponsor criminal justice agencies in two ways. First, they set annual budgets for payroll, travel, upkeep of the facility, office and inmate supplies, employee benefits, and new hires, to name a few expenses. The budget is designed to cover the basic needs of the agency for the fiscal year. Second, they provide grants. *Grants* are monies that support the unique programs and services offered by the agency, the employees who work with these programs, and any new ideas for programs and services (McNamara, 2007). One such grant is a *research grant*, which gives funds for the discovery of facts or theories, or the application of theories, in programs. If an agency wanted to study the effects of a victim impact panel on offender recidivism and empathy, it may apply to the state or federal government for a research grant. The government also provides *demonstration grants*, which assess the feasibility of a particular theory or approach in treating, diverting, capturing, or

rehabilitating offenders (McNamara, 2007). In a recent demonstration grant, the National Institute of Justice found that orders of protection for teenage victims of dating violence may make a difference in future reoffending but require the accompanying “network of supportive adults, including parents and school personnel” (Klein et al., 2013, p. 4).

*Project grants* are provided to agencies that wish to implement particular individual projects that comply with legislation enacted by the states (McNamara, 2007). Referring back to the smoking ban example, we are likely to see an increase in smoking cessation programs and support groups for smokers as a result. Agencies in criminal justice could apply for project grants to develop and implement such programs. *Block grants* come directly from the federal government in the form of large sums of money given to states for a particular purpose. The states may then distribute the money to various agencies working on issues related to the specified purpose (McNamara, 2007). Drug Abuse Resistance Education (D.A.R.E.) programs, gang diversion programs, and programs aimed at ending methamphetamine use and distribution are usually funded through block grants.

Last are the *formula grants*. These grants provide funding to specific agencies by using a statistically based process (McNamara, 2007). The government looks at indicators defined by legislation or regulations to determine if the agency is eligible for the money. Indicators may include per-capita income, if poverty is the issue being addressed; mortality, if there are concerns about elderly abuse or infant deaths; or unemployment rates, if crime has increased dramatically as the economic climate has changed in a particular city (perhaps a large business closed). The funding source will then determine statistically whether the agency can best use the money to address the issue of concern (McNamara, 2007).

Criminal justice agencies can also rely on private funds. These come from organizations or people involved in charitable giving, such as foundations, businesses, private individuals, and community groups. *Foundations*, such as the Bill and Melinda Gates Foundation, the Annie E. Casey Foundation, and others, provide funds to criminal justice agencies for programs that meet the foundation's areas of priority. For example, the Bill and Melinda Gates Foundation gives priority to funding related to diseases, public education, public libraries, and at-risk families. The Gates Foundation considers funding for programs that increase the number of children that graduate from high school on time, improve access to the Internet and other technological resources for public libraries that serve low-income and at-risk families, and provide housing resources to families who are currently homeless (see the Bill and Melinda Gates Foundation website at <http://www.gatesfoundation.org/> for more information). In the case of juvenile courts that deal with abuse and neglect issues, funding from this source might create programming that encourages better housing and living conditions for children. *Corporate foundations* are private, for-profit businesses that provide funding or in-kind donations to criminal justice agencies. The corporation might donate land or a building to the agency to use for programming (McNamara, 2007). This would be considered an *in-kind donation* of material goods. No cash is

exchanged. Walmart and JCPenney have been known to make in-kind donations of clothing and food to children in foster-care programs. Corporate foundations also provide monetary funds to agencies for programs and services.

Private individuals who are interested in programs or services in their communities also are sources of funds for criminal justice agencies. Private individuals may take on the challenge of creating the program and funding it in consultation with the criminal justice agency, or they may provide start-up or continuing funds to the agency (McNamara, 2007). Private individuals can also be involved with civic or community organizations that give funds to agencies. In this case, the Rotary Club or Kiwanis group might sell sandwiches as their annual fundraiser and donate the money collected to the agency. Religious organizations are commonly involved in this type of donation as well. During the U.S. government shutdown in October 2013, Head Start programs, which have been instrumental in providing educational, health, economic, and law enforcement benefits to 3- and 4-year-olds (National Head Start Association, n.d.) throughout the nation, were affected by the loss of funding. Yet a Head Start program in Georgia was able to remain open because of private funding. In the News 4.2 demonstrates how private groups and individuals are interested in specific types of programs and are willing to fund those programs when necessary.

### **In the News 4.2**

#### **Head Start Reopens: Preschool Program Secures Private Funding**

The Ninth District Head Start program was open Tuesday, thanks to private funding.

Staff and parents were notified Monday that the preschool program was reopening, said Kay Laws, Head Start director for Ninth District Opportunity.

The program closed Monday due to the government shutdown, which coincided with the beginning of the federal program's grant cycle.

Ninth District Opportunity's Head Start covers 20 Georgia counties, including Dawson.

Before the word on reopening had come down, teachers at the local Head Start program, located off of Allen Street across from the library, were initially worried that students would suffer.

Teacher Bethany Goines said staff had been "just telling the kids we're having a fall break."

"The kids that struggle with separation anxiety have gotten to where they don't cry anymore in the mornings," Goines said. "Now, with this . . . [we were] afraid they [were] going to regress and have that anxiety all over again."

The primary concern for officials was the ability for parents to be able to find and afford child care on such short notice, which was given on Oct. 2.

"If you're needing someone to watch your children for a day or two, you might could locate family, friends, whatever," Laws said at the time. "But if you're having to plan for three or four weeks, then you'll have to look at different options."

After hearing about the Head Start dilemma, Houston philanthropists Laura and John Arnold donated \$10 million to the National Head Start Association, temporarily funding programs across six states, including Georgia.

Laura Arnold is an ex-oil company executive and John Arnold is an investor. They chair The Arnold Foundation, a philanthropic organization established in 2008.

The annual grant for Ninth District's is \$19.8 million alone.

According to a news release, if the government funds Head Start for the full year when the shut-down is over, the local programs will repay the funds made available by the national association at no interest.

The funding should keep Head Start programs open through the end of October.

"We are hopeful that the federal government will have worked out the budget by this time, and our grant funds will be available once again," Laws said. "In the meantime, we will be only making purchases that are necessary."

Margie Nichols, the grandparent of a child who attends the local Head Start program, said she thought it was "sad that the kids have to suffer."

"It's very hard for children this age to make adjustments," she said last week.

Nichols' grandchild is one of the special needs students at Head Start.

"Margie's grandchild receives services from us and from the board of education through the special needs program," said Barbara Padgett, Head Start Center Director.

Padgett had worked out arrangements with the school system to service their special needs students at Riverview Elementary.

The pre-K program run at Riverview Elementary continued to operate on a normal basis, according to Dawson County superintendent Keith Porter.

"There will be no cessation of pre-K services at Riverview Elementary," he said. "We've been waiting for any kind of word and, based on not hearing anything, we've found it safe to assume the funding for those programs is fine."

Unlike some students, the teachers didn't have much of an alternative plan until Head Start opened again.

"I've been working with children for 21 years and I've never seen anything like this," said Theresa Mitchell, a teacher.

Staff writer David Renner contributed to this report.

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Source: From "Head Start Reopens: Preschool Program Secures Private Funding, by Carley Sharec, October 9, 2013, *Dawson Community News*. Retrieved from <http://www.dawsonnews.com/archives/13050>.

For the agencies, each funding source carries with it the advantage of receiving necessary resources to complete or implement a program. However, audits, reviews, mandated results, matching funds, and short-term funding opportunities (as noted in In the News 4.2) are distinct disadvantages (McNamara, 2007) of using these resources.



Management must be aware of what the funding source may or may not provide, as well as whether the source is interested in the program. Using resources from several funding agencies might be necessary to fully fund the desired program.

Agencies may run into the issue of not receiving funding at all, even though the service or program is required by state or local legislators. In the war on terrorism, for example, the federal government has been encouraging more cooperation and preparation among state and local police and fire departments to counter terrorist attacks. It has also initiated the First Responders programs, to identify and train those who will be the first on the scene of a major catastrophe. However, encouraging preparation is very different from paying for the preparation to occur. After the September 11, 2001, attacks on the World Trade Center and the Pentagon, the federal government provided grant dollars for emergency preparedness. Yet two years later, Kady (2003) reported that the Council on Foreign Relations had found that fire departments, for the most part, only had enough radios for half of their employees and enough breathing apparatuses for a third of those employed. Police departments did not have enough protective gear to secure a site after an attack that uses weapons of mass destruction, and public health laboratories were still without the basic equipment and the expertise to respond to a crisis involving biological or chemical weapons. Similar problems were found to persist even in 2007, as discussed by Thomas H. Kean and Lee H. Hamilton (the former chair and vice chair of the 9/11 Commission) in *In the News 2.2* provided in Chapter 2. As a final note on funding issues, this textbook would be remiss if it did not mention that agencies that get funding from places other than tax dollars can become resource dependent and unable to provide services without the supplemental aid. In this case, the agency may actually focus its efforts in ways that support the initiatives of those providing the funding. In support of this argument, Alexander and Wells (2008) found that substance abuse providers may make referrals to agencies on the basis of funding strategies and potential. If the agency is likely to monetarily support the substance abuse provider agency, the provider agency is likely to use the supporting agency's services again and again. This type of referral-based strategy affects overall treatment comprehensiveness for the offender because the offender may fail to get the services needed as a result of the agency's narrowly focused goal of securing funding from one or two key funding sources.

## Technology in Criminal Justice

It could be argued that technology has impacted criminal justice more than any other field. The invention of the car, cellular phone, desktop and laptop computer, computer-assisted dispatching (CAD), Global Positioning System (GPS), Internet, and other technological advances have changed the way crime occurs, how law enforcement polices society, how criminals are detained, how crime is detected, and how offenders are supervised. The 911 emergency system with which the public is so familiar uses computer technology to dispatch officers and other emergency personnel to addresses that

appear on the dispatcher's screen. CAD can also assist in officer roll calls, in lookout calls to street officers, and with officer assessments. Courts now even rely on technological systems like computerized dockets and public access to computer records. No longer is there a reliance on keys for prison cell doors, which can now be opened remotely by the push of a button. Probation and parole officers do not have to spend hours driving around checking on offenders' whereabouts because they can track them with electronic monitoring and GPS units. The security field can watch entire interiors of stores and can follow suspicious people on camera without ever leaving a main security control booth. The security industry, particularly in Las Vegas, can even identify people with facial recognition technology as they walk through a casino. The satellite imagery used to take photographs during the inauguration ceremony of President-elect Barack Obama on January 20, 2009, which was attended by more than 1.8 million people, could also identify each person in the audience and on the stage—yet another technological wonder that will help law enforcement agencies.

As one can imagine, technology sets the bar very high for criminal justice. Society expects the system to use technology to enforce, detect, and reduce crime and its effects. Not only does society want police and the courts to have instant access to information on offenders and case law, but it also wants the correctional and probation/parole systems to closely monitor offenders living in society through technological tracking systems. The increased expectations for the use of technology can be detrimental to the system, as those involved become overwhelmed by the information or bogged down while trying to interpret or access the information. Messages through technology can also be confusing. No one can forget how failed communications over radios contributed to the deaths of firefighters and police officers in the collapse of the World Trade Center in 2001. In addition, images taken with video cameras or phones, such as those of the Rodney King beating in 1991, can bolster negative responses to the actions of criminal justice personnel. The simple taping or photographing of an incident by a third party and broadcasting of it without knowledge of the full story can impact the criminal justice system greatly by raising the demands it faces. As society uses technology to increase activities and information sharing, criminal justice struggles to undertake the increased workloads, education requirements, understandings, and training necessitated by technological advancements. The truth is that technology progresses much more quickly than the criminal justice system does.

One difficulty is finding employees who understand and can use the technology available to detect and reduce crime. New employees may not have been introduced to the type of technology used in criminal justice. A new worker in a prison facility must spend several hours in the control booth learning to use the equipment to manipulate cameras, open the doors with the correct sequence of buttons, and answer and transfer phone calls to the appropriate units and people. They are also expected to monitor the yards, dayrooms, cafeteria, school, and treatment offices, all while answering questions over the intercom or face-to-face from employees and inmates outside of the booth. These employees must learn the procedures as well as statutory and case law guidelines governing the technology while they become familiar with the gadget. As soon as workers are trained in the current technology, new software programs, gadgets, or

upgrades are introduced. The agency is then right back to square one in training employees and remaining current in the technology. Understandably, current employees may demonstrate resistance to learning new technology. An employee who has worked for an agency for an extended time might not be willing to change from a paper-and-pencil method to a computerized format to complete the same task. What basically happens is that new technology brings with it new skill requirements for some while deskilling others (Manning, 1992).

A second difficulty in using technology in crime fighting is the enormous cost associated with it. Gadgets, computers, and training employees to work with technology all cost money. As discussed at the beginning of this chapter, criminal justice agencies do not always have the money to spend. Thus, if employees need to be retrained, the agency may send one or two workers to the training and expect them to return and train the others left behind. Although this sounds like a good idea, a significant amount of knowledge is lost in the transfer from trained employees to their colleagues who did not attend the training workshops. To highlight another issue, the agency might not be able to afford the technological upgrade or training and might have to make do with the technology already in use. This may not at first appear to be a problem, but if offenders are using the new technology to commit crimes while criminal justice agencies are not able to use it to *stop* crimes, the offenders are a step ahead.

Technology also creates new types of crime. In an age of information technology, people are sharing personal and financial information on the Internet. This has created a new market for fraud called identity theft. *Identify theft* occurs when someone wrongfully obtains and uses another person's personal information for purposes of fraud or deception. Identity theft usually results in economic gain on the part of the offender. The Federal Trade Commission reported more than 350,000 identity theft complaints in 2012 (Federal Trade Commission, 2013).

Cyberbullying is another offense we have heard a lot about in recent years. As we move to quickly embrace the Internet and other communication devices, we open the door for those with cruel intentions to more easily attack us in our homes and in our private lives. *Cyberbullying* is a form of bullying that relies on technological programs such as e-mail, instant messaging, websites, social networking sites, and chat or bash boards to intimidate, shame, and inflict "unwarranted hurt and embarrassment on its unsuspecting victims" (Beale & Hall, 2007, p. 9). Data available on cyberbullying show an increase in recent years (Chu, 2005; Hinduja & Patchin, 2008; Wolak, Mitchell, & Finkelhor, 2006).

Domestic and international terrorism pose new kinds of technological worry for the criminal justice system. *Cyberterrorism* is a form of terrorism that uses highly sophisticated technology—specifically, computers and the Internet—to plan and carry out terrorist attacks. Cyberterrorism can be used to damage the nation's economic, business, and military infrastructures (Schmalleger, 2008, p. 68). Terrorist groups are easily able to use the Internet to meet, organize, train, and convey messages among their members. As long as technology continues to advance, so will the efforts and abilities of groups that are antagonistic toward Americans as well as the laws that govern the United States. Another issue is the fact that any U.S. laws put in place to limit

terrorist access to technology do not apply, and therefore cannot change behaviors outside of American borders (Schmallegger, 2008).

Judith Collins (2006) points out in her book how ill-equipped police are to handle identity theft (and probably the other Internet-based crimes discussed previously). According to her, identity theft continues to increase in frequency and severity, while law enforcement is having to learn how to track Internet provider addresses nationally and internationally, verify URLs (web addresses), and trace e-mails. These are the same police who may have been accustomed to chasing down leads with notebooks and interviews. Now, they must understand and be savvy about working with the internal programming of the computer and the Internet. Other crimes, such as theft of goods, cyberstalking, malicious/hate-crime communications, child pornography, copyright infringement, and many more, have dominated the Internet as well (Collins, 2006). As politicians and the criminal justice system address one offense and try to get a handle on how best to prevent it, a new offense pops up. Even though the access to technology increases the criminal justice system's efficiency, effectiveness, and information sharing, the problems it creates are overwhelming to an already overly burdened system.

## Cultural and Demographic Issues

A society's shared attitudes, values, purpose, and routines define its *culture*. That culture affects what laws are created and determines socially acceptable and unacceptable behaviors. The legislators support the cultural norms and values by passing laws, while the criminal justice system upholds the culture by enforcing the laws. Consequently, it is important for all people to understand the culture of a community and to actively participate in it. Basically, all social structures are tied into the defined culture. It is only when the norms (shared cultural expectations) become confused that conflicts occur and we are likely to see law violations.

As an example of cultural conflicts, consider the current debate on marijuana legalization mentioned earlier. In recent years, a new argument has emerged regarding how the U.S. government should approach drug enforcement. Of course, there are many individuals supporting harsher sentences, strict enforcement, and renewed efforts to eradicate drugs as the only options in preventing a drug epidemic (French, 2005). But the fact that by 2005, a total of 10 states, including California, Arizona, Washington, Alaska, and others, had legalized marijuana for medicinal purposes through popular vote, and 2 states—Washington and Colorado—legalized recreational marijuana use in 2012–2013, cannot be ignored. This represents a change in philosophy regarding drugs, specifically marijuana, among U.S. citizens. The legalization and decriminalization movement has also garnered support in other states. New York, for example, has worked to reform the “Rockefeller Drug Laws,” and 10 other states have adopted laws that greatly reduce the penalties associated with the possession, use, and sale of small amounts of drugs (French, 2005). So cultural acceptance of marijuana is in transition. Legal and political approaches have to keep pace with what society holds as collectively acceptable; otherwise, a cultural gap occurs, creating difficulties for the

criminal justice system in that the expectations are no longer clear, and following one set of expectations (legal and political) generates discord among the people holding the second set of expectations (citizens).

One challenge to the cultural agreements in American society is caused by immigration. Immigration is an ongoing political and social debate. Immigration influences the norms and values of the members of a community because new individuals bring with them from other countries their own understandings of the law and what constitutes acceptable and unacceptable behaviors. As In the News 4.3 points out, cultural and demographic changes in a community's makeup shape how the criminal justice system functions. For instance, as more Spanish-speaking immigrants move into the Midwest, police officers are finding themselves in need of second-language skills. Of course, this has a trickle-down effect once there are arrests of Spanish-speaking suspects. Workers in the prosecutor's office, the court, the probation office, the prison, and the parole office will also experience a need for Spanish-speaking employees.

### **In the News 4.3**

#### **Hablas Español? Police Are Learning—Officers Who Breach Language Barrier Increase in Value**

PEORIA—A few months ago, Scott Schraeder, a deputy with the Peoria [Illinois] County Sheriff's office, came across a man drifting around the parking lot of a Bellevue gas station with no identification and no idea where he was. Avoiding eye contact and fidgeting with his pockets, the man first answered Schraeder's questions with silence.

And to make a tricky situation even worse, the little that he did say was all in Spanish. Though not fluent in the language, Schraeder began probing for answers in the stranger's native tongue.

"I just established the basics with him. What's your name? What's your age? Where are you going?" said Schraeder, who took two years of Spanish in high school and has maintained his skill ever since.

He eventually gathered that the man was from Chicago in search of work downstate and had been abandoned by his fellow travelers. He was taken to a local homeless shelter for the night and ended up disappearing the next day with another group of Hispanic men.

"Who knows where they wandered off to?" Schraeder said.

While law enforcement officials state these types of encounters in central Illinois are infrequent, if not rare, the steady change in demographics has increased the appreciation for bilingual officers.

"We're fortunate to have him with us," Deputy Chief Joe Needham said.

Practically nonexistent 20 years ago, the Hispanic population has gained a foothold in mid- to small-sized towns throughout the Midwest. In the Tri-County Area alone, the Hispanic population grew from 3,642 to 5,399—a 48.2 percent increase—from 1990 to 2000, according to data from the U.S. Census Bureau. The latest figures peg Peoria's share at 3,895 residents—or about 3.5 percent.

Drawn to the region by manufacturing and agricultural jobs, Hispanics are moving here in greater numbers that show no signs of stopping.

"I don't want to say it happens every day, but I know a half a dozen times or more a month I'm called upon to translate," said Javier Grow, a Spanish-speaking traffic officer with the Peoria Police Department. "It kind of goes in spurts."

Though some authorities may privately bristle at learning a second language to do their job, experts say open and clear lines of communication are crucial in crime-fighting. Waiting for translations can lengthen response time and misunderstanding could lead to fatal mistakes.

"Officer Friendly needs to be able to speak with everyone if [he or she wants] to work effectively," said Virginia Martinez, an attorney with the Mexican American Legal Defense and Educational Fund, a civil rights organization for Latinos living in the United States. "In the meantime, you don't want to put the general population at risk."

Aside from the lack of communication, culture issues can further complicate police-Hispanic relations. Most immigrants lack a firm grasp of American laws and customs and can harbor suspicion toward law enforcement because of corrupt police forces in their home countries.

"A lot of the community distrusts police. The Hispanic community is very sensitive, you need to earn their trust," said Catalina Zavala, director of Hispanic services at Peoria's Friendship House. "I talk to them and say the police are there to help them not hurt them."

The hot button issue of illegal immigration also can cast a long shadow.

"Because of their immigration status, many of these Hispanics try to stay away from police," said Leigh Culver, a police officer in Omaha, Neb., who researched language barriers in law enforcement. A reluctance to contact police often makes them ideal victims, Culver added.

Even so, many agencies said language and cultural barriers between police and the Hispanic community haven't reached a boiling point. In fact, the majority said they make do with just a few or no bilingual officers or borrow ones from large departments.

"I've been to Marquette Heights, I've been to East Peoria, I've been up to Chillicothe, Morton," said Grow, who grew up learning the language from his Spanish mother. "I've been called at one, two o'clock in the morning. When I'm at work, when I've just gotten off, whenever."

Some get creative and utilize friends, family members or others to help.

The village of Bartonville has two auxiliary officers who can speak the language as well as emergency dispatchers trained in basic Spanish, Police Chief Brian Fengel said. If they're not available, his wife can translate after learning Spanish during a stint as a missionary nurse in Chile.

Morton Police Chief Nick Graff said until recently his department counted one fluent officer among its ranks. "Unfortunately," Graff added, "he got hired away by corporate security with Caterpillar." Patrol officers there now rely on seasonal workers from Mexico at the nearby Nestlé pumpkin canning plant to help translate.

Chillicothe resident Bennie Razo, who sits on the city's police commission, has been interpreting for officers there about 35 years. "They call me and say I can't understand what's going on," he said. "Most of the time they can handle it on their own."

To aid small police departments in netting and keeping bilingual officers, state and federal agencies offer an array of courses in survivor Spanish.

For example, Illinois State Police and the Police Training Institute at the University of Illinois have a course at their academy that teaches cadets basic words and key phrases to help them communicate in a crisis situation, according to Trooper Juan Valenzuela.

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Although pressure to adapt in the Tri-County Area remains low, in other parts of the state, fluency in Spanish has become indispensable. Once a graying hamlet of 6,000 on the banks of the Illinois River, Beardstown is now home to more than 1,000 Hispanics. Beardstown's Mayor Bob Walters estimated the city's Hispanic population jumped over the years from zero to about 35 percent.

The flood of new residents, mainly from Mexico, came to Beardstown looking for jobs at the large Excel pork processing plant.

As a result, an officer encountering a Spanish-speaking person is now an everyday occurrence, Police Chief Tom Schlueter said. To bridge the language gap, almost all of the full-time officers have gone through a basic Spanish course for law enforcement, and city ordinances are now printed in Spanish, he said. The department still uses translators to help with investigations or questionings.

Though influx of immigrants and their families has been a boom for business, the changes have stressed the town and department's limited resources.

"It's been a strain on us financially," Schlueter said. "I wouldn't say we're getting used to it. But, we're getting through it."

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SOURCE: From "Hablas Español? Police Are Learning—Officers Who Breach Language Barrier Increase in Value," by F. Radosevich II, October 7, 2007, *The Peoria Journal Star*. Copyright © 2007 The Peoria Journal Star, Inc. Reprinted with permission.

Demographic factors such as age, race, gender, and socioeconomic class have also been identified to affect crime rates. Erickson (quoted in Lipke, 2000) stated that 90% of all violent crimes are committed by men, and one-half by people under the age of 25. Therefore, in areas where there are large numbers of males and young people, the crime rates are higher. In Louisiana prior to Hurricane Katrina, citizens had a higher-than-average chance of being victimized. Young males between the ages of 18 and 24 made up 5.2% of the overall Louisiana population. This was the seventh-highest percentage in the United States (Lipke, 2000). An excellent example of how age contributes to criminal behavior can be found in areas of the country that host spring breakers. Police departments in these areas face the same concerns as those with youthful populations. From March 1 through April 3, 2013, the Panama City Police Department, the Florida Highway Patrol, and the Florida Division of Alcoholic Beverages and Tobacco issued 5,676 traffic citations and made 3,438 arrests, including booking 657 offenders through a mobile beach booking system and 1,922 people into county jail (Garmen, 2013). Other areas, such as the Midwest, have lower overall populations and crime rates. One potential explanation for this is that people living in the Midwest primarily reside in suburban and rural areas, which have less crime than cities.

Analysis of official arrest statistics has traditionally shown a disproportionate number of blacks and indicates that males are arrested three to four times more often than are females (Cox, Allen, Hanser, & Conrad, 2008). Lipke (2000) has suggested that the factors leading to the social disorder of a neighborhood (i.e., average income of the

residents, transience of the population, housing conditions, educational levels, and family structure) can increase crime and greatly impact the criminal justice system. Cox et al. (2008) argue that few direct connections to criminal behavior can be drawn by looking only at gender, race, and age without also looking at the social-environmental factors that contribute to crime. The truth is that none of the characteristics mentioned in this section can be identified as a direct cause of crime. They may be contributory and should be considered in prevention and diversion approaches, but they are best viewed as indicators of problem areas where police and other criminal justice agencies should focus their resources.

## Legal Pressures

As was pointed out in the previous section, laws are supposed to be reflective of the culture. In the United States, laws are based on *common law*, or customs, traditions, and precedents. Adopted from the British tradition, the common beliefs and values held by U.S. citizens are allowed to dictate what should and should not be illegal. Once an action is determined as collectively unacceptable and forbidden by written legislation, it is considered a *statutory* or *criminal law*. Statutory laws provide the legal definition of crime and its subsequent punishment. Such laws apply to everyone regardless of their status in society—this includes police officers and others in the criminal justice system. Consider as an example a statutory law stating that people in vehicles must wear seat belts. This law is required to be enforced by traffic patrol officers who also have to wear seat belts while patrolling. Punishments for violating statutory laws are indicated in the law itself. Hence, patrol officers will issue citations to those violating the seat belt ordinance.

### CAREER HIGHLIGHT BOX PSYCHOLOGISTS

#### **Nature of the Work**

Psychologists study mental processes and human behavior by observing, interpreting, and recording how people and other animals relate to one another and the environment.

#### **Duties**

Psychologists typically do the following:

- Conduct scientific studies to study behavior and brain function
- Collect information through observations, interviews, surveys, tests, and other methods
- Find patterns that will help them understand and predict behavior

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- Use their knowledge to increase understanding among individuals and groups
- Develop programs that improve schools and workplaces by addressing psychological issues
- Work with individuals, couples, and families to help them make desired changes to behaviors
- Identify and diagnose mental, behavioral, or emotional disorders
- Develop and carry out treatment plans
- Collaborate with physicians or social workers to help treat patients

Psychology seeks to understand and explain thoughts, emotions, feelings, and behavior. Depending on the topic of study, psychologists use techniques such as observation, assessment, and experimentation to develop theories about the beliefs and feelings that influence a person's actions.

Psychologists often gather information and evaluate behavior through controlled laboratory experiments, psychoanalysis, or psychotherapy. They also may administer personality, performance, aptitude, or intelligence tests. They look for patterns of behavior or cause-and-effect relationships between events, and use this information when testing theories in their research or treating patients.

The following are common occupational specialties:

**Clinical psychologists** assess, diagnose, and treat mental, emotional, and behavioral disorders. Clinical psychologists help people deal with problems ranging from short-term personal issues to severe, chronic conditions.

Clinical psychologists are trained to use a variety of approaches to help individuals. Although strategies generally differ by specialty, psychologists often interview patients, give diagnostic tests, and provide individual, family, or group psychotherapy. They also design behavior modification programs and help patients implement their particular program.

Some clinical psychologists focus on certain populations, such as children or the elderly, or certain specialties, such as the following:

**Health psychologists** study how psychological factors affect health and illness. They educate both patients and medical staff about psychological issues, and promote healthy-living strategies. They also investigate health issues, such as substance abuse or teenage pregnancy, and develop programs to address the problems.

**Neuropsychologists** study the relation between the brain and behavior. They typically work with patients who have sustained a brain injury.

Clinical psychologists often consult with other medical personnel regarding the best treatment for patients, especially treatment that includes medication. Two states, Louisiana and New Mexico, currently allow clinical psychologists to prescribe medication to patients. In most states, however, only psychiatrists and medical doctors may prescribe medication for treatment. For more information, see the profile on physicians and surgeons.

**Counseling psychologists** advise people on how to deal with their problems. They help patients understand their problems, including issues in the home, workplace, or

community. Through counseling, they work with patients to identify the strengths or resources they can use to manage problems. For information on similar workers, see the profiles on mental health counselors and marriage and family therapists, substance abuse and behavioral disorder counselors, and social workers.

**Developmental psychologists** study the psychological progress and development that take place throughout life. Many focus on children and adolescents. Developmental psychologists also increasingly study aging and problems faced by the elderly.

**Forensic psychologists** use psychological principles in the legal and criminal justice system to help judges, attorneys, and other legal specialists understand the psychological findings of a particular case. They often appear in court as expert witnesses. They typically specialize in family court, civil court, or criminal court.

**Industrial-organizational psychologists** apply psychology to the workplace by using psychological principles and research methods to solve problems and improve the quality of work life. They study issues such as workplace productivity, management or employee working styles, and morale. They also work with management on matters such as policy planning, employee screening or training, and organizational development.

**School psychologists** apply psychological principles and techniques to education-related issues. For example, they may address students' learning and behavioral problems, evaluate students' performances, and counsel students and families. They also may consult with other school-based professionals to suggest improvements to teaching, learning, and administrative strategies.

**Social psychologists** study how people's mindsets and behavior are shaped by social interactions. They examine both individual and group interactions and may investigate ways to improve negative interactions.

Some psychologists become professors or combine research with teaching. For more information, see the profiles on postsecondary teachers and high school teachers.

### **Work Environment**

Psychologists held about 174,000 jobs in 2010. About 34 percent of psychologists were self-employed, 29 percent worked in educational services, and 20 percent worked in healthcare settings.

Some psychologists work alone, which may include independent research or individually counseling patients. Others work as part of a healthcare team, collaborating with physicians, social workers, and others to treat illness and promote overall wellness.

Many clinical and counseling psychologists in private practice have their own offices and can set their own schedules. Other typical workplaces include clinics, hospitals, rehabilitation facilities, and community and mental health centers.

Most research psychologists work in colleges and universities, government agencies, or private research organizations.

Most school psychologists work in public schools, ranging in level from nursery school through college. They also work in private schools, universities, hospitals and clinics, community treatment centers, and independent practice.

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### **Work Schedules**

Psychologists in private practice can often set their own hours, and many work part time as independent consultants. However, they often offer evening or weekend hours to accommodate clients. Those employed in hospitals, nursing homes, or other healthcare facilities also may have evening or weekend shifts. Most psychologists working in clinics, government, industry, or schools work full-time schedules during regular business hours.

### **Training, Other Qualifications, and Advancements**

Psychologists need a master's, specialist, or doctoral degree in psychology. Practicing psychologists also need a license or certification.

### **Education**

Most clinical, counseling, and research psychologists need a doctoral degree. Psychologists can complete a Ph.D. in psychology or a Doctor of Psychology (Psy.D.) degree. A Ph.D. in psychology is a research degree that culminates in a comprehensive exam and a dissertation based on original research. In clinical, counseling, school, or health service settings, students usually complete a 1-year internship as part of the doctoral program. The Psy.D. is a clinical degree and is often based on practical work and examinations rather than a dissertation.

School psychologists need a master's, specialist (Ed. S. degree, which requires a minimum of 60 graduate semester hours), or doctoral degree in school psychology. Because their work addresses education and mental health components of students' development, school psychologists' training includes coursework in both education and psychology.

Graduates with a master's degree in psychology can work as industrial-organizational psychologists. When working under the supervision of a doctoral psychologist, master's graduates also can work as psychological assistants in clinical, counseling, or research settings. Master's degree programs typically include courses in industrial-organizational psychology, statistics, and research design.

Entry into psychology graduate programs is competitive. Most master's degree programs do not require an undergraduate major in psychology, but do require coursework in introductory psychology, experimental psychology, and statistics. Some doctoral degree programs require applicants to have a master's degree in psychology, while others will accept applicants with a bachelor's degree and a major in psychology.

Most graduates with a bachelor's degree in psychology find work in other fields such as business administration, sales, or education.

### **Licenses and Certification**

In most states, practicing psychology or using the title of "psychologist" requires licensure or certification.

In all states and the District of Columbia, psychologists who practice independently must be licensed. Licensing laws vary by state and type of position. Most clinical and counseling psychologists need a doctorate in psychology, an internship, at least 1 to 2 years of professional experience, and to pass the Examination for Professional Practice in Psychology. Information on specific requirements by state can be found from the Association of State and Provincial Licensing Boards. In many states, licensed psychologists must complete continuing education courses to keep their licenses.

School psychologists must be licensed or certified to practice in schools. This credential varies by state and is usually obtained through the state's department of education. Information on specific requirements by state can be found from the National Association of School Psychologists (NASP).

In addition, NASP awards the Nationally Certified School Psychologist (NCSP) designation, which is a nationally recognized certification. Currently, 30 states accept the NCSP as a route to licensing or certification. To become nationally certified, candidates need a minimum of 60 graduate semester hours in a school psychology program, a 1,200-hour supervised internship, and to pass the National School Psychology Examination.

The American Board of Professional Psychology awards specialty certification in 13 areas of psychology, such as clinical health, couple and family, psychoanalysis, or rehabilitation. Although board certification is not required for most psychologists, it can demonstrate professional expertise in a specialty area. Some hospitals and clinics do require certification. In those cases, candidates must have a doctoral degree in psychology, state license or certification, and any additional criteria of the specialty field.

### **Training**

Psychologists typically need previous related work experience. To become licensed, for example, psychologists must have completed one or more of the following: predoctoral or postdoctoral supervised experience, an internship, or a residency program. School psychologists also must complete a yearlong supervised internship program to become licensed or certified.

### **Important Qualities**

**Analytical skills.** Analytical skills are important when performing psychological research. Psychologists must be able to examine the information they collect and draw logical conclusions from them.

**Communication skills.** Psychologists must have strong communications skills because they spend much of their time listening to and speaking with patients.

**Observational skills.** Psychologists study attitude and behavior. They must be able to watch people and understand the possible meanings of people's facial expressions, body positions, actions, and interactions.

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**Patience.** Because research or treatment of patients may take a long time, psychologists must be able to demonstrate patience. They also must be patient when dealing with people who have mental or behavioral disorders.

**People skills.** Psychologists study people and help people. They must be able to work well with their clients, patients, and other medical professionals.

**Problem-solving skills.** Psychologists need problem-solving skills to find treatments or solutions for mental and behavioral problems.

**Trustworthiness.** Patients must be able to trust their psychologists. Psychologists also must keep patients' problems in confidence, and patients must be able to trust psychologists' expertise in treating sensitive problems.

### **Employment**

The median annual wage of psychologists was \$68,640 in May 2010. The median wage is the wage at which half of the workers in an occupation earned more than that amount and half earned less. The lowest 10 percent earned less than \$39,200, and the top 10 percent earned more than \$111,810.

The median annual wages of psychologist occupations in May 2010 were the following:

- \$87,330 for industrial-organizational psychologists
- \$66,810 for clinical, counseling, and school psychologists
- \$89,900 for psychologists, all other

Psychologists in private practice can often set their own hours, and many work part time as independent consultants. However, they often offer evening or weekend hours to accommodate clients. Those employed in hospitals, nursing homes, or other healthcare facilities may also have evening or weekend shifts. Most psychologists working in clinics, government, industry, or schools work full-time schedules during regular business hours.

### **Job Outlook**

Overall employment of psychologists is expected to grow 22 percent from 2010 to 2020, faster than the average for all occupations. Employment growth will vary by specialty.

Employment of clinical, counseling, and school psychologists is expected to grow 22 percent, faster than the average for all occupations. Greater demand for psychological services in schools, hospitals, mental health centers, and social services agencies should drive employment growth.

Demand for clinical and counseling psychologists will increase as people continue to turn to psychologists to help solve or manage their problems. More psychologists will be

needed to help people deal with issues such as depression and other mental disorders, marriage and family problems, job stress, and addiction. Psychologists also will be needed to provide services to an aging population, helping people deal with the mental and physical changes that happen as they grow older. Through both research and practice, psychologists are also helping other special groups, such as veterans suffering from war trauma, other trauma survivors, and individuals with autism.

Demand for psychologists in the health care industry is also expected to increase, because their work on teams with doctors, social workers, and other [health care] professionals provides patients with comprehensive, interdisciplinary treatments. In addition to treating mental and behavioral health issues, psychologists work on teams to develop or administer prevention or wellness programs.

As the overall number of students grows, more school psychologists will be needed to work with students, particularly those with special needs, learning disabilities, and behavioral issues. Schools also rely on school psychologists to assess and counsel students. Additionally, school psychologists will be needed to study how both in-school and out-of-school factors affect learning, which teachers and administrators can use to improve education.

Employment of industrial-organizational psychologists is expected to grow 35 percent, much faster than the average for all occupations, as organizations use these psychologists to help select and keep employees, increase productivity, and identify potential workplace improvements. However, because it is a small occupation, the fast employment growth will result in only about 800 new jobs over the 10-year period.

### **Job Prospects**

Job prospects should be best for those who have a doctoral degree in an applied specialty and those with a specialist or doctoral degree in school psychology. Because admission to psychology graduate programs is so selective, job opportunities for doctoral graduates are expected to be fair.

Employment of school psychologists will grow to accommodate the increasing number of children in schools, and many will also be needed to replace workers who retire. Because of the limited number of graduates in this specialty, school psychologists are expected to have good job opportunities.

Candidates with a master's degree will face competition for positions, and many master's degree holders will find jobs in a related field outside of psychology. Even industrial-organizational psychologists, despite much faster than average employment growth, are expected to face competition for positions due to the large number of qualified graduates. Industrial-organizational psychologists with extensive training in quantitative research methods and computer science may have a competitive edge.

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SOURCE: Bureau of Labor Statistics, U.S. Department of Labor, *Occupational Outlook Handbook, 2012–13 Edition*, Psychologists, on the Internet at <http://www.bls.gov/ooh/life-physical-and-social-science/psychologists.htm>.

*Procedural law*, another type of statutory law, is a set of rules that regulates how an offender is processed by the criminal justice system. Rules on search and seizure, gathering and submission of evidence, arrest procedures, and waivers to adult court from juvenile courts are specified processes contained in procedural law. Procedural laws can change because of court decisions or legislative enactments. Individuals working in the criminal justice system have to stay abreast of new decisions that change the processes they use to perform their duties.

*Case law* also impacts the criminal justice system. This type of law is created by the courts when they review actions that come before them. The decisions made by the court form a precedent and are written down. Other courts take into consideration the reasoning behind precedents when settling future cases. Traditionally, decisions made by the U.S. Supreme Court have the most impact on the daily operations of the criminal justice system, although precedence can come from appellate courts as well. *In re Gault* (1967), for example, provided constitutional rights to juveniles appearing in juvenile court, while *Furman v. Georgia* (1972) forbade the use of capital punishment for anyone for more than a decade in U.S. history. Punishments for crimes that had customarily allowed for a death sentence had to be adjusted as a result of *Furman*. This decision has been overturned, though there is currently some ongoing debate within state legislatures and courts on the death penalty. Even the U.S. Supreme Court has revisited the issue by limiting habeas corpus challenges by death row inmates (*McCleskey v. Zant*, 1991), barring the death penalty for the mentally challenged (*Atkins v. Virginia*, 2002), and deciding in *Roper v. Simmons* (2005) that juveniles—those under the age of 18—cannot receive capital punishment. These decisions and others like them greatly influence the choices made, operations, policies, and procedures of those working in the criminal justice system.

Civil laws and the liabilities they bring are constantly on the minds of criminal justice personnel. *Civil laws* are focused on relationships among people, businesses, organizations, and governmental agencies. Civil laws specify rules for contracts, libel, unfair practices, divorce, child custody, the manufacture and sale of goods and services, as well as other contractual issues (Schmallegger, 2008). If someone or some organization violates a civil law, a lawsuit that seeks a monetary award, not a punishment, may follow. Civil suits can be filed with the state or federal courts. Violations of civil law are considered wrongful acts but not a crime. Criminal justice personnel can be held liable for civil violations if it is found by the court that they acted in gross negligence or in an unfair or unjust manner. Consider racial profiling, for example. A 2000 article by Jost reported that 59% of those individuals surveyed in a Gallup poll felt that racial profiling was widespread, while 81% said they disapproved of the practice. Claims that the police are profiling and pulling over drivers based on race have ignited many civil lawsuits in numerous states. Damages for cases proven to show racial profiling by police have cost taxpayers and policing agencies thousands of dollars in addition to forcing new data collection and statistical procedures onto police departments. New York City is one such police department that started collecting data and analyzing it with an independent auditor and civil rights groups as a result of a civil settlement involving racial profiling in 2003 (Wood, 2006).

*Administrative laws* have also been used in preventing racial profiling and discrimination. These laws are created by the government to control the activities of industry, businesses, and individuals (Schmallegger, 2008). Civil rights in hiring, for example, have been controlled through administrative laws. Agencies cannot systematically pass over candidates with equal or greater qualifications in favor of a particular race or class. If it can be proven that an organization is doing so, the agency is subject to criminal sanctions as well as civil litigations.

Administrative laws, like other laws, are not always as obvious as one would hope. In past practice, the 1964 Civil Rights Act has primarily resulted in a focus on disparities in minority hiring, promotions, and other equal opportunities in the workplace. But the recently determined case of *Ricci v. DeStafano* (2009) may alter traditional administrative practices. In a question of reverse discrimination in New Haven, Connecticut, the U.S. Supreme Court decided that the city of New Haven could not arbitrarily throw out firefighters' promotional exam scores because no minorities qualified for promotion based on the results. The 5–4 ruling stated that a fear of litigation because of disparate impact—when an action unintentionally favors one group over another—is not an appropriate reason to throw out the test scores. To ignore the scores, the city had to demonstrate that by allowing the scores to result in promotions, there was a disparate impact on a particular race or class, or they had ignored other assessment procedures that would have reduced the adverse impact on a particular race or class. The plaintiffs argued that by failing to certify and promote the individuals scoring highest on the exam, the city had violated Title VII of the 1964 Civil Rights Act through disparate treatment of a particular group or individual based on race. In this case, all qualified firefighters, regardless of race or class, had the opportunity to prepare for and take the promotional exams, and the test was viewed by the Supreme Court as open and fair (*Ricci v. DeStafano*, 2009). In another case, *Fisher v. University of Texas at Austin* (2013), Abigail Fisher, a white student, claimed she was denied admission to the University of Texas at Austin because of her race. The Supreme Court vacated the lower court's decision and remanded the case back to the lower court for additional consideration. The Supreme Court did not side with either party but claimed that, as previously decided in *Grutter v. Bollinger* (2003), the university can establish a goal of diversity as long as the goal meets strict scrutiny in its implementation (meaning the university's admissions policy uses race as only a single element considered in conjunction with a broad array of qualifications and characteristics of applicants). As of October 2013, the Supreme Court faces another civil rights challenge involving race and university admissions policies in *Schuette v. Coalition to Defend Affirmative Action, Integration, and Immigrant Rights and Fight for Equality by Any Means Necessary* (12-682). These rulings demonstrate the difficulties that exist for agencies in interpreting and following administrative, civil, procedural, and criminal laws while still developing a diverse environment and servicing their clients.

Laws change daily, and this has incalculable impact on the criminal justice system. Agencies often wait anxiously for rulings from the U.S. Supreme Court on constitutional interpretations. How a police officer should handle an arrest one day may vary the next. Whether correctional institutions can deny privileges or operate over capacity



can change with a single court decision. Politicians can enact new laws that significantly transform the goals and mission of a single criminal justice agency. As shown in *Ricci v. DeStefano* (2009), even established directives and understandings of the law can be overturned. Basically, laws create a complex environment within which the criminal justice system and its many facets must operate.

## Unions

Even though there has been a gradual decline in union membership overall, in 2012, a total of 14.4 million U.S. workers still belonged to unions. Unions are now included in every type of professional and blue-collar industry in the United States and currently constitute 11.3% of the total makeup of the workforce (Bureau of Labor Statistics, 2013):

In 2012, 7.3 million employees in the public sector belonged to a union, compared with 7.0 million union workers in the private sector. The union membership rate for public-sector workers (35.9 percent) was substantially higher than the rate for private-sector workers (6.6 percent). Within the public sector, local government workers had the highest union membership rate, 41.7 percent. This group includes workers in heavily unionized occupations, such as teachers, police officers, and firefighters. (Bureau of Labor Statistics, 2013, para. 4)

Trade and labor unions are deeply embedded in American history. As early as the 1700s, groups of workers would refuse to perform their jobs until working conditions were improved or their demands for benefits, such as shorter working days, were met. As time went on, formal unions (sometimes called federations) were created. *Unions* include groups of employees who decide to bargain collectively through majority vote for improvements in their jobs such as increases in wages, benefits, and better working conditions (American Federation of Labor, 2008). Collective bargaining units have been very successful in increasing wages for those belonging to the union. In a 2003 Bureau of Labor Statistics study, workers in the public protection sectors—firefighters; police, detectives, and public servants; sheriffs, bailiffs, and other law enforcement officers; and correctional institution officers—were found to make \$13.07 an hour as compared to \$10.26 for those working in the same occupations but not involved in a union. Guards and police in the private sector were paid an average wage of \$11.10 an hour as compared to \$7.76 an hour for their nonunion counterparts (Foster, 2003). As they have done throughout history, unions use their legal rights to independently change employer treatment of employees and rely on political and legislative acts to create laws governing the workplace.

In businesses where unions are present, the company is required to negotiate and work within a union contract that governs the actions of both the management and employees. Once negotiated and accepted, a union contract lasts somewhere between three and five years. The contract covers a number of issues, including due process provisions on suspension and termination; nondiscrimination policies; seniority systems; wages; medical, health, and retirement benefits; grievance procedures to resolve conflicts between management and employees; working hours, breaks, and overtime;

union membership requirements and fair share obligations; and identification of union and management representatives. The contract will also state when the union can and cannot strike, as well as when and if employees can be locked out of the workplace by the management (American Federation of Labor, 2008). In most instances, salary increases, vacation time, shift differential issues, and paid holidays are also identified in the union contract. Each contract is tailored to the specific needs of the agency and its employees, and it may vary from negotiation period to negotiation period. There are no guarantees of what may appear in a new contract once an old contract expires and negotiations take place.

The police were one of the first organizations to unionize in criminal justice. The International Union of Police Associations (IUPA) was founded in 1954 as the National Conference of Police Associations (NCPA) (IUPA, 2013). It currently includes policing unions in the United States and Canada and is chartered by the American Federation of Labor and Congress of International Organizations (AFL-CIO), a 55-member federation of national and international labor unions. Another nationwide policing union is the National Association of Police Organizations (NAPO), which was created in 1978 (NAPO, 2013). These unions have been very influential in securing benefits for law enforcement officers at the local, state, and national levels. The IUPA played pivotal roles in passing the National Police Officers Bill of Rights, the Fair Labor Standards Act (FLSA), and several amendments to the FLSA. Efforts on behalf of this union limited the number of hours police officers could work in a week without compensation and ensured that overtime was paid at time-and-a-half rates by policing organizations (IUPA, 2013). In addition, NAPO (2013) supported the Medal of Valor for Public Safety Officers; the Police, Fire, and Emergency Officers Educational Assistance Fund of 1998; and the Bulletproof Vest Partnership Grant Act of 1998, as well as many other legislative initiatives related to violent crimes, family leave and compensation, and death benefits for officers killed in the line of duty. There is no doubt that policing unions have benefited law enforcement officers by creating legislation that benefits police officers while defeating efforts that undermine the interests of law enforcement (NAPO, 2013).

Although not as powerful as policing unions, correctional officers and probation officers have unionized in various parts of the country typically by state or county. These associations tend to be less political and legislatively driven at the federal level than the policing unions, working only to maximize the benefits of their membership within specific agencies and geographical areas. Membership in these labor unions is meager when compared to other unionized fields. The only national union servicing these groups is the American Federation of State, County & Municipal Employees, which includes many types of public employees including teachers, child care providers, nurses, and correctional personnel (American Federation of State, County, and Municipal Employees, 2013). Although unions have made positive changes in policing and other fields in criminal justice, collective bargaining groups still have their critics. Literature on policing unions, in particular, points to the belief that collective bargaining changes the nature of the employee's relationship with the police department. Critics claim that bargaining allows for reduced police chief authority in setting policy

and making policy decisions. Traditionally, the police chief had the ability to change policy without consulting with union leaders. Some collective bargaining contracts now require consultation on policy changes regardless of whether they directly impact working conditions and employees or traditional managerial responsibilities (Kadleck, 2003, p. 342; see also Hewitt, 1978; Salerno, 1981; Sylvia, 1994). Other critics have argued that unions are indicative of bad management practices by police chiefs and demonstrate a failure by the agency to effectively respond to the police officers' needs (Kadleck, 2003, p. 344; see also Bolinger, 1981; International Association of Chiefs of Police [IACP], 1977; Sirene, 1985). Finally, the accountability of policing unions has been questioned. In this case, critics argue that since unions have a hand in making government policy and in potentially setting budget priorities but are not elected or appointed by the public, they are not truly accountable to the public (Adams, 2008; Kadleck, 2003, p. 345; see also IACP, 1977; Kearney, 1995; Levi, 1977).

## Politics

The political environment surrounding criminal justice is complex and multifaceted. The simple election of a prosecuting attorney can change the way court procedures are handled and the types of cases heard in courts. An appointment of a chief to a police department can change the expectations of the law enforcement officers in a town and can impact the types of offenders arrested. Political pressures are inherent in the system because criminal justice administrators are appointed or elected. Political activities get judges onto the bench, police chiefs appointed, and legislators who decide the law elected. If those criminal justice professionals who are elected or appointed do not pay attention to the public's wants, they can easily lose their positions. In an article discussing politics in criminal justice, Jost (2009) recalls a 1980s election where three liberal California Supreme Court judges failed to capture the public's vote because of their past decisions not to uphold death sentences from state courts. This resulted in the governor appointing Republican justices to the previously all-Democratic Supreme Court.

Political changes made before, during, and after elections have enormous impact on both the formal and informal processes of the criminal justice system. The direct and indirect effects of political decisions are realized throughout the entire criminal justice system. Legislative decisions made before or after an election, or during a politician's tenure in office, can indirectly impact budgets, agency operations, organizational effectiveness, and job duties. Court decisions by elected judges can change the way crimes are processed and which crimes result in arrest. For example, if it is commonplace for a newly elected judge to throw out cases involving small amounts of illegal substances, then the police will eventually stop making arrests for those crimes. Judges may also have limited discretion in the courtroom regarding sentencing as a result of legislative requirements on punishment. Legislators may pass sentencing guidelines because of pressures from the public to get tough on crime. Budgetary constraints enacted at the national level, through budget decisions by the House and

Senate, will also change the programming provided at local probation offices and in correctional centers since government funding filters from the top down.

Pressures by special interest groups in the community or at the national level directly impact criminal justice. Victim advocate groups, for example, have forced tremendous changes in how police respond to domestic violence calls. As a result of their demands for change, it is routine for officers to arrest at least one of the parties involved in the domestic violence incident. Not only does this limit autonomy in policing domestic violence, but it also increases the prosecutor's and court's caseloads. In addition, it results in higher costs of incarceration as the offender sits in jail awaiting court or bail or is sentenced to an anger management program or institution. Even single individuals can lobby the legislation for legal changes that impact how line staff in criminal justice do their jobs. Megan's Law is one example of how a single person or family can change the requirements of agencies. Megan's Law is the result of a New Jersey case involving 7-year-old Megan Kanka, who was raped and killed by a child molester who had moved across the street from the Kanka family. After her death, her family lobbied New Jersey legislators to pass a law requiring states to warn the public about known sex offenders. In 1994, New Jersey implemented the statute, which was followed in 1996 by federal legislation. Now, all states have some form of Megan's Law (Zgoba, Witt, Dalessandro, & Veysey, 2008). The implementation of the law has increased responsibilities for those in criminal justice, as the police are required to register sex offenders and to update registries when necessary. Essentially, the communities in which the local police, prosecutor, judge, and sheriff work can apply pressure to these individuals and change the way jobs are done.

Indirect pressures and direct pressures can come from all avenues. As a result, the criminal justice system may have a difficult time navigating its way through the various political agendas. Enforcing the wants of one group may create an issue for another. Using fair enforcement and consistent application of the law is the only way the criminal justice system can operate within a highly political environment. Of course, this assumes that the law is written clearly.

## Chapter Summary

- Funding is one of the biggest issues in criminal justice. Not having enough money to effectively provide the services expected by society can create issues related to time, initiative, and ability for the management of the agency. Seeking out additional funding sources, aside from public tax dollars, is an alternative available to criminal justice agencies.
- Agencies in criminal justice may decide to pursue grants, in-kind donations, private funds, or goods and money from foundations to subsidize newly developed programs and services, continuing programs and services, or agendas not fully funded by the annual fiscal budget.
- Technology has perhaps had the biggest impact on criminal justice. On the one hand, it creates issues, such as insufficient training, unskilled employees, budgetary constraints, and new crimes, for the criminal justice system. On the other hand, it provides faster and more professional service to the public and the customers of criminal justice.

- There have been a number of technology-based crimes created by technology. It is complicated for the criminal justice system to track and eventually arrest and prosecute offenders who use technology to commit their crimes.
- As the demographics of the United States change, so does the role of criminal justice. Officers need additional skills to work with the increased numbers of immigrants. Demographics such as age, race, gender, and ethnicity can impact crime rates and policing and correctional strategies. Where people live, whether it is rural or urban, shapes the likelihood that they will be victimized. Although the list of factors that may contribute to crime is extensive, family structure, income level, housing conditions, schools, and transience have been identified in research as major concerns.
- The culture of a society includes its norms, values, behaviors, and expectations. The culture defines what is or is not socially acceptable. It also contributes to the creation of laws. Social structures within society are tied together through cultural understandings. When there is a misunderstanding of culture, conflicts may occur. This creates work for the criminal justice system, as it is responsible for upholding the collective culture. Agencies are struggling with programs designed to handle differing cultural views. In addition, what society deems as acceptable and unacceptable behavior is changing.
- Laws in the United States are based on common law. This concept was adopted from England and means that laws are derived from commonly held beliefs, customs, traditions, and values. Essentially, the law is culturally based. Laws are not static. They may be changed at the federal, state, and local levels. These laws greatly impact the decisions made and the procedures used in criminal justice.
- There are numerous types of laws in the United States. Statutory laws or criminal laws provide the definitions of crime. Procedural laws explain how a person is processed once arrested and brought into the criminal justice system. Case law is determined through decisions made by the court. Civil laws focus on individual relationships, not criminal interactions, by specifying rules for contracts. Verdicts in civil cases result in monetary awards or procedural changes. Finally, there are administrative laws, which are created by the government to control business, industry, and individuals' activities.
- The majority of policing agencies are unionized. Unions are groups of employees that collectively bargain to gain increases in pay, better working conditions, and benefits. Unions create contracts that manage the actions of both employees and administrators. The criminal justice system has seen its workers using unions since 1954. Currently, correctional personnel and probation officers are becoming more active in collective bargaining, although mainly within their own states and agencies.
- Political pressures can come from direct and indirect sources. Altering laws at the national or state level manipulates the criminal justice system indirectly. Budgets, procedures, or organizational effectiveness may change as a result of indirect pressures. Community members and special interest groups have a more direct impact on the inner workings of the criminal justice system.

## Chapter Review Questions

1. How has funding in the criminal justice system been affected since the terrorist attacks of 9/11? Have policing initiatives changed? Court initiatives? Probation or corrections initiatives? Do you think congressional and presidential elections change the funding priorities? If so, how? If not, why not?
2. In your opinion, what technological advancement has created the most problems for criminal justice? What has been the most beneficial? Explain why you believe this.
3. Identify some of the characteristics of the culture at your school. What behaviors or actions are culturally acceptable and what ones are unacceptable? Has that changed since you first arrived at school? What about within your community (at home)? What is the culture there? What is the demographic makeup of your school and community? Does your school use race in determining admissions?

4. If you were working in a police department as a detective, what employee issues would matter most to you? Higher salaries? More time off? Compensation time? Health, disability, or life insurance? What other important issues can you think of? Why do these matter to you? How would you convince the union representatives and the administration that these were important to employees?
5. Identify two or three recent changes to policing as a result of politics. Identify some changes to corrections. Were these good changes? Why or why not?
6. How are services provided to victims, offenders, and the general public influenced by the environmental factors discussed in this chapter?

### CASE STUDY

The New Berlin Probation Office in Missouri handles juvenile delinquency and abuse/neglect cases. The office works approximately 315 cases of abuse and neglect each year. They are handled by three deputy juvenile officers in collaboration with the Division of Family Services (DFS) and its assigned caseworkers. The cases proceed through court in the usual manner—the child is taken into custody by a doctor, the police, or the probation officer; the case goes to court for a protective custody hearing to determine if the child is being held away from the parents for a valid reason; jurisdiction is established; an adjudication hearing is held and it is determined if the child and parents need further separation and monitoring; and a disposition is handed down in the case. If the child is kept out of the family home, the disposition includes a permanency planning case meeting with the probation officer, the parents, service providers, and the caseworker from DFS. The meeting is held to establish guidelines for the parents and DFS in working toward reunification with the child. The probation officer monitors the case plan and reports to the court on successes or failures every six months. The guidelines for the parents normally involve drug counseling and testing, parenting classes, budgeting classes, supervised visits, home visits, and so forth. DFS requirements include monitoring visits; providing for the child's mental, physical, educational, and emotional well-being; counseling; doing home visits; and working with the parents, probation office, and other service providers. The goal in every Permanency Planning Case Plan is to reunify the child with the parents.

In Missouri state law and in policy written by the juvenile probation office, cases involving abuse and neglect have 18 months to reach a resolution. At the conclusion of the 18 months, the probation office, in consult with DFS, makes a determination on whether to reunite the child with the family or to pursue a termination of parental rights. In cases of termination, the case will proceed to court and the judge will determine if reunification is a possibility. If not, the court will rule that the parents no longer have a legal right to the child. Basically, this frees the child up for adoption through the state's adoption system and the child becomes a permanent ward of the state. This approach has worked well for the New Berlin Probation Office. Only about nine cases a year have resulted in termination of parental rights, although many cases have neared the 18-month cutoff.

At this point in time, New Berlin has approximately 32 cases (encompassing 96 total children) that have been active for 14–17 months. The probation officers are working to reunify the children with their parents and have made considerable accomplishments with most of the families, although there is still work to be done to ensure that the children are not returned to abusive or neglectful environments. Only 4 of the 32 cases are expected to result in the termination of parental rights.

*(Continued)*

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As the work week begins, a call is received from the Missouri State Court Administrators Office. The clerk alerts the chief probation officer of a new federal law. On Wednesday of the week before, the federal government determined that cases of abuse and neglect must meet a resolution within 13 months of the date of disposition. Any case over the 13-month limit is subject to a termination of parental rights hearing, effective immediately. Since federal law overrides state laws, states and local jurisdictions failing to come into compliance with the new federal statute will risk losing federal and state tax dollars. According to the clerk, failure to meet the statute is not an option. The clerk informs the chief that his office is expected to comply with the statute within the next 120 days. Missouri legislators are already negotiating new wording for the Missouri state law. The chief is told to modify his office's policy on abuse/neglect cases to align with the federal directive.

### Questions for Discussion

1. Imagine you are the chief probation officer. Considering the fact that your officers are working 32 cases that qualify for termination of parental rights under the new federal statute, what do you advise them to do? How are you taking into consideration the success that has been accomplished among some families? What consideration are you giving to the number of children now facing permanent removal from their parents?
2. How do you rewrite your office policy? What do you include in it?
3. Are there any alternatives to the new law? What else might you be able to do to bring as many of the cases into compliance as possible while still following the statute? What role might the judge play in this? Are these decisions ethical and in the best interest of the child?
4. How often do you think this type of incident occurs in criminal justice? What unique challenges do these incidents place on the system that we may not see in other industries?

### Internet Resources

Administrative Office of U.S. Courts—<http://www.uscourts.gov>

Federal Bureau of Prisons—<http://www.bop.gov>

National Association of Police Organizations—<http://www.napo.org>

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