

Study Guide Introduction to Law Enforcement and CSI

Chapter 1

Primitive and Ancient Law

Cave Dwellers had prehistoric philosophy of social order was retaliatory justice: punish the offender.

Code of Hammurabi – established rules and relationship between the crime and form of punishment. The main principle of the code was, “the strong shall not injure the weak” Hammurabi originated the legal principle of lex talionis.

Lex Tallionis – an eye for an eye

Egypt’s contribution to ancient law- they had the first account of developing court system.

Greece contribution to ancient law – they had L.E called Ephors. Five Ephors were elected and given almost unlimited powers as investigator, judge, jury and executioner. They came up with the idea that punishment should serve a purpose other than simple retaliation.

Romes contribution to law – creation of the 12 Tables that dealt with legal procedure, property ownership, building codes, marriage customs, punishment for crimes.

English Law and Law Enforcement

Tithing System- Group of 10 men that represented their families and villages who enforced two laws (murder and theft) The system established the principle of collective responsibility for maintaining local law and order.

Hue and Cry – Any victim or person who discovered a crime would put out the verbal alarm such as “stop, thief!” in Those hearing the cry would stop what they are doing and help capture the suspect. This may be the origin of the general alarm and citizen’s arrest.

Reeve-The top official of groups of hundreds of tithing’s in cooperative villages.

Constable – Elected official that was the first English police officer and had charge of the community’s weapons and horses.

Shire-reeve – hundreds of villages that consolidated into shires (or counties) The head of the shire was called the Shire-reeve, the forerunner of the county sheriff.

Frankpledge System – Created by William the conqueror a Norman who invaded England. It modified the tithing system to require loyalty to the kings law and mutual responsibility of all free Englishmen to maintain the peace. It was also the forerunner to circuit judges, in effect separating the law enforcement and judicial roles.

Leges Henrici – Issued by Henry I it made law enforcement a public matter and separated offenses into felonies and misdemeanors.

Henry II established the jury system

Magna Carta -The precedent for democratic government (Due Process)

- *required rulers to uphold the law

- *forbade taxation without representation

- *required due process of the law including trial by jury

Parish - the area where people lived and worshiped in a particular church. Each year the parish appointed a parish constable to act as their law officer.

Watch and Ward- established by King Edward I. It provided citizens protection 24 hours a day, with the day shift called ward and the night shift watch. During the middle ages the parish constable system was used for rural law enforcement; the watch and ward was used for urban law enforcement.

Bow Street Runners – the first detective unit established by Henry Fielding in London in 1748

During the fourteenth century the shire reeve was replaced by the justice of the peace.

Father of Modern Policing – Sir Robert Peel

Peelian Reform – Peels principles for reform called for local responsibility for law and order, appointed, paid civilians to assume this responsibility; and standards for these individuals conduct and organization. His proposals led to the organization of the Metropolitan Police Department.

London Metropolitan Police – established in 1829 called “Bobbies” after Sir “Bobbie” Peel. They were uniformed and easy to identify.

City and Borough Police Forces – in 1835 London’s Parliament enacted legislation allowing not requiring every citizen or borough of 20,000 people to form a police force.

Origin of the word police – Greek word polic meaning “city”

Women enter law enforcement – in 1883 the London Metropolitan Police appointed two women to supervise women convicts. Their numbers and functions that later expanded.

Early Law Enforcement in the United States

The first police forces in the United States were developed in Boston, New York, and Los Angeles.

Boston – in 1631 the Boston court established a six-man force to guard the city from sunset to sunup, the first night watch in America.

Rattle Watch – a group of night patrolling citizens armed with rattles to call for help.

New York – The first uniformed police officers replaced the nighttime watch, and four years after the New York's streets were lighted. In 1844 New York City established the first modern round-the-clock, paid American police force, modeled after London's Metropolitan Police.

Los Angeles – In 1853 the city council established a police force of 100 volunteers, called the Angeles Rangers.

Slave Patrols- Due to the fact that in the southern states, blacks out-numbered whites by more than 2-1 the white colonist's fear of this large and potentially dangerous slave population led to the creation of these special enforcement officers.

Vigilante Movement – refers to settlers taking the law into their own hands in absences of effective policing.

US Marshals Office – established in 1789 it is the oldest federal Agency in the US.

Establishment of Federal Agencies

The Department of Justice – The largest law firm in the country, representing U.S. citizens in enforcing the law. The Attorney General is head of the Department of Justice and the chief law officer of the federal government.

FBI (Federal Bureau of Investigation) – Primary investigative agency of the federal government. Its special agents have jurisdiction over more than 200 federal crimes. The FBI also provides valuable services to law enforcement agencies throughout the country.

- The identification Division – a central repository for fingerprint identification including AFIS. AFIS – Automated Fingerprint Identification System
- The National Crime Information Center (NCIC)– a computerized data base network
- The FBI Laboratory – The largest CRIMINAL library in the world
- Uniform Crime Reports (UCR) – clearing house for national crime statistics. (states report their monthly crime statistics to FBI)

Federal Drug Administration (FDEA) - seek to stop the flow of drugs of their source, both domestic and foreign, and to assist state and local police. FDEA is charged with full responsibility for prosecuting suspected violators of federal drug laws.

Internal Revenue Service (IRS) – Est. 1862 is the largest bureau of the Department of the Treasury. Its mission is to encourage the highest degree of voluntary compliance with tax laws and regulations.

Secret Service – originally created to fight currency counterfeiters but in 1901 it was given the responsibility of protecting the president (family), president –elect, and vice president. It has also been transferred to the Department of Homeland Security.

Immigration and Naturalization Service (INS)- originally serving as border patrol agents. They investigated violations of immigration and nationality laws and determined whether aliens could enter or remain in the United States. When the Department of Homeland Security was developed in 2003 the INS was moved to DHS.

US Marshals – appointed by the president and are responsible for :

*seizing property in both criminal and civil matters to satisfy judgments by a federal court.

*providing physical security for US Courtrooms

*transporting federal prisoners

*protecting government witness's whose testimony might jeopardize their safety.

The Bureau of Prisons (BOP) – responsible for the care and custody of persons convicted of federal crimes and sentenced to federal penal institutions.

The Bureau of Alcohol, Tobacco, and Firearms (BATF) – The Bureau of Alcohol, Tobacco, and Firearms is primarily a licensing and investigative agency involved in federal tax violations. The Firearms Division enforces the Gun Control Act of 1968. Under post 9/11 reorganization, this Bureau has been transferred to the Justice Department and renamed the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Current Federal Organization information – The major changes occurring as a result of the attack on America on September 11, 2001 were the creation of the Department of Homeland Security and the transfer of several agencies from the Department of Justice and the Department of the Treasury to this new agency.

The Department of Homeland Security – the most significant transformation of the US government since 1947 the DHS now oversees :

- The U.S. Secret Service
- The Bureau of Customs and Border Protections
- The Bureau of Citizenship and Immigration Services
- U.S. Coast Guard
- Transportation Security Administration
- The Office of Inspector General
- The Federal Computer Incident Response Center

Concept of Parens patriae – the notion that there was an age below which there can be no criminal intent.

Juvenile Court Act – established in 1899 in Illinois created the first Juvenile court and regulated the treatment and control of dependent, neglected, and delinquent children.

The Three Eras of Policing-

The Political Era (1840-1930) Police forces were characterized by a broad social service function, a decentralized organization, an intimate relationship with the community and an extensive use of foot patrol.

- *Police Corruption was a problem. This was often associated with the *spoiled system*.

- * During this era Police got their authority from politicians and the law. This close tie to the politics often caused problems.

- *During this era the roles of policewomen were clearly separated from those of policemen, with women serving in a protective and nurturing role.

- *African American officers were often segregated and discriminated against.

Spoils System – encouraged politicians to reward their friends by giving them key positions in police departments.

Pendleton Act – created the civil service system for government employees and made it illegal to fire or remove a worker for political reasons.

In 1929 President Hoover appointed the national Commission on Law Observance and Enforcement to study the American criminal justice system referred to as the Wickersham Commission.

The Reform or Professional Era (1930-1980) Police forces were characterized by authority coming from the law and professionalism; crime control as their primary function; a centralized, efficient organization, a professional remoteness from the community, and emphasis on preventive motorized patrol and rapid response to crime.

- *August Vollmer often called, “Father or Dean of Modern Police Administration”

- *early use of motorized patrol and latest advancements in criminalistics.

- *established first juvenile unit

- *first to use psychological screening for police applicants

- *first to emphasize the importance of college educated police officers

- *established first degree granting program in law enforcement

- *suggested centralized fingerprint system that was established by FBI

The Equal Employment Opportunity Act – prohibits discrimination on the basis of sex, race, color , religion, or national origin in employment of any kind, public or private, local, state or federal.

During the reform or professional era, minorities and women obtained legal equality with white male officers but still often encountered discrimination.

The Community Era (1980-present) Police forces are characterized by authority coming from community support, law and professionalism, provisions of a broad range of services, including crime control, decentralized organization with more authority given to police officers; partnerships with the community, and use of foot patrol and problem solving approach. Proactive verses reactive policing.