

Defective or deficient police departments: causes and impacts



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In Law Enforcement and enforcing the law there are many different areas that police departments have been found to be defective or deficient in. This is a very difficult topic for me to agree with because police officers are put in to very stressful and unknown circumstances on a daily basis. In many cases these scenarios require a decision to be made in a split second or it could be life or death. This split second decision has months and months to be twisted and picked apart by lawyers, jury, and mostly the media. In other words, the men and women who decide to pursue law enforcement are just ordinary people placed in extra ordinary almost impossible situations, daily. Another reason police receive such attention is because it is their job to be in the view of the public at all times and today's technology is making it even more difficult for them to effectively and efficiently do their jobs.

Under the 5th and 14th amendments of the United States constitution spelled out the requirements for due process. Due process states that the federal and state governments may never deprive any person of Their life, liberty, or property without due process of the law. This process puts two unmistakable restrictions on the administration, the principal requires that a specific methodology is taken after before a man's entitlement to life, freedom, or property might be encroached upon for instance the sort of listening to that must happen before a move is made. The second gives the courts a chance to choose whether the administration has enough legitimization for these activities. In light of the due procedure prerequisite, lawmakers can't just pass enactments giving that people who are found taking should promptly be indicted with detainment. The legislators can't just pass a law that prohibits certain individuals from following the belief of a

certain religion or speaking a different language in the U. S. Police officers also can't be allowed to just place someone under arrest locking them in prisons without providing the proper evidence and the probable cause that led them to the arrest in the first place. The Due process clause specifically states that the law needs to be legitimate and should have a substantial administrative reason behind it. The first thing that needs to happen is the People's voice must be heard and they need to be afforded the chance to present confirmation in his own resistance and to be heard by an autonomous and unprejudiced judge and court before he can be indicted for a wrongdoing. The Supreme Court has in various cases turned around the feelings of the blamed in light of the fact that the denounced was denied for his due process rights.

Police misconduct is considered to be improper behavior or offensive actions that are taken by a police officer in the performance of his or her duties. This is the conduct or action by a police officer that can result in the violation of constitutional rights that a United States citizen has. It is of great importance that police officers are very proficient and present the knowledge of these constitutional rights as they conduct or administer their daily duties. If Police misconduct occurs, it can typically lead to a wrongful conviction and discrimination of the victims. Police misconduct can happen in many different ways in the criminal justice community. Unfortunately, Police misconduct and the violation of a person's civil rights may happen within a department. Even though there are many requirements before employment like conducting thorough backgrounds and polygraphs tests there will always be a bad one that slips through during the process. The actions that are

taken by one or a handful of police officers can set the public's view of police nationwide. These actions of one officer could also ruin or reflect on an entire department's reputation within their community of jurisdiction. Having trust from the community may take years and years to build and only a second or one bad action to completely destroy. In general police officers have very broad and difficult powers that need to be carried out in their daily duties.

The laws put in place based on the United States Constitution place limits on how far police can go when enforcing a law. The sole purpose of our nation's civil rights and laws are to protect its people from misuse that the government may inflict which includes police misconduct. There are a large number of techniques that have been established try and control the misconduct of individuals in the justice system as a whole. These techniques include the initiations of reforms within the police departments and other justice systems. There are departments with agencies that are responsible for the oversight and to keep an eye on the conduct of the officers and justice system personnel both on and off duty. This agency also responsible for making sure that the actions and the manner police officers conduct themselves are closely monitored. This is all done so that police misconducts are identified early and stopped or prevented from going further. The close monitoring also helps innocent people who have been wrongfully prosecuted or accused and makes sure that they are acquitted of all charges as soon as possible. Citizens shouldn't hesitate and should be encouraged to report cases of police misconduct to the authorities in order to ensure that officers do not intimidate the suspects. The misconduct of law enforcement officers has also been controlled through the use of laws that requiring evidence

obtained by the police during criminal investigations through misconduct are not acceptable in court and justice systems.

Law enforcement misconduct can occur in various ways in the criminal justice community, Police brutality is a type misconduct by the police. This misconduct is many times confused with the use of force but it is different in many ways. Law enforcement brutality is a violation of the civil rights that an individual has and is when an officer of the law acts with excessive force towards him or her. This force is considered to be above the necessary means to stop or resolve the situation.

Police brutality and the use of unwarranted deadly force has been a very hot topic in our nation lately. The use of force model identifies deadly force as the highest stage of force that is considered to be reasonable. Deadly force may only be used to eliminate an immediate threat of death or severe harm to one's body that may be inflicted. Deadly force can't be used against non-deadly force which means that if there is a lower amount of injury present, or if a lower amount of force presents a successful defense it must be used. Once the imminent threat has been deterred use of force by the officer must stop immediately. If an officer overcomes his attacker leaving him to be incapable of any further bodily harm, the officer is unjustified in tying the attacker up and beating on them. This completely changes the role of the attacker and the victim. Like I said earlier an officer has a fraction of a second to make a decision and months to be judged for it. So the question is when is it legal or justified to use deadly force and when should a person be able to kill someone else with it being lawful. For law enforcement the use of force module is probably one of the most important things that an officer is <https://assignbuster.com/defective-or-deficient-police-departments-causes-and-impacts/>

going to learn and live by throughout their careers. This module is there for law enforcement officers to give them a form of guidance on the necessary amount of force to be used with affective and lawful purpose to resolve the situation with minimal means necessary. The “ use of force” model gives an officer reasonable and progressive escalation and de-escalation of force in a proportional response to the actions and level of resistance displayed by the subject. The officer’s actual presence at the scene could excel this process to the application of deadly force. There are many examples of these allegations where the use of deadly force and police brutality were suspected by civilians of the community. An example of this is when officers from the New York Police Department were trying to place Eric Garner under arrest. There was a struggle between Garner and the officers and one of the police officer’s put Mr. Garner in a chokehold as he was brought to the ground. At this time Garner was struggling for air and was saying I can’t breathe. Mr. Garner died after this took place and believed to be due to lack of oxygen and Garners state of bad health. The New York Police Department’s policy prohibits the use of a chokehold to detain subject’s. Another example of alleged police brutality was when Michael Brown a teenage African American male who was fatally shot in Ferguson, Missouri. There were originally statement’s made that the subject was shot while fleeing from the police however, it was later revealed that Brown was attempting to reach for the cop’s gun which does justify deadly force. However, people and the news media like to jump to conclusions and believe what they want. Both of these cases resulted in a very negative view of law enforcement nationwide. It also leads to the formation of the black lives

matter movement and caused crowds to riot, arson, burglarize local businesses and destroy property.

Police brutality has always been present; it was actually at its most prominent point in the early 60's. The presence of police brutality, believe it or not has gone down significantly today compared to the 60's. The reason that it doesn't appear that way is largely due to the development of social media and technology in today's society. During the Civil Rights Movement which began in 1963 a majority of police brutality was towards blacks mostly in the South. For example, in 1965 blacks were beat rigorously with batons and even cattle prods in Selma, Alabama as they tried to vote at a nearby court house. These people were Not displaying violence and were unarmed individuals that just wanted the right to vote and were victims of police brutality for it. These types of attacks did not stop at that the police continued to attack the demonstrators who were not armed and did not pose a threat as they established a group March from one destination to another in Alabama. The rules of deadly force are always going to change ever since the Constitution was introduced and I'm sure this will continue in our future. At one time in history police were even given the authorization to shoot a felon who was fleeing from them even if they did not have possession of a weapon. The police officers of today receive a lot more training in distinct areas so that civil act violations and excessive uses of force can be prevented before they take place. Even with the extra training and presence of annual familiarization training some police officers continue to act in a manner that violates the civil act. Most police departments around America experience some form of misconduct at one time or another, but not all have

experienced a civil rights violation or been victims of police brutality. In my opinion, many of these incidents took place because of the lack of training that was provided to these officers. Most officers will act off of their instinct's rather than their training, and others may be under the impression that their actions were following policy and that they were doing the right thing, but were actually violating the person's civil rights. The LEAA is a program that was created to provide officers with the tools and knowledge that they would need to assist the perform their daily duties affectively. They have paved the way for cops today in order for them to receive the training that is essential to the job. The program has developed hundreds and hundreds of training areas in the criminal justice field. By providing training in areas of police conduct and use of force and reinforcing their policies through refresher courses that cover situations involving brutality, corruption and misconduct so that they may be limited. Other methods that might be put into effect are agencies that are in charge of the oversight of a department. The primary mission of these agencies are the mandated reporting of situations and enforcing recommendations for each situation that may appear.

The Discretion of a Law Enforcement Officer is the latitude that is given to officials to act under a formal set of rules and in a public capacity. Nobody can expect perfection when it comes to criminal justice. We might want to consider justice as more about being reasonable than yes or no and white or black. The law essentially does not cover every single circumstance that a cop may experience in the field on a daily basis this is the reason the discretion of an officer is vital to their role. It should also depend on their watchfulness to settle on a choice that is reasonable for what was conferred.

Attentiveness is utilized at all levels of the criminal equity framework. The police, legal advisors, courts, people, and adjustments all have occurrences, for example, choosing minor contrasts in matters or a standard draw over for the police, whether to take a case or not for legal counselors, whether to violate the law or not for subjects, and for judges to what extent of a sentence ought to be dealt. Watchfulness being characterized as the capacity or energy to choose mindfully or the opportunity to act or judge all alone, in this occurrence as yet as per the law and paying little mind to one's own particular biases. Police are the biggest and most noticeable section of the criminal equity framework. A significant number of the day by day choices a cop must make is at his or her circumspection. Society will use anything possible against an officer if the offense does not include noteworthy wrongdoing. Numerous regular citizens will attempt to talk out of the littlest petty criminal offense to even a few lawful offenses. Police have an extensive variety of circumspection in their different every day obligations. Attentiveness can be seen when an officer chooses whether to pull an auto over, inquiry some individuals strolling, compose a ticket or make a capture. Much the same as individuals have preferences, police biases are communicated through prudence, once in a while even intuitively. The utilization of destructive power is a region that fits towards the highest point of caution. In the event that an Officer is mishandling their attentiveness it may come about into unnecessary demise or harm of a suspect. A cop's decision may likewise be impacted by individual components touching base at a nonsensical choice.

Police corruption is referred to by many as the use of police authority to benefit from it at a personal or financial level. Dishonesty and corruption of law enforcement can have many different forms. These forms involve diversity of criminal behavior that may range from receiving money for the oversight of a serious crime for example, money laundering and drug trafficking. Instances where officers will look the other way could be when an individual commits a minor violation of the law like j walking or littering. Some police corruption may also involve overlooking crimes that are committed by close friends or loved ones (relatives). Police corruption could also involve depriving people of their lawful rights. Corruption may entail profit or material advantage gained unlawfully as a consequence of the officer's power. The most common types of corruption include extortion, bribery, receiving embezzled goods and being involved in drugs deals. The federal administration within the DOJ is accountable for dealing with cases of corruption within law enforcement at all county, local, state, levels of action. This also entails police corruption that occurs in prisons and jails. A prison is a very difficult place to work and avoid corruption because every person that you come in contact with every single day is looking to get some type of contraband in the prison walls. Convicts are masters at manipulation of other they live it and think about it constantly. Laws in opposition to police corruption cover all individuals within the United States which are citizens and non-citizens. When an individual may feel that they have been a victim of corruption the individual can file an accusation with the Department of Justice that will initiate an investigation to look into case. The Department of Justice has power in many areas that allows them to file criminal and civil charges against subjects of law enforcement corruption. Regulations set by <https://assignbuster.com/defective-or-deficient-police-departments-causes-and-impacts/>

the federal government also consider it police dishonesty when the officer judges or discriminates against a person or a group of people solely based on their national origin, sex, color of skin or race, gender, sexual orientation or what religion.

Over the years There have been many attempts to put an end to police corruption with little to no success. The local, state, and federal departments attempt to eliminate law enforcement corruption, by increasing salaries, offering more training, an incentive for education, and the development of policies that focus directly on factors leading to corruption. Despite many efforts by the police departments to control corruption, it still exists and in my opinion always will. Police corruption has a very long standing history throughout our nation and the world. The control of corruption has to come from many different areas both the police department and the assistance of local support from community members. Community members should be educated about the negative effects of corruption within the police agency and that offering money to change a decision is the most common form of police corruption today, this comes from the thought that if the opportunity doesn't present itself officers will be less likely to participate. Controlling corruption from the departmental level also requires that the organization possess strong leadership skills. Corruption can take place at multiple levels within Law Enforcement, not only the daily patrolman that make contact with the community are susceptible to corruption but the executive staff or police chief as well can be bot by criminals. Controlling begins with the chief of police and his attitude towards corruption. The chief has to make it very clear from day one that corruption will not be tolerated in his department.

They also need to establishing very strict rules and regulations within the department to insure that all officers conform to certain. Corruption at the executive level could probably be the worst type because they are in control of how everything is running, for example what areas in the community that are to be patrolled the most.

Finding solutions to these problems will prove to be very difficult. They could only be prevented by having a sharp increase in annual training on a variety of topics that officers within a department are experiencing. Also, more training on escalation of force would be useful. Bringing in martial arts experts to give seminars and/or Another prevention method is to have a very diverse work force so that everyone can relate to one another within the community. A genuinely normal suggestion for lessening police wrong doing is to expand utilization of body cameras. By recording national experiences of police officers, police administrators, judges, correspondents, and others we can get target confirmation of what happened rather than self-serving noise. Police body cameras do pose privacy concerns, but those concerns can be resolved with the right policies in place. A lot of these videos that the public posts on police brutality only show the reactions of the officer they don't show what lead to this event or the subjections actions either. This is another reason that police having their own footage is good so that they have something to help justify their actions as well.

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