

Introduction to the American Criminal Justice System

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Introductory Remarks

By: Deputy Director M. Lindsay

Welcome to the Academy Professionalism An Introduction to the American Criminal Justice System Jurisdiction of Law Enforcement Officers and Agencies

Welcome to the Academy –

Welcome to the Indiana Law Enforcement Academy (ILEA). The ILEA staff looks forward to providing you an experience rich in potential for growth and learning. In addition to the many law enforcement skills taught at the Academy, the staff believes that new officers must also develop in the areas of professional bearing and self-restraint. To this end, many demanding things are required of you. Professional bearing and self-restraint cannot be taught in the same way that patrol techniques or legal issues are taught, but these can, nonetheless, be instilled through a process of discipline, introspection and commitment.

These values are important because even new officers quickly discover that although there are many restrictions placed upon our law enforcement system, the abuse of citizens is easy if officers do not employ a high degree of self-restraint. To help facilitate this mindset, the introductory classes in ethics, chivalry and professionalism are critically important. These set the tone. Officers, early on, must decide whether to internalize these values or to treat the employment merely as an ordinary eight-to-five occupation.

Police Professionalism –

Years of observation have revealed that self-restraint is most often exercised because an officer has a sense of service or obligation to something beyond self—to something bigger. This sense of service or obligation is typically to a profession, a set of religious values or some internal calling. If professionalism is a core attitude that motivates a substantial number of new officers, then the profession itself has a responsibility to instill and emphasize these virtues. It is the examination of these virtues that is begun here. This examination will call upon new officers—early on—to place their entire career into a perspective. Your decisions in these areas while at the Academy will likely set a course for years to come, if not for the rest of your life.

Although law enforcement generally made modest advancements during previous centuries, the professionalization process for the U.S. law enforcement system did not really pick up momentum until the 1960s when a number of social upheavals focused the spotlight on law enforcement (not unlike today). In response to these upheavals, many universities offered criminal justice degrees for the first time while several governmental agencies provided substantial funding for officers to participate in these courses. Later, police departments and state oversight agencies like Indiana's Law Enforcement Training Board (LETB) began to provide continuing education programs and establish hiring and retention standards.

U.S. Law Enforcement Development: a Historical Perspective –

Since the 1960s, one professional advancement seems to have fallen upon the heels of another. As many advances as we have had over the past five decades, there are a number of common law principles that are still very important for law enforcement today. Most of the events that eventually established those enduring principles demonstrated just how **unprofessional** we were during those centuries.

We will be viewing those developments that occurred shortly after 1066 (the Norman Conquest), through our fight for independence (1776), and then into the modern era (discussed in detail in the Jurisdiction class).

Except for the Magna Charta (1215), the first real steps in limiting both the scope and authority of government—and consequently of law enforcement—were the adoption of the U.S. Constitution (1787) and the adoption of the Bill of Rights (1791). The Introduction to the American Criminal Justice System class concludes with the first manifestations of these limitations and the Jurisdiction class then begins from that point and develops this idea of limited government through to the modern era.

Prior to this Constitutional period, law enforcement had occupied a place of expanding responsibility **and abuse**. From minimal responsibilities for keeping the king's peace in medieval days, to undercover investigations (with the Bow Street Runners), to proactive policing after 1829, and then on to cyber monitoring of millions of citizens for terrorist activities, policing has become more and more intrusive.

It is not surprising that even back in the late 1700s, the Constitution and Bill of Rights split law enforcement authority between the federal and state governments, created checks and balances, prohibited secret trials (the Sixth Amendment) or the keeping of soldiers in private homes (the Third Amendment), and placed substantial limits—mostly on the federal government—on what law enforcement could do in the areas of searches, seizures, and forced confessions (the 4th, 5th and 6th amendments).

Even with all of these structural limitations in place, evidence shows that many of our Founding Fathers were very skeptical as to whether such a constitutional system could even survive without also limiting government officials through an individual and personal set of strong moral and religious beliefs.

John Adams said, "Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

George Mason, the Father of our Bill of Rights, said, "Providence [divine intervention] punishes national sins by national calamities."

Thomas Jefferson said, "I tremble for my country when I reflect that God is just [and] that His justice cannot sleep forever."

Dr. Benjamin Rush, one of our first Surgeon Generals and a signer of the Declaration of Independence, once said, " ... [S]elf-government is only possible among a virtuous people."

This historical perspective also reveals that our country came the closest to crumbling when we fought over the moral and economic issues of slavery. A historical perspective also reveals that we devised a system that was (and still is) very decentralized and is, consequently, **not designed to be very efficient**. Much can be discovered about the occupation by viewing these historical high points. For this reason, most of the subject matter in these two classes is examined using a historical microscope to study several thinly sliced eras of development. This exposure will hopefully help officers shape the future of law enforcement in even more positive ways.

Sir Winston Churchill once said, "**The further back you look, the further forward you are likely to see.**"

All of these insights give perspective to a complex occupation. History teaches us why law enforcement took a new and different approach when Sir Robert Peel introduced the police model in 1829. It also answers the uniquely American questions of, Why does a sheriff handle civil matters like property taxes and serving process when most police departments are allowed to handle only criminal offenses? Why must the **county** pay for jail operations when nearly all of the crimes committed by the inmates were **state statute** violations?

And if most law enforcement functions are so old, why did state police organizations not develop in most states until about 1935? All of these questions are answered by looking back at our roots.

As important for law enforcement as these historical foundations were and are, our first critical goal in these two classes is to examine when in this historical timeline did elements of a profession begin to surface and why? What gave birth to these elements? Next, it is important to determine exactly what it takes to become a true profession. This is really the bedrock upon which a strong profession can be built.

When new officers are asked if law enforcement is a profession, they typically answer with a resounding yes! When asked why they believe this is so, an eerie quiet typically falls over the classroom. This is most likely because new officers have not ever thought much about what distinguishes an occupation or job, skill, craft or art from a true profession. What are those elements that are needed to create a true profession and what level do we need to attain before the public generally accepts us as a true profession? These questions need to be addressed even as new officers are first exposed to our shared historical experience.

Introduction of the American Criminal Justice System –

As revolutionary as the professionalization process has been, many of the common law principles important in law enforcement (as previously mentioned) have their origins rooted in events from hundreds of years ago and were not developed with law enforcement professionalism in mind. These events form the foundations for the U.S. law enforcement system today but were typically “Band Aid®” remedies for something that was typically going wrong at that time. The Introduction to the American Criminal Justice System class, in particular, exposes students to law enforcement’s lack of professionalism over the centuries.

For example, early detectives were viewed as so corrupt—partly because of the fee systems of the day—that Sir Robert Peel refused to include them in his Metropolitan Police Department in 1829. Fee systems were actually used well into the modern era even though they fostered, at the least, an appearance of abuse and corruption. Even within the modern era, Indiana did not shed most of its fee system until recently and did not begin to develop many of our professional standards until the 1970s.

A few of the medieval Common Law principles and practices still relevant today:

- A fee system for service of process
- Shire Reeve duties
- Citizen’s arrest
- Hue and Cry
- Posse Comitatus
- Deputies
- Coroner duties
- Civil vs. Criminal offenses
- Outlaws to Civil Death to Civil Rights

The fact is that there were very few hiring standards in place before the 1960s. The biggest, meanest bar-fighter in town often had an inside track to a local police position in those days. It was not until 1972 that basic training was first required in Indiana for newly hired officers, and even then, there was no training whatsoever required for previously hired officers.

It was not until 1993 that any in-service training was required for career officers or that a 40-hour Pre-basic course was required for reserve officers. In 2005, refresher training was—for the first time—required for veteran officers who had left law enforcement for more than two years, and only then was the LETB authorized to revoke an officer’s law enforcement certification for misconduct.

Interestingly, we never required career officers to have any continuing firearms or emergency vehicle operation (EVO) training until 2009, and it was not until 2015 that reserve officers had to have any type of in-service training, even though reserve officers have the same authority as regular officers.

Listing of recent points of professionalization:

- 1967 Law Enforcement Training Board formed
- 1972 Basic training required for new officers (but not veteran officers)
- 1975 ILEA building and campus first opened
- 1993 In-service training required of regular (career) officers (16 hours annually)
Pre-basic training required for reserve police officers
- 2005 Refresher training required if a regular officer out of law enforcement for more than two years
Revocation of an officer's law enforcement certification now possible
- 2009 In-service training requirement increased from 16 hours to 24 hours annually –
With 2 hours being in firearms, 2 hours being in EVO, and 2 hours being in physical tactics
- 2015 In-service training first required for reserve officers

Another important characteristic of law enforcement disclosed in this Introduction to the American Criminal Justice System class—with which new officers need to be familiar—is that we are not inclined to change much once a duty has been established unless substantial pressure is brought to bear. In fact, the one important occupational trait that ensured law enforcement's stability and rich history is the fact that we do not change much. Similarly, the one trait that typically impedes professional development in law enforcement is the fact that we resist change. The saying, 'Because we have done it that way for 50 years' is not uncommon in law enforcement.

Elements of a Profession: http://www.in.gov/ilea/files/Elements_of_a_Profession_-_2016_version.doc

These questions of professionalism are particularly important today because of the intense media scrutiny focused on officers and departments. With virtually every move being recorded in some manner or another by mobile phone or street cam, law enforcement must exhibit an even higher standard of conduct. An understanding of these issues makes it easier for students to develop perspective, and perspective is absolutely necessary for successfully undertaking any profession.

The Jurisdiction of Law Enforcement Officers and Agencies class: From Development and Expansion to Restrictions –

The Jurisdiction class continues this historical progression (from 1776 to the present) by looking at this new idea of restricting—rather than expanding—the authority and responsibilities of government and law enforcement.

Such things as the 14th Amendment, concurrent and exclusive jurisdictions, civil vs. criminal wrongs, subject matter and geographic limitations, enumerated powers, and even the 10th Amendment are examined in some detail. Possessing an understanding of these and the many jurisdictional limitations that come into play when a local officer wants to occasionally enforce federal law, for example, or needs to pursue someone into another state are absolutely critical.

The subject matter and geographic limitations discussed in class highlight the rather limited scope of responsibility for many federal law enforcement agencies. These jurisdictional limitations typically enhance the subject matter expertise of agents within those agencies. If an agent is only responsible for investigating alcohol, tobacco and firearms violations, that agent becomes really knowledgeable in those areas.

Likewise, having 4th, 5th and 6th amendment restrictions eventually placed upon state and local officers via the 14th Amendment requires these officers to become legally sophisticated within those areas. It has been said that the Miranda decision was not only the most dramatic example of limiting law enforcement within the modern era but was also the most motivational for improving professionalism. Recent statutory enactments and case law spread yet another layer of limitation. A rather surprising result of these mounting restrictions is that they have actually fostered an era of professionalism that we will highlight in this class.

Studying for your exam –

Because these two hours of classroom lecture only touch upon a small fraction of the critical issues important for new officers within these subjects, it is important that officers also read the student outlines and other handouts for these two classes as well as these Introductory Remarks. **Answers to all of the questions** in the exam are addressed in these documents. Because of time limitations, however, these issues are **not** all addressed in the class lecture. **Do not expect to be prepared for the exam without reading these handouts!**

Summary:

Even though these two classes may not seem related, they have common threads when viewing them from the perspective of a developing profession. The Intro class illustrates how unprofessional we were in prior centuries. It illustrates how decentralized and inefficient we were and still are to a degree. It shows how changes occurred to correct individual problems without much thought about the overall system. And finally, the Intro class shows how the soldiers who performed law enforcement duties until the end of the 18th Century became more oppressive and highly abusive.

The Jurisdiction class then illustrates the first great reversals of these trends by establishing constitutional limitations on the central government and its law enforcement officers. From that time forward, the restrictions have increased through constitutional amendment (the 14th Amendment), statutory enactments and court interpretations. Surprisingly, however, law enforcement professionalization has taken another step forward with each of these new restrictions.

Today, with the police being accused of being abusive, overbearing (Terry Stops) and over-militarization, the police professionalization movement seems the best mechanism for taking our next positive steps. These can and should be initiated internally if we are truly arriving at the goal of becoming a true profession. In this newest phase of our development, law enforcement will likely come through this post-Ferguson era—as it has before—by attaining even higher levels of professionalism.

The real reason for these two classes is so officers can gain a perspective on what they should attempt to accomplish over the course of this academy and **their careers**. These two classes are primarily meant to give an initial sense of career and to provide that all-important view of the Big Picture. After all, what is a profession but a view of the Big Picture?

INDIANA LAW ENFORCEMENT ACADEMY

LESSON PLAN

Course Level:	Basic X	In-Service	Supervision	Management	Specialized
Lesson No.	2.01	Title:	Introduction to U.S. Criminal Justice System		Hrs. Required: 1 of 1

Scope of Lesson Coverage:

The student will become familiar with the fundamental principles, concepts and structures of our present U.S. law enforcement system and its historical foundations as well as several of the important common law principles that developed over the centuries that are still relevant for law enforcement today. The student will begin to appreciate the limits on police authority that are meant to protect citizens from abuse through both the constitutional structures and the professional ethic of law enforcement.

Specific Objectives:

Given one (1) hour of classroom lecture, a student outline, student handouts and a homework assignment, the student will be able to:

1. Identify when and where the concept of the modern U.S. police department first developed.
2. List at least four ways in which the modern police department model differs from the older peace officer model.
3. List at least three common law principles that developed over the centuries that are still relevant today for law enforcement.
4. Describe at least three areas of unethical or inefficient police practice that were present or developed over the last 200 years that have been recently corrected or reduced through the police professionalization process.
5. List at least four elements necessary for developing an occupation into a true profession.
6. Describe at least three issues important to the Founding Fathers that found their way into the U.S. Constitution, the Bill of Rights or the Declaration of Independence relative to the areas of law enforcement.
7. Describe how the 4th Amendment protects citizens from police abuse.
8. Describe how the 5th Amendment protects citizens from police abuse.
9. Describe how the 6th Amendment protects citizens from police abuse.
10. Describe how the 10th Amendment protects citizens from an overreaching federal government.
11. Identify at least two virtues having to do with personal ethics or religious morals that most of the Founding Fathers thought absolutely necessary for running a successful republic and a constitutional government.

Training Aids: Chalkboard and easel.

Material for issue: Outline on Introduction to U.S. Criminal Justice System, Sample Page from U.S. Constitution (Art 1. Section 8), Student Handouts and Homework Assignment.

References: U.S. Constitution, U.S. Code, Indiana Code

Prepared by: Michael J. Lindsay

Date: R – 03/2016

SUBJECT MATTER	REMARKS
STUDENT OUTLINE I. Many of our present law enforcement functions developed after 1066, The Norman Conquest A. William the Conqueror led invasion and then became King (of what we today know as England) B. Prior to this, the Frankpledge (tithing) System was used II. After conquest several new concepts developed A. King owns all of the land; loyal barons can administer the land B. Loyal subjects owed King a portion of the profits from the land C. Today's Property Taxes D. Land equaled power, money, control (agricultural society) E. Crimes created – offenses against the king (state/central government) as well as against the private individual 1. William the Conqueror guaranteed his loyal subjects the "King's Peace" a. Breaches of the peace were offenses against the King b. Punishable by the King in his courts as well as by individuals c. Outlaws to civil death to civil rights 2. Present criminal charges reflected the concept of the medieval "Breach of Peace" a. Officers who enforce these were peace officers b. They were local officers but made arrests for crimes against the king (the central government or state) c. Civil vs. Criminal offenses today d. U.S. officers (state & federal) generally enforce only criminal offenses F. Other Common Law principles and practices developed during medieval period or shortly thereafter that are still viable today 1. The Shire Reeve seizes property for satisfaction of debt to king 2. Citizen's arrest 3. Hue and Cry 4. Posse Comitatus 5. Deputies 6. Powers of the Coroner 7. Peel's principles of policing 8. And many more!	(For Student Use)

SUBJECT MATTER		REMARKS
		(For Student Use)
III.	The New Peace Officers and Their Duties	
	A. Duties of the Shire Reeve	
	1. Shire (county), Reeve (local officer) - Was made a local representative of the king (the central government) to watch the barons among other things when the king suspected barons were filtering off tax money from the profits of the land.	
	2. Sheriffs are eventually charged with keeping the king's peace and seeing that barons did the same.	
	3. Posse comitatus developed, deputies	
	B. Coroner	
	1. Coroner – Representative of the crown	
	2. Created in part to watch the sheriff. The king believed that when landholders died, their deaths were not being reported to him. He could not then reassign the land to a loyal subject. (Again, tax money was being diverted.)	
	3. Coroner could arrest the sheriff and replace him in office. He would also have the responsibility for investigating when a death of a landholder occurred under suspicious, unusual or unnatural conditions and for accounting for his property.	
	C. Constable and Marshal	
	1. Constable – Watcher of the stables	
	2. Would know the movement of people and who was in town and who fled town	
	3. Was often the same office as marshal in medieval England. Also a local officer with power similar to the sheriff but with responsibility for a smaller area. In U.S., the constable was attached to a Justice of the Peace and served as a process server, bailiff of the court and a law enforcement officer	
	4. Marshals in Indiana developed to protect towns whereas constables worked for townships	
IV.	The police department model (1829)	
	A. Sir Robert Peel and the Metropolitan Police Act	
	1. Predecessors of Peel's model	
	a. Rattle Watch	
	b. Night Watchman	
	c. Bow Street Horse and Foot Patrol	
	2. Current model first organized under the Home Secretary of England, Sir Robert Peel, 1829	

SUBJECT MATTER		REMARKS
		(For Student Use)
B.	Peel's Police Department	
1.	Officers called Bobbie's boys or army	
2.	Civilians, but organized along military lines	
3.	Started proactive patrol (policing as compared to the peace officer model)	
4.	Professionalized law enforcement	
a.	Full-time government employees: could be fired	
b.	Job training	
c.	Uniformed and identifiable	
d.	Used military ranks	
e.	Used military discipline	
f.	Central station	
g.	24-hour patrol; 7 days a week	
h.	Regular shift duties – proactive patrol	
5.	Peel establish several principles for good policing that are still followed today	
V.	Our Independence (1776)	
A.	Copied English peace officer system	
B.	Later copied police model (1829)	
C.	Subsequently developed federal agents	
D.	Creation of state police organizations	
1.	State Police – Centralizing police authority for a sovereign	
a.	Texas Rangers one of the first state police units	
b.	Organized along military or cavalry lines	
1)	Troops	
2)	Barracks	
3)	Posts	
4)	Ranks	
2.	Many state police organizations established around 1935	
a.	Prohibition	
b.	Bank Robbers	
VI.	U.S. adopted a detective model similar to England	
A.	Early British detectives worked on a fee basis that resulted in many incidents of corruption	
B.	Early detectives worked primarily undercover by infiltrating groups or organizations	
C.	Sir Henry Fielding organized the Bow Street Runners in (1749)	
D.	Sir Robert Peel did not want detectives incorporated into his Metropolitan Police due to heir bad reputation and history of corruption	

SUBJECT MATTER		REMARKS
		(For Student Use)
E.	Later, Scotland Yard distinguished itself as a professional, effective investigative agency	
F.	In the U.S. detective work was originally handled by private companies (e.g., the Pinkertons)	
G.	The development of science enabled detectives to solve cases after-the-fact	
	1. The Pinkertons developed these techniques to high degree	
	2. Scientific development important to investigators: fingerprints, photography, blood typing, ballistics, chemistry	
H.	The case model approach (after-the-fact) then made detective work attractive to local police organizations (Boston established a bureau in 1846)	
VII.	Other important criminal justice principles also developed in England during these years which eventually found their way into the U.S. System.	
A.	The Magna Charta (1215): written fundamental laws	
B.	Case law, common law	
C.	Statutory and administrative law are later developments	
D.	Distinctions: felony, misdemeanor, infraction	
	1. A felony was a serious violation in which a person's property would be forfeited (property was all important during that period)	
	2. In medieval times, less serious offenses were considered trespasses (again, a type of property violation)	
	3. Later, the concept for less serious offenses developed into misdemeanor violations (misbehaviors)	
	4. The concept of infractions (civil offenses) being enforced by police is relatively new in the U.S. – in the 1890's for juvenile offenses and in the 1970's for infraction offenses	
	5. Except for a few other well defined areas, U.S. police still lack author to enforce most civil offenses/wrongs	
E.	Other important legal principles developed during this period	
	1. Corpus delicti; mens rea	
	2. Appeals process/courts; precedent	
	3. Misdemeanor witness rule	
	4. Arrest procedures, levels of proof, probable cause	
	5. Jury of peers; due process	
	6. The foundation for several other Constitutional provisions and amendments; Habeas Corpus	
VIII.	Besides our law enforcement structure, when we broke from England, we also copied their criminal justice structures	
A.	Major components of our Criminal Justice System	
	1. Law enforcement	
	2. Courts	

SUBJECT MATTER		REMARKS
		(For Student Use)
	3. Corrections (rapidly developing at time of independence)	
	B. This structure came primarily from the British model administered under the King and his courts	
IX.	Since that time, we have developed several auxiliary components to the system that play a major role	
	A. Probation	
	B. Parole	
	C. Juvenile Justice System	
X.	Juvenile Justice System Development	
	A. Of all recent developments within the criminal justice system, the juvenile justice system has been one of the most dynamic over the past one hundred years	
	B. Removed from criminal system (and then placed in the civil system) around 1900 in most states (but police still allowed to enforce)	
	C. Did not benefit from development of criminal procedure safeguards during this period	
	D. Many juvenile facilities eventually resembled adult prisons	
	E. Indeterminate sentences, delinquent status, parens patriae	
	F. U.S. Supreme Court has shifted juvenile justice system back towards adult/criminal system in many ways (now often referred to as quasi-criminal procedure)	
	G. Today, the right to bail and a jury trial are the two Constitutional criminal justice rights that the U.S. Supreme Court has not given to juveniles	
	H. The U.S. Congress has mandated confinement rules for juveniles which do not fit well with old state procedures	
	I. Today, understanding when someone under 18 years of age can be treated as an adult, incarcerated or identified in newspapers are complicated questions requiring the officer to have a comprehensive grasp of the law, especially since so many police contacts occur with juveniles	
XI.	Decentralized organization and function	
	A. Each of these law enforcement functions developed in a piecemeal manner over hundreds of years	
	B. Many of our important legal principles developed in similar ways	
	C. The split between federal and state law enforcement responsibility with the creation of the Constitution further fragmented our law enforcement system (discussed in the Jurisdiction class)	
	D. Today, law enforcement is administered through more than 10,000 independent agencies in the United States. There are more than 400 agencies in Indiana	
XII.	Summary	
	A. Our legal system is largely based on the English system at the time of our independence	

SUBJECT MATTER	REMARKS
B. Understanding the legal principles that have developed over hundreds of years in England is important for understanding our system today C. Many policing functions are also very old, and the duties have changed little over the years. Some enforcement offices date to medieval times D. Law enforcement duties were assigned on a need basis and have little logical structure when the system is viewed overall, e.g., coroners still handle only one potential crime E. Law enforcement organizations developed in a piecemeal manner, and law enforcement is still largely decentralized F. Law Enforcement in the U.S. is not very efficient because of this decentralization G. Although there are a few “civil” areas in which the police are now authorized to act, our historical development has largely limited police jurisdiction to “criminal” law matters in the U.S. H. To develop a professional system, officers must be aware of the shortfalls of the past I. Professional development will likely continue to occur within organizations, but the basis structure of the law enforcement system will probably remain the same for many years J. Besides the Constitutional limits placed on the police, the real limiting factor is and will continue to be an officer’s acceptance of a professional ethic and the internal limitations the officer places on himself or herself because of these professional standards.	(For Student Use)

Elements of a Profession

Law Enforcement

By: M. Lindsay

What distinguishes a true profession from an ordinary occupation, job, skill or craft? Here are some elements that I think are important. There may well be additional elements that I have missed and a few that may not be absolutely necessary, but these represent at least a beginning point for discussion.

1. The practitioner answers an internal or “higher” **calling** to **serve** others or the community through a particular **discipline**. It is more than a job, occupation, skill or craft. This is more akin to an art coupled with **duty**. It is a **vocation**, a solemn **lifetime** commitment.
2. Practitioners must accept the principles of the profession by taking a **public oath of obligation** upon entering the profession and are subsequently identified as **members of the profession**, 24/7 rather than as just working at a particular job for an eight-hour shift.
3. The profession **serves a critical need** in the community that cannot be satisfied by ordinary citizens stepping-in to accomplish these goals.
4. This critical need is in a **highly sensitive** area in which **unethical behavior** can have devastating effects.
5. Practitioners must be given and must exercise considerable **discretion**, particularly in these sensitive areas, in order to accomplish the obligations of the profession.
6. Practitioners must exercise considerable **self-restraint** because of the serious impact malpractice or indiscretion can have on the community.
7. The profession’s goals must be aimed at the **greater good**.
8. Due to the criticality of the profession and the discretion needed, the profession must maintain a **trust-like**, almost fiduciary, relationship with the community.
9. A **Code of Ethics** must be adopted to help maintain this relations and to enunciate the general principles of the profession to the public.
10. Specific **Canons of Conduct** must be adopted through **peer** proposals to implement the Code of Ethics.
11. Periodic **peer review** or **research** must be conducted to make certain that standards are current and new findings are timely integrated into the profession.
12. Practitioners give back to the community and to the discipline by continually developing and perfecting skills through a life-long **career** and practice that enhances the public’s view of the discipline as well as advances the discipline.
13. Candidates must possess a **minimum educational level** to enter the profession to ensure that practitioners are well versed in the social and cultural mores of the community or society they will be serving.
14. The profession involves a set of **complex skills** or **sophisticated knowledge** areas that are beyond those possessed by the general public.
15. Candidates must complete **specialized training** for obtaining the sophisticated knowledge or for performing the complex skills of the profession.
16. A **certification or licensing** process must be established to protect the public by testing that applicants have attained minimum entry skills or maintained minimum standards.
17. Practitioners must satisfy periodic **continuing education** requirements to update knowledge and maintain skills over the course of a career. This requirement is often linked to continued certification or **recertification**.
18. There must be a single or controlling **professional organization** to represent and discipline members, set standards and advocate for the profession.
19. There needs to be a **professional journal** to update members on new research, peer reviews of and developments in the profession, and to act as a forum on these issues.
20. There needs to be a **peer review disciplinary and appeal process**, which can be through the professional organization that provides for suspension or decertification if the violation is sufficiently grievous in order to protect the public welfare and the credibility of the profession.

Indiana's Continuing Professionalization Process for career law enforcement officers

The last thing most new officers want to hear is someone droning on about professionalism. After all, the Academy is mostly about learning the firearms, EVO and physical tactics skills. This is, of course, true, but at no time in recent years has the professional balance issue been more critical.

Even with all of the restrictions placed upon officers by supervisors, the courts, and federal law, officers can easily become overbearing and even abusive within the law. That is why a professional balance is necessary.

We have taken some rather substantial steps in professionalizing our ranks in recent years, but we have a number of pressing issues facing law enforcement this year, this month, and even this week.

The proper uses of restraint, discretion and self-discipline are the hallmarks of a true profession.

1967 The Law Enforcement Training Board (LETB) created by statute. Prior to this, all departments set their own standards.

1972 Basic training first required of new officers entering the occupation. Veteran officers were exempt. Newly hired officers had one year to complete basic training or they would lose their police (arrest) powers until the course was completed. The first mandatory basic training course was held at Indiana Central University (now known as the University of Indianapolis). All subsequent basic training courses were conducted on the Indiana University Bloomington campus until the Indiana Law Enforcement Academy (ILEA) building was opened.

1975 The main ILEA Academy building was opened in January and classes began that same month.

1993 Continuing education was first required for regular (career) officers (16 hours of annual in-service training requirement in any subject covered in the basis course curriculum). A 40-hour Pre-basic Course (PBC) was first required as a basic training requirement for police reserve officers. The PBC could also be used to establish a one-year grace period before regular officers had to complete a basic training course. Those that did not complete the course in a timely manner lost their police (arrest) powers until properly completed.

2005 The concept of once certified, always certified was discontinued. The LETB could now revoke an officer's law enforcement certification for misconduct for the first time. A Refresher Course was required for those who had been out of law enforcement for more than two years.

2009 The annual in-service training requirement was increased from 16 to 24 hours. For the first time, 2 hours of that training was required to be in firearms, 2 hours was required to be in emergency vehicle operations and two hours was required to be in defensive (physical) tactics or the use of force.

2015 Reserve officers are for the first time required by state statute to have the same amount and kind of in-service training as regular career officers.

2016 ??? What should our next step be?

Name
Department
Academy ID#

Elements of a Profession,
Introduction to Criminal Justice System
Constitutional Provisions
and
Jurisdiction of Officers and Agencies
Homework Assignments

Answer the following questions by typing your answers in the specified areas of this homework sheet and then printing the sheet after you are done. Submit your homework by the due date at the secretary's window by the instructor offices. **Do not forget to put your name and ID number** in the appropriate blanks above.

Questions on Elements of Our Profession, History & Introduction to the Criminal Justice System:

1. Organizationally and philosophically, what did Sir Robert Peel change in his police department model that was different than the previous peace officer model?
2. Why didn't Sir Robert Peel want detectives included as part of his new police department?
3. What change enabled detectives to professionalize their ranks around 1900?
4. Why were the first ten amendments to the U.S. Constitution passed so quickly?
5. What is the purpose of the 10th Amendment to the U.S. Constitution?
6. Generally, what were the 3rd, 4th, 5th and 6th amendments to the U.S. Constitution geared to accomplish?
7. What was the first year that the Law Enforcement Training Board was able to revoke an officer's certification?
8. What was the first year that the Law Enforcement Training Board required any type of in-service firearms training for police officers?
9. What was the first year that police reserve officers were required by state statute to have any in-service training?
10. Where does it say, "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Law of Nature and of Nature's God entitle them ... with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor?"
11. Where does it say, "We the People of the United States?"
12. What is the date on the Declaration of Independence?
13. Which amendment to the U.S. Constitution protects citizens from being forced to confess to a crime because of the infliction of physical abuse or coercion?

14. Which amendment to the U.S. Constitution protects citizens from unreasonable seizures by the police?
15. What do you think the primary responsibility of the police is in our American society?
- ☐ a. Ultimately to reflect the values of that society.
 - ☐ b. To enforce the policies of the leaders.
 - ☐ c. To reinforce the absolute authority of the police to keep order in a society.
 - ☐ d. To enforce all laws to the utmost.
16. Upon reflecting on the class discussion concerning the elements of a profession, what area(s) do you believe we in law enforcement need to develop to a higher degree in order to be considered a **true profession by the public**?

Questions on the Jurisdiction of Officers and Agencies Class:

17. Those authorities specifically given to the federal government by the U.S. Constitution are called the _____ powers.
18. What was the Supremacy Clause of the U.S. Constitution designed to do?
19. What did the Necessary and Proper Clause of the U.S. Constitution enable the federal government to do?
20. When a “subject matter” area is said to be within the concurrent jurisdiction of the federal and state governments, what does that mean?
21. Concerning exclusive and concurrent jurisdiction, give one example of an area that is within the exclusive jurisdiction of the federal government.
22. Is the “subject matter jurisdiction” generally more limited for federal law enforcement officers or more limited for state and local law enforcement officers?
23. Generally speaking, can federal law enforcement officers enforce state law and state and local officers enforce federal law? _____ Why?
24. Can a state trooper enforce city ordinances?
25. If you are in a high speed chase that goes into an adjoining state, can you forcibly return the suspect to Indiana? _____ Why?
26. You are called to a local restaurant for a theft. While there, you discover that all of the kitchen employees are illegal (undocumented) aliens. What action can you take?
27. An FBI agent is driving through your town when he notices the vehicle in front of him is weaving. The agent and the driver of that vehicle both park at the local Wal Mart. The agent then notices the driver of the other vehicle is obviously drunk. Can the agent make the DUI arrest? Why or why not?
28. Not every arrest authority is written the same way in the Indiana statutes. Write **your** arrest authority—**word-for-word**—as given in the Indiana Code (statutes) for **your** type of department, i.e., city, campus, county, marshal, etc. **Do not use** the general recitation of who may arrest cited in IC 35-33-1. A city officer’s authority, for instance, is under a **different** statute number than a county officer’s authority. My authority to arrest is under IC _____ It reads:

29. Pick one of the federal statute numbers from below and identify what type of officer this is.

8 U.S.C. 1357
18 U.S.C. 3052
18 U.S.C. 3053
18 U.S.C. 3056(c)
18 U.S.C. 3061
18 U.S.C. 3050
14 U.S.C. 89
16 U.S.C. 1A-6
10 U.S.C. 807
21 U.S.C. 878
26 U.S.C. 7608

30. Using the officer/agent you selected in question #29, compare the arrest authority for that officer/agent to your arrest authority. How is it similar? How is it different?

31. Considering today's post-Ferguson environment, should officers strive to arrest for every violation witnessed while on patrol? Why?