

Forces of Change in Approaches to Law Enforcement*

Community-oriented policing is typically considered the third and most recent wave in American law enforcement, following on the heels of the political era and the reform era. Although this conceptualization of historical approaches to policing is familiar and widely-accepted, little attention is paid to the various forces that bring about the changes from one era to the next or changes in policing approaches more broadly. Although myriad forces are responsible for these changes, these factors can be categorized generally as stemming primarily from one of two types of change, namely, technological or social.

Technological advances necessitate changes in law enforcement approaches by altering not only the policing side of the equation, but also the crime side. In some instances, technological advances facilitate the commission of crimes that could not have existed previously. Telephone harassment, for example, obviously could not have been a criminal offense until the invention of the telephone. To offer an example familiar to travelers, the ubiquitous “federal offense for tampering with a smoke detection device on board an aircraft” clearly would not exist without the technologies leading both to jet planes and smoke detectors. Technology, thus, provided the opportunity for new crimes to spring to life.

In some instances, technology does not lead to new crimes, but rather, to new ways of committing old crimes. To return to the telephone example, conspiracy has been a crime for a very long time, but the advent of three-way calling puts a new twist on an old problem. The internet provides similar opportunities for conspiracies and other crimes as well. Law enforcement agencies around the world are grappling with crimes involving new and easier ways of committing identity theft and transmitting child pornography.

Of course, just as technology provides new ways of committing crimes, so does it provide new ways of fighting them. The past few decades have seen remarkable advances in the technologies used to find and collect evidence. Fingerprints can be lifted today that would have been impossible to acquire a generation or even a decade ago. Chemical agents and laser technology now facilitate the identification blood and other bodily fluids even after they have been “cleaned” from surfaces.

Technological advances in crime-fighting have not been limited to improvements in locating and collecting evidence. The analysis of such evidence is much more advanced now than in the recent past. Although fingerprint technology has been around for quite some time, the Automated Fingerprint Identification Systems have provided a much more efficient way of comparing prints and, because they are automated, can make comparisons even where suspects have not been identified. Similarly, DNA electrophoresis provides a method of suspect identification that may surpass that afforded by traditional fingerprint technology.

In short, advances in technology have changed the way crimes are committed and investigated in ways that are astounding.

These advances in technology are but one example of changes that occur more broadly within a given society. Other societal changes can exert equal if not greater force on law enforcement to change. These social changes occur at various speeds and levels of intensity and these correlate roughly with the speed and amount of change in policing.

The most dramatic type of social change that brings about changes in policing is revolution. Our own revolutionary war, for example, was fought largely because of perceived abuses in police practices at the hands of the British Crown. Our objections to warrantless arrests and searches, the abuses of the British Star Chamber, and other egregious overreaching by British authorities persuaded us to break loose from that government, declare our independence, and fight to achieve it. Not surprisingly, once that independence was won, we set about establishing a government that prohibited the kind of police conduct we found troubling—mostly through our Constitution and Bill of Rights.

Fortunately, revolutions are relatively uncommon. Less rare are social movements that profoundly alter the landscape of a given society without supplanting the ruling government. In our own history, the civil rights movement of the 1960s stands as a stark example. Blacks and others demanded that segregation come to an end and that they receive social justice. Although the goals were not fully realized, substantial gains were made. Among other things, this led to the termination of the practice whereby Black officers could police only other Blacks. In some older police facilities, one can still find what were separate drinking fountains and restrooms available for Black officers, now—obviously—available for use by all.

Although social movements on the order of the 1960s civil rights movement are certainly more common than revolutions, they are nevertheless, fairly atypical. Moreover, they are not necessary ingredients for change in law enforcement approaches. The much slower and more incremental process of social progress also leads to change. Consider, for example, the changes in family life that we saw beginning in the 1970s.

The relaxation of norms relating to marriage has been a very slow process. Up until only about 30 years ago, fornication and adultery were criminal offenses. The 1974 revision of the penal code began to change all of that, as did the implementation of no-fault divorce, which lessened the need to prove adultery as a ground for divorce. At about the same time, the Supreme Court's decision in *Roe v. Wade* also changed family dynamics by allowing for certain decisions to be made unilaterally by the prospective mother. Also during this time period, Dr. Henry Kempe discovered and named the "battered child syndrome," forcing us to

confront the fact that sometimes parents do not act in their children's best interests.

Of course, many of the foregoing changes in family life could be attributed to the women's movement. However, these changes have persisted and now reach well beyond women's issues. The U.S. Supreme Court's overturning of Texas' sodomy statute and the Massachusetts' Supreme Judicial Court's recognition of a right to marriage by persons of the same sex all are part of a slow evolutionary process of development in an area of law that has been preceded neither by organized social movements nor by revolution.

As we look at the current state of policing, it is much easier to see where we have been than to see where we are going. Still, if we monitor technological advances and social developments, we can get some sense of where we might be headed or, at least, decrease the likelihood we will fall too far behind the curve.

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