Common Problems in Law Enforcement

Rationale
There are common problems that exist when attempting to enforce laws against crimes such as electronic crimes, hate crimes, hot pursuits, human trafficking, and use of force involving special populations. Hence, awareness as well as resolution concerning these problems is imperative for current and future law enforcement officers to effectively perform their duties.

Objectives
The student will be able to:
1. Analyze various criminal laws.
2. Explain basic terms in regards to the enforcement of criminal laws.
3. Define electronic crimes, hate crimes, hot pursuits, human trafficking, racial profiling, and special populations.
4. Resolve ethical issues as they relate to enforcing criminal laws.

Engage
Search the Internet for a free video clip including the key words “police kill handicapped double-amputee,” or search for other video clips depicting ethical dilemmas common in law enforcement. Have the students imagine that they are judges responsible for resolving the issue(s). Use the Discussion Rubric for assessment.

Key Points
I. Electronic crime
   A. Any criminal activity involving the use of computers, such as the illegal transfer of funds from one account to another; or the stealing, changing, or erasing of data in an electronic data bank
   B. History
      1. In the late 1990’s there was a large increase in electronic crimes and profound measures were proposed to resolve the problem
      2. In 1999, the Federal Computer Investigations Committee (FCIC) performed a scenario to further substantiate the emerging problem of electronic crime as well as the challenges it presents for law enforcement
      3. Southern District of New York v. Melissa G. King – case involving the chief at the Park Avenue branch of New York's Union Dime Savings Bank; she embezzled over $1.5 million from hundreds of accounts
      4. United States v. Salerno – another infamous case involved a hacking group called MOD (Masters of Deception)
         a) It is alleged the group stole passwords and technical data from Pacific Bell, Nynex, and other telephone companies
         b) The damage caused was extensive; one company, Southwestern Bell suffered losses of $370,000

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C. Types
   1. Cyberbullying – harassing someone online by sending or posting mean messages, usually anonymously
   2. Cyberstalking – using the Internet to meet a person that one intends to criminally victimize
   3. E-mail harassment – sending multiple e-mails to annoy or threaten a person
   4. Theft of wireless services – the unauthorized use of a wireless Internet connection that may impose costs on a residential subscriber or a corporate network operator

D. The Role of law enforcement
   1. Investigate and dismantle computer crimes
   2. Collect evidence properly
   3. Gather evidence in a timely manner
   4. Prepare the evidence properly for transfer to federal agents
   5. Transfer the evidence to federal agents

E. Issues for law enforcement
   1. Establishing jurisdiction is unclear due to the lack of a physical location
   2. Clarifying privacy rights in regard to social networking websites
   3. Determining the appropriate time to apprehend the suspect or suspects

II. Hate Crimes
A. Criminal actions against an individual or group which is motivated by hatred of race, religion, sexual orientation, handicap, ethnicity, or national origin; a hate crime can be an act of intimidation, threats, property damage, assault, and even murder
B. In 2002 police agencies reported 7,462 hate crime incidents including 11 murders across the country (FBI, 2003)
C. Historic Legislation
   2. Church Arson Prevention Act of 1996
D. Role of law enforcement
   1. Implement measures to prevent hate crimes
   2. Respond to hate crime incidents
   3. Preserve/secure crime scenes
   4. Stabilize the victim(s) and request medical attention when/if necessary
   5. Ensure the safety of all involved: the victims, witnesses, and perpetrators
   6. Collect physical evidence
III. Hot Pursuit/Police Chases
   A. Pursuit of an actual or suspected violator of the law by law enforcement
   B. History
      1. They are often inevitable, but they create dangerous situations for everyone involved, especially when the police go to extreme lengths while pursuing suspects for minor violations
      2. *Scott v. Harris* – a police officer terminated a high-speed pursuit resulting in a crash that rendered the suspect a quadriplegic. The suspect sued but the court ruled that the officer did not violate the Fourth Amendment
   C. The dilemma for law enforcement is whether the benefits of potential apprehension outweigh the risks of endangering the public and the police
   D. Role of law enforcement
      1. Ensure public safety
      2. Determine if pursuing misdemeanor offenses outweighs the cost; quick decisions
      3. Remember that pursuit is not negotiable for felony stops

IV. Human Trafficking
   A. A form of modern-day slavery where people profit from the control and exploitation of others; victims include children involved in the sex trade, adults age 18 or over who are coerced or deceived into commercial sex acts, and anyone forced into different forms of "labor or services," such as domestic workers held in a home, or farm-workers forced to labor against their will ([http://www.polarisproject.org/human-trafficking/overview](http://www.polarisproject.org/human-trafficking/overview))
   B. History – forms of slavery have existed since the ancient Greek and Roman times
      1. *United States v. Kyo Hwa Adler* – agents of the US Immigration and Customs Enforcement (ICE) and the Federal Bureau of Investigation (FBI) arrested 31 Korean nationals throughout the northeast US in a federal human trafficking case
      2. *United States v. Do Hyup Bae* – involves human trafficking of individuals from Canada and Mexico
   C. Role of law enforcement
      1. Awareness that the victims suffer a violation of human rights and need protection
      2. Promotion of the safety and wellbeing of victims is paramount
      3. Have a Plan of Action when it relates to the incidents involving human trafficking
      4. Use relationship building skills when it relates to the victims of this kind of crime
   D. Issues for law enforcement
      1. Knowing which laws have been violated
2. Understanding the process for addressing the various kinds of traffickers and victims (i.e. Coyotes and illegal immigrants)

V. Use of force involving special populations
   A. “Any physical coercion used to effect, influence, or persuade an individual to comply with an order from an officer, above unresisted handcuffing, including actively pointing a firearm at a person” (http://www.portlandcopwatch.org/PPB_Settlement_Agreement111212.pdf)
   B. History
      1. Marshall v. City of Portland – this case involved a mentally ill individual who died while law enforcement was exhibiting use of force
      2. Champion v. Outlook Nashville, Inc. – this case involved police officers continuously spraying mace in the face of a mentally challenged individual that was handcuffed and obviously not a threat
   C. Role of law enforcement
      1. To offer and participate in efficient and effective training
      2. To recognize mental illness early when addressing individuals
   D. Issues for law enforcement
      1. Civil Rights Laws violations
      2. Police Misconduct/abuse of power

Activities
Have students write a scenario about one common problem in law enforcement. Then select the best scenario(s) and have the students write how they would handle the situation(s) if they were the police officer(s) on duty. Use the Individual Work Rubric for assessment.

Assessments
Common Problems in Law Enforcement Quiz and Key
Discussion Rubric
Individual Work Rubric
Research Rubric

Materials
Common Problems in Law Enforcement computer-based presentation
Computers with Internet access

Resources
0132318865, Crimes of the Internet Prentice Hall, Frank Schmalleger and Michael Pittaro, 2008