Common Problems in Law Enforcement

Principles of LPSCS
Copyright and Terms of Service

Copyright © Texas Education Agency, 2011. These materials are copyrighted © and trademarked ™ as the property of the Texas Education Agency (TEA) and may not be reproduced without the express written permission of TEA, except under the following conditions:

1) Texas public school districts, charter schools, and Education Service Centers may reproduce and use copies of the Materials and Related Materials for the districts' and schools' educational use without obtaining permission from TEA.

2) Residents of the state of Texas may reproduce and use copies of the Materials and Related Materials for individual personal use only, without obtaining written permission of TEA.

3) Any portion reproduced must be reproduced in its entirety and remain unedited, unaltered and unchanged in any way.

4) No monetary charge can be made for the reproduced materials or any document containing them; however, a reasonable charge to cover only the cost of reproduction and distribution may be charged.

Private entities or persons located in Texas that are not Texas public school districts, Texas Education Service Centers, or Texas charter schools or any entity, whether public or private, educational or non-educational, located outside the state of Texas MUST obtain written approval from TEA and will be required to enter into a license agreement that may involve the payment of a licensing fee or a royalty.

Contact TEA Copyrights with any questions you may have.
Electronic Crime

• Definition
  • 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

• History
  • In the late 1990’s there was a large increase in electronic crimes and profound measures were proposed to resolve the problem
  • 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
Electronic Crime (continued)

• 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
Electronic Crime (continued)

- **United States v. Salerno**
  - Involved hacker group called M.O.D. (Masters of Deception)
  - Alleged the group stole passwords and technical data from Pacific Bell, Nynex, and other telephone companies.
  - Damage was extensive, Southwestern Bell suffered $370,000 in losses
Electronic Crime (continued)

• Types
  • Cyberbullying – harassing someone online by sending or posting mean messages, usually anonymously
  • Cyberstalking – using the Internet to meet a person that one intends to criminally victimize
  • E-mail harassment – sending multiple e-mails to annoy or threaten a person
  • 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
Electronic Crime (continued)

• The Role of law enforcement
  • Investigate and dismantle computer crimes
  • Collect evidence properly
  • Gather evidence in a timely manner
  • Prepare the evidence properly for transfer to federal agents
  • Transfer the evidence to federal agents

• Issues for law enforcement
  • Establishing jurisdiction is unclear due to the lack of a physical location
  • Clarifying privacy rights in regard to social networking websites
  • Determining the appropriate time to apprehend the suspect or suspects
Hate Crimes

- 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
- In 2002 police agencies reported 7,462 hate crime incidents including 11 murders across the country (FBI, 2003)
- Historic Legislation
  - Hate Crime Statistics Act of 1990
  - Church Arson Prevention Act of 1996
  - Hate Crime Sentencing Enhancement Act of 1996
  - The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009
Hate Crimes (continued)

• Role of law enforcement
  – Implement measures to prevent hate crimes
  – Respond to hate crime incidents
  – Preserve/secure crime scenes
  – Stabilize the victim(s) and request medical attention when/if necessary
  – Ensure the safety of all involved: the victims, witnesses, and perpetrators
  – Collect physical evidence
Hot Pursuit/Police Chases

• Pursuit of an actual or suspected violator of the law by law enforcement

• History
  – Pursuits 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
  – *Scott v. Harris* – a police officer terminated a high-speed pursuit resulting in a crash that rendered the suspect quadriplegic. The suspect sued but the court ruled that the officer did not violate the Fourth Amendment
Hot Pursuit/Police Chases (continued)

• The dilemma for law enforcement is whether the benefits of potential apprehension outweigh the risks of endangering the public and the police

• Role of law enforcement
  – Ensure public safety
  – Determine if pursuing misdemeanor offenses outweighs the cost; quick decisions
  – Remember that pursuit is not negotiable for felony stops
Human Trafficking

• 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)
Human Trafficking (continued)

• History – forms of slavery have existed since the ancient Greek and Roman times
  • *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
  • *United States v. Do Hyup Bae* – involves human trafficking of individuals from Canada and Mexico
Human Trafficking (continued)

• Role of law enforcement
  • Awareness that the victims suffer a violation of human rights and need protection
  • Promotion of the safety and wellbeing of victims is paramount
  • Have a plan of action when it relates to the incidents involving human trafficking
  • Use relationship building skills when it relates to the victims of this kind of crime
Human Trafficking (continued)

• Issues for law enforcement
  • Knowing which laws have been violated
  • Understanding the process for addressing the various kinds of traffickers and victims (i.e. Coyotes and illegal immigrants)
Use of Force Involving Special Populations

• “Any physical coercion used to effect, influence, or persuade an individual to comply with an order from an officer, above unrestisted handcuffing, including actively pointing a firearm at a person” (http://www.portlandcopwatch.org/PPB_Settlement_Agreement111212.pdf)
Use of Force Involving Special Populations (continued)

• History
  • *Marshall v. City of Portland* – this case involved a mentally ill individual who died while law enforcement was exhibiting use of force
  • *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
Use of Force Involving Special Populations (continued)

• Role of law enforcement
  • Offer and participate in efficient and effective training
  • Recognize mental illness early when addressing individuals

• Issues for law enforcement
  • Civil Rights Laws violations
  • Police misconduct/abuse of power
Resources

- 0132318865, Crimes of the Internet Prentice Hall, Frank Schmalleger and Michael Pittaro, 2008
- [http://www.eden.rutgers.edu/~yongpatr/425/final/timeline.htm](http://www.eden.rutgers.edu/~yongpatr/425/final/timeline.htm)
- [http://www.portlandcopwatch.org/PPB_Settlement_Agreement111212.pdf](http://www.portlandcopwatch.org/PPB_Settlement_Agreement111212.pdf)