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# From Community Policing And Crime Control To Security Policing And Citizen Control: Rural And Small-Town Policing In Post 9/11 America

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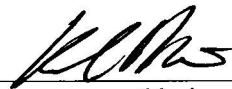
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FROM COMMUNITY POLICING AND CRIME CONTROL TO SECURITY  
POLICING AND CITIZEN CONTROL: RURAL AND SMALL-TOWN POLICING IN  
POST 9/11 AMERICA

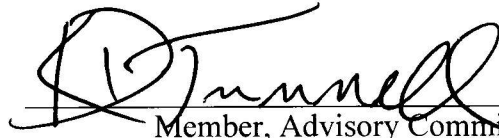
By

Josh Yeager

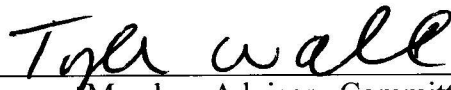
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Date

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FROM COMMUNITY POLICING AND CRIME CONTROL TO SECURITY  
POLICING AND CITIZEN CONTROL: RURAL AND SMALL-TOWN POLICING IN  
POST 9/11 AMERICA

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Submitted to the Faculty of the Graduate School of  
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in partial fulfillment of the requirements  
for the degree of  
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## DEDICATION

This thesis is dedicated to my family  
for their comfort, strength and love.

## ACKNOWLEDGMENTS

I would like to thank Dr. Kevin Minor for his support and guidance in writing this thesis. Dr. Minor has helped opened my eyes to the importance of theory within Criminal Justice. I also want to thank Dr. Tyler Wall for his support and guidance in providing me with the ideas and tools necessary to discover and critically evaluate the criminal justice system. Lastly, I want to thank Dr. Kenneth Tunnell for his support with this thesis. I owe him to helping me discover the world of rural and small-town law enforcement effectively shaping my writing.

## ABSTRACT

Research is lacking on rural and small-town policing in the post 9/11 era. This is unfortunate in view of changing perceptions of threat and insecurity, the financial crisis of 2008 and curtailments placed on funding for rural and small-town police agencies. This thesis argues that the proliferation of homeland security resources and priorities has significantly shaped rural and small-town policing in recent years. Rural and small-town law enforcement agencies, often lagging behind in resources and funding as compared to their urban counterparts, have embraced homeland security agendas, priorities and technologies as a means of securing their financial goals and abilities. By embracing homeland security ideologies, rural and small-town law enforcement agencies have, in essence, incorporated the priorities of an entity bent on preventing and responding to perceived threats to security, often through methods of increased security, surveillance and ubiquitous control of citizens. This development not only represents further abandonment of the traditional due process model, but also a transformation of the community-oriented policing ideology prevalent in the 80s and 90s to a citizen control model of policing. Citizen control policing essentially expands the traditional crime control model to encompass a broader conception of threat and risk, including terrorism, drug dealing, sexual deviance, natural disasters and perceived threats to security and social order generally. Additionally, traditional crime control tactics morph into technology-driven endeavors to monitor and control threats to established order.

By tracing the historical evolution of rural and small-town law enforcement, from their history of securing funding and resources through questionable and sometimes



corrupt channels, to the federal government's increased efforts (epitomized by the Law Enforcement Assistance Administration) to promote professionalization and bureaucratization, this thesis examines the trend for rural and small-town law enforcement to “follow the money” in ensuring their resources and finances are secured, often at the price of altering their priorities, technologies and agendas. Various contemporary theoretical perspectives in criminology are employed to further examine how and why homeland security collaboration with rural and small-town law enforcement is essential to mutual growth and influence. Specifically, the criminal justice growth complex orientation used by Selman and Leighton (2010) to understand prison privatization is applied to the rural and small-town policing context. Theoretical understanding is also advanced by drawing upon the classical works of Ferdinand Tönnies concerning the shift from *Gemeinschaft* to *Gesellschaft* communities and of Max Weber on rationalization and bureaucratization. Finally, Gramsci's concept of hegemony is also used to explain the uncritical readiness with which rural and small-town communities have come to embrace this shift in spite of its potentially fatal flaws.

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## CHAPTER 1

### INTRODUCTION

While the roles of enforcing the law, maintaining order and serving citizens have remained relatively constant through the history of policing, the methods through which these roles are exercised have changed considerably. Methods of policing do not always change abruptly and nor does any one factor serve as the cause of change. However, a major factor affecting changing methods of policing is money (Blumenson & Nilsen, 1998; COPS, 2011). Money serves as the medium through which police agencies can secure the means of performing their various duties in innovative ways.

The police must secure finances from various government organizations. In recent years, the Department of Homeland Security (DHS) has emerged as one such organization bent on providing money to police through such means as grant programs. The Urban Areas Security Initiative (UASI), for example, is a grant program with funding of up to \$558,745,566 in 2013 for various agencies in charge of prevention and protection from terrorism (FEMA, 2013). With financial incentives in place, DHS has certain functions and priorities they must perform to fulfill their duties and agendas. These shape how they spend money and whom they spend money on. The priorities of DHS and the way their money is allocated have changed throughout the years especially after 9/11 and other various disasters, such as Hurricane Katrina and the financial crisis

of 2008. It can be argued that these shifting priorities have also affected policing as the various grant programs available are essential in maintaining their legitimacy, functioning and growth. As money and priorities shift for DHS, so too have the roles and functioning of police.

Prior to 9/11, no single government department was responsible for the sole purpose of national security and domestic intelligence. Any form of terrorism or disaster in America, for example the bombing of the World Trade Center in 1993 or the Oklahoma City Bombing in 1995, was handled by the criminal justice system at that time. Michael Chertoff explains how the Foreign Intelligence Surveillance Act and Title III of the Omnibus Crime Control and Safe Streets Act essentially governed domestic intelligence collection (Chertoff, 2011). For national security to be taken more seriously required a significant impact to America; ergo 9/11. This tragic event that struck the hearts of Americans and provided an eye-opening experience to the inabilities of the government to fully protect its citizens was key to implementing a response to terrorism.

The response to terrorism came at the wake of 9/11 with the creation of the Department of Homeland Security in 2001. Pennsylvania Governor Tom Ridge was appointed as the first Director of the Office of Homeland Security in the White House soon after terror struck America (Homeland Security, 2013). A national strategy was implemented to protect the United States from further terrorism, whether immediate or in the future. In order for the government to fully integrate their plan, funding had to take place. President Bush's first post-September 11 budget (FY 2003) directed \$37.7 billion to homeland security, up from \$19.5 billion in 2002 (Homeland Security, 2013). Since

Homeland Security's inception, its budget has increased dramatically as the United States finds itself anticipating the potential for attack. From 2001 to 2011, the budget for homeland security increased nearly 300 percent. Indeed, in 2001 the budget was at 16 billion, while in 2011 the budget was at a staggering 69.1 billion (National Priorities, 2011), showing the United States' priority for protection against terrorism. Throughout the years of an ever-increasing budget, DHS has been able to provide funding for an array of departments to aid in the prevention and protection from terrorism. One such area DHS has started to fund is policing, which historically, had not received funding from the federal government for the purpose of national security. Therefore, it is important to look briefly at the recent trends in police budgeting to get an overview of its change.

Historically, one of the most famous assistance programs for police was the Law Enforcement Assistance Administration (LEAA), which was created by the 1968 Omnibus Crime Control and Safe Streets Act (US Dept of Justice, 1966). This program was the first federal program designed to provide funding to states to reduce crime and assist in research, state planning agencies and higher educational opportunities for law enforcement (US Dept of Justice, 1966). Funding played a significant role for the LEAA with its goals of "educating" police officers and providing support. LEAA funds were made available to states for planning or for block action grants, while the remaining funds, or discretionary funds, were to provide direction, place emphasis on specific program areas and test innovations (US Government Accountability Office, 1977). Indeed, Congress appropriated a total of \$5.9 billion during the period fiscal years 1969-1977 intended for technical assistance, educational assistance and special training programs, research and data systems and statistical assistance (US Government

Accountability Office, 1977). What was beginning to appear was the realization of the importance of educating and equipping law enforcement with the means of fully performing their duties. As decades come to pass, the federal government implemented further programs to increase the professionalism and performance capabilities of policing.

Until its abolition in 1982, the LEAA was the chief administrator of funds to policing. Several programs took its place, however with the same goals in mind. The main program relevant to this research and to modern policing is the Office of Justice Programs. Established in 1984, the Office of Justice Programs (OJP) provides leadership to federal, state, local and tribal justice systems by spreading knowledge and practices across America and providing grants for the implementation of crime fighting strategies (Office of Justice Programs, 2013). With law enforcement officers having much responsibility for protecting the communities in which they serve, the federal government realizes the importance of its collaboration with police. While the Office of Justice Programs may not physically take officer's places in the communities, they work in partnership to fill mutual agendas. Indeed, the mutual agendas for these various agencies can change over time. Often times agencies will follow the money; essentially their priorities and focus shift where the money takes them. Money allows various agencies to perform their duties and is essential for their justification. Therefore, it is equally important to discuss the changes in policing as well as how funding has changed to fit new priorities. The changes in funding, training and technology now available to policing is significant in analyzing its contemporary purposes, methods and issues that may arise.

In arguing that police follow the money it is important to keep in mind that because police rely on funding from the federal government, they will more than likely allocate their funds to tasks similar to what the federal government has prioritized. In looking at policing in recent years, their priorities have seemingly shifted alongside the federal government and organizations such as DHS. Historically, organizations part of the federal government and DHS such as the Federal Emergency Management Agency (FEMA), had functions and priorities associated with protecting communities from natural disasters. Indeed, one of their main goals is to have

“A secure and resilient nation with the capabilities required across the whole community to prevent, protect against, mitigate, respond to and recover from the threats and hazards that pose the greatest risk.” (FEMA, 2013)

These hazards can include natural disasters such as hurricanes, earthquakes and tornadoes, which can be more hazardous and more prevalent than terrorism. Roberts (2005) explains how natural and technological disasters occur with greater frequency and cause more damage on average each year than terrorist attacks. However, the funding and priorities that agencies such as FEMA were getting for these disasters has been allocated elsewhere. Since 9/11, Congress essentially reduced funding for natural and technological disaster grants and increased funding to prevent and respond to terrorism (Roberts, 2005). What has occurred here is a shift in funds and priorities to what Congress and the federal government has deemed important for the nation's focus. Rather than continuing to place emphasis and major funding on disasters that have impacted the United States before, such as hurricanes and tornadoes, terrorism became the new focus. Terrorism became the new “hot” commodity. Its potential for occurring may be relatively

low, but because the United States became victim to such an event, focus shifted to preventing and responding to the potential for it to occur again.

With the federal government focusing their funds and priorities on homeland security and terrorism initiatives, so too have police. Police rely on funding from the federal government, and when the government shifted their focus, policing closely followed. Roberts (2005) argues that states and localities have an insatiable appetite for new money. In other words, when Congress directs granting programs to emphasize terrorism, including increasing funding and technologies, police have jumped on board to receive part of the money. Police rely on money and technology to sustain their functioning and when the institution that provides their funding directs their money to certain priorities, such a terrorism, police will essentially shift their functioning to obtain funds.

A case in point is the Law Enforcement Protection Program which enables the Kentucky Office of Homeland Security to provide funds for equipment to law enforcement agencies across the state (Commonwealth of Kentucky, 2013). This particular program provides an array of equipment and technology such as body armor, firearms and electronic control technology to the police. New technologies such as fusion centers are another significant apparatus provided by DHS to local and state police. For example, federal and state agencies came together to establish the Kentucky Intelligence Fusion Center to improve intelligence sharing among public-safety and public-service agencies to better secure the commonwealth against criminal activity and domestic and international terrorism (Commonwealth of Kentucky, 2013). This particular controversial



piece of technology that allows the sharing of data on millions of people is shareable amongst an array of public and private entities. While problems with fusion centers have often been highlighted in the media and in academia (Isikoff, 2012; Monahan, 2010; Monahan & Palmer, 2009), these technologies that are funded by DHS can reach policing and therefore, bring the problems to law enforcement. For example, reports by some centers show fusion centers have violated the civil liberties and privacy of U.S. citizens (Isikoff, 2012).

Therefore, it is important to look at DHS and their changing focus on terrorism prevention and response and how this has impacted policing. It has been argued that police essentially follow the money in that their reliance on funding becomes highlighted when the very institution that provides for them changes their priorities. Police functioning and technology not necessarily integral to policing in past decades becomes engrained in their roles in the communities, and this can have a profound impact on community relations. Indeed, it can be argued that the very role of community oriented policing has seen a change due to the federal government's focuses on terrorism.

In this thesis, I will be examining the literature on homeland security functioning and priorities as well as the shifting roles of policing in this age of terrorism. In addition, theory will be incorporated to delve deep into the underlying reasons for the changing roles of policing in the wake of terrorism prioritization. Selman and Leighton (2010) provide an excellent analysis of private prisons and how the privateers see the potential for growth and economic gain from punishment. Their theories from corrections can be applied to policing in that in the quest to secure funding and therefore alter functioning,

police alter their very reasons for existence. The literature available on this concept is not fully developed and a theoretical analysis to this topic is needed. Theory needs to be applied to this topic so that it can provide a way of understanding why changes occur and the potential ways of alleviating the negative components. Research on DHS and police funding, including the amounts of money sent to different departments, as well as what the funding is going to, will also be highlighted to illustrate the changing trends.

More research is needed in regards to the relationship between local innovations of community oriented policing and homeland security. By examining the language of homeland security and the tactics that are used to strengthen counter-terrorism and emergency preparedness, there can be possible indicators of the adverse components of homeland security innovations in rural and small-town environments. Relatively recent research has pointed to the possible issues between immigrant communities, mainly Arab-American, and law enforcement when federal government and homeland security policies and practices are implemented (Henderson, Ortiz, Sugie & Miller, 2006; Jones & Supinski, 2010; Thacher, 2005). Homeland security initiatives can undermine and hinder relations in rural and small-town environments when there is an increased emphasis on surveillance and crime control efforts that is often associated with homeland security styles of policing. Therefore, by delving deeper into the extant literature on small-town law enforcement communal practices tied in with homeland security policing, possible adverse circumstances can be revealed, circumstances that have essentially hindered the often close ties that rural and small-town law enforcement historically have had within their communities.

Weisheit, Falcone and Wells (2006) provide insight into crime and policing in rural and small-town America. Indeed, their research provides a way to understand the roles and issues rural police face. They cover the issues of rural policing, the duties rural police are sworn to uphold, the dependency on resources and the geographical implications of rural and small-town America. Many issues and characteristics pertinent to rural and small-town law enforcement, that often distinguish them from their urban counterpart, can signify the circumstances contributing to their seeking out and growing reliance upon homeland security for funding and resources. For example, Weisheit et al., (2006) explain certain issues rural and small-town law enforcement face stemming from a lack of resources. This can be seen by the stress levels experienced by rural and small-town police officers from the environment in which they work (Scott, 2004; Sandy & Devine, 1978) and other job related stressors such as changes in police administration, media influence and lack of privacy. Also, given the often vast geographical locations of rural and small-town communities, a lack of resources can hinder law enforcement response times to various emergencies such as automobile accidents (Brodsky, 1990), domestic disputes (Logan, Stevenson, Vans & Leukefeld, 2004) missing persons (Tizon, 2005) and other various public safety services (Wood, 2001).

Weisheit et al., (2006) also explain how there are several features of rural culture, including the homogeneity of small-towns and rural communities, that distinguish it from urban culture. One major feature is the use of informal social control in dealing with crime and criminal justice related issues. Informal social control appears related to shared community norms and values about the importance of protecting neighborhood residents from victimization (Nash & Bowen, 1999). Also, neighborhood levels of

victimization and fear of crime are often mediated by neighborhood social integration, informal social control and minor social disorder (Wikström & Dolmén, 2001). The homogeneity of small-towns and rural communities is also significant in contributing to the use of informal social control. The implementation of informal social control can be attributed to the residents and local police of rural communities being familiar with one another (Weisheit et al., 2006). In rural areas and small-towns, the centrality of citizens in the community undoubtedly contributes to their knowledge and ideological base. With a local population sharing similar goals and beliefs, the use of informal social control can become a way of maintaining the functioning of the community. The local community initiating informal social control can become one way that the local police can establish themselves and their functioning with the people in order to perform their job.

The shifts in rural and small-town policing tactics and priorities have effectively changed the ways in which this level of law enforcement functions in their communities. The change in law enforcement to include homeland security practices, technologies and priorities comes as no surprise given the amount of funding that DHS has made available in the forms of grants for adhering to DHS priorities. Therefore, a theoretical understanding of the reasons for, and results of, rural and small-town law enforcement collaborations and innovations as a result of Homeland Security funding and priorities is important for understanding the changing nature of rural and small-town law enforcement. Counter-terrorism and emergency preparedness have historically not been a major part of rural and small-town law enforcement priorities. Only with 9/11, the economic crisis in 2008 and the Department of Homeland Security issuing grants to state and local law enforcement has there been a changing of priorities to policing. It is

through understanding the collaborations of Homeland Security and rural and small-town law enforcement that themes of shifting priorities and funding securement can be analyzed.

## CHAPTER 2

### AMERICAN POLICE FUNDING IN HISTORICAL CONTEXT

Early American policing has roots traced back to the Southern slave patrols in the 1800s. Indeed, policing in its earliest years developed as a strategy with the role of controlling both race and class (Currie, Frappier, Platt, Ryan, Schauffler, & Scruggs, 1975). In its earliest form, modern American policing was designed to keep the Black slaves in oppression and to exacerbate the contradictions between Black slaves and poor Whites (Currie et al., 1975; Hawkins, & Thomas, 1991; Reichel, 1988). In the North and West over time, there seemed to be an evolution of the police institution in response to the differing race and class contradictions that existed.

Currie and colleagues (1975) explain that in large cities, for example Philadelphia, New York, Boston and Charleston, the growing bourgeoisie of merchants, lawyers and political leaders established the famous night watches. The night watches were paid for by the city with the responsibilities of guarding various warehouses and homes of the growing elite. Research has highlighted the harsh conditions and realities of the night watches and their often poor wages and unsupervised work schedules that led to their notoriety of occasionally falling asleep or drinking on the job (Currie et al., 1975; Uchida, 1993; Vila & Morris, (Eds.). 1999). Growing resentment to the night watch and their failure to prevent crime led to the growing elite's alteration of the police force.

The urban elites thought that instituting regular salaries could replace the fee-for-service watch system. In this way, the urban elites were able to lessen some of the competition among police officers and exert greater control and discipline over policing (Currie et al., 1975). A divide of the police and working class became more apparent.

Indeed, the police became more disciplined, militarized and centralized (Currie et al., 1975). In the Southwest, the Texas Rangers, first formed in 1835, were among the first advanced police organization in the United States (Currie et al., 1975). This particular force was charged with the duties of protecting the property and wealth of the emerging capitalist class. This demonstrates the central role that the growing upper class of individuals had in funding and controlling early police. The police at this time were essentially in charge of protecting the goods of the rich and, therefore, were subject to their power and control.

During the mid to late 1800s, policing was still very politicized and was controlled mainly by politicians and the wealthy. The politicians at the time had much control in hiring police and police administration. Indeed, politicians were able to maintain their control over police agencies due to their direct influence in choosing the police chiefs that would run various agencies (Archbold, 2012). Politics continued to play a significant role in the actual hiring and promotion of police in urban areas. For example, politics also heavily influenced the hiring and promotion of patrol officers. Archbold (2012) explains:

In order to secure a position as a patrol officer in New York City, the going rate was \$300, while officers in San Francisco were required to pay \$400. In regards to promoted positions, the going rate in New York City for a sergeant's position was \$1,600 and it was \$12,000 to \$15,000 for a position as captain. Upon

being hired, police officers were also expected to contribute a portion of their salary to support the dominant political party. Political bosses had control over nearly every position within police agencies during this era.

To adjust for inflation, it is interesting to see the currency value in the late 1800s in comparison to today's prices. In the late 1800s, the salaries for officers at around \$300 in New York, for example, would be the equivalent to around \$7,500 today. In addition, the position of captain, rolling in around \$15,000 in the late 1800s, would be equivalent to around \$377,000 at today's prices (Calculator, 2013). The salary gap between a regular officer's and a supervisor's position in policing during this time is noteworthy. It is indicative of the levels of influence and control politics had in regards to policing, especially when one notices the expendable status of officers during the 1800s.

Political influence and control over policing at this time undoubtedly affected the standards according to which police were hired. Essentially, it was at the discretion of the political leader who would be hired based on the potential officer's willingness to work for the politician in keeping them in office (Archbold, 2012). The highly politicized atmosphere during this time showed a major way in which early American policing was funded and influenced. Money and influence became the dominate factor that contributed to how officers approached their work, which inevitably led to a lack of supervision and encouraged corruption. The limited supervision, lust for money and power and the control of politicians at the time essentially contributed to a system of policing that was filled with corruption (Archbold, 2012; Uchida, 1993).

Interestingly, the ethnic divisions of the working class that were often exploited and fueled by the ruling class also affected the police organization. For example, police



officers were frequently paid at twice or more the rate of laborers, thus, allowing them to move into neighborhoods that were more comfortable and develop class identification with the urban elites (Currie et al., 1975). The actions of the urban elites continued to spark change in the very functioning and ideologies of the police. Large scale bribery and corruption not only ensured the loyalty of police officers, but essentially moved many officers into the petite-bourgeoisie, making them small-scale entrepreneurs (Currie et al., 1975).

The continual funding of police by politicians and various local elites essentially sparked the hiring of private police. Private police were able to function in ways that regular urban police officers were incapable of allowing the rich to hire private police to do the work for them (Currie et al., 1975; Becker, 1974; Landes & Posner, 1974; Scott & McPherson, 1971). Indeed, rather than personally engaging in the violent and illegal suppression of the working class, the rich could hire private police to take over, essentially keeping the rich from any responsibilities. The expansion of a private police network, pioneered by Alan Pinkerton, was able to flourish due to the heightened class conflict that often followed industrialization (Currie et al., 1975).

One of the more famous private police agencies involved with class conflict, centered mainly around rural communities, was the Baldwin Felts Detective Agency, established in the early 1890s by William Gibbony Baldwin. Prior to the establishment of the detective agency, Baldwin had a history of violence in his private detective work throughout rural communities in the coalfields of western Virginia, West Virginia, and eastern Kentucky. Indeed, his history of violence, including a murder charge and

episodes of racial violence, continued after his collaboration with Thomas L. Felts in 1900 and the creation of the Baldwin Felts Detective Agency. Baldwin-Felts' agency became known almost as well as the older Pinkerton Detective Agency, achieving special notoriety in the southern Appalachia coalfields, where it defended the coal companies' interests against miners and the unionization efforts of the United Mine Workers of America (Salstrom, 1998). The agency also blacklisted union members, intimidated, beat, and even killed union organizers and worked undercover to identify workers critical of coal-mine owners and operators (Salstrom, 1998). The Baldwin Felts Detective Agency, impacting various rural communities throughout Virginia and West Virginia, contributed significantly to the heightened class conflicts that often followed private police networks.

Research has shown how in addition to the increase in violence and oppression by the private police, the employer's money provided for extra services that the regular urban police could not provide. This highlights the historical nature of for profit policing and benefits of outside funding for police (Spitzer & Scull, 1977; Currie et al., 1975; Kakalik & Wildhorn, 1971). For example, the hired private police often had to guard scabs, or workers who crossed a picket line during a strike and took the jobs of those currently on strike, to keep them from escaping, make them operate machinery, etc. (Currie et al., 1975). This historical outlook on the ways in which money provided extra services for the police began to show a reliance on outside funding in order for the police to perform their various duties.

During the late 1800s and early 1900s, there were a variety of movements and pushes to reform policing away from this notion of political influence and corruption. One of the main goals of this reformation was to remove the political influence and power exerted on police. Indeed, higher standards of recruiting police officers and administrators were introduced and efforts were made to remove the powers of politicians to pursue political agendas (Archbold, 2012; Rudoni, Baker & Meyer, 1978; Price, 1976). A professionalization of policing was called for in order to move away from the historically corrupt and paid-for-hire status police once held due to political influence. Vollmer (1933), for example, highlighted many of the changes that occurred in policing in the early 1900s: changes to civil service, training, dispersion of force and communication. These were but a few examples of the changes necessary to steer away from political influence and control to arrive at a more professional and increasing bureaucratized police force.

In the early 1900s leading up to the 1960s and World War II era, the various social movements that occurred gave further rise to the need of a more professionalized style of policing and call for reform. The “race riots” in the 1940s and further racism, unemployment and exploitation contributed to a rising crime rate shortly after World War II (Currie et al., 1975). The 1960s saw a tremendous effort in bringing change to policing as a result of the various movements that existed at the time. For example, the Civil Rights movement emerged as a result of the increased discrimination and abuse of certain minority populations. The gap between the rich and the poor, wasteful military spending, anti-war sentiment and human rights violations led to increased resistance against government actions (Currie et al., 1975). The ruling class, therefore, recognized the

police function as too essential and significant to be left to politicians and police administrators. As a result, ruling class intervention emphasized the need for a business-type organization and efficiency in police operations (Currie et al., 1975). With the new forms of policing being emphasized during this decade by the involvement of the federal government, the ways in which police were funded and shaped would forever be changed.

President Lyndon B. Johnson in the 1960s explained that the main responsibility of law enforcement remains with the state and local governments (Whisenand, 1966). Indeed, the former President highlighted many of the burdens and struggles that state and local law enforcement were experiencing at the time, mainly crime. Therefore, in the 1960s there was a call for more training and technical assistance to state and local law enforcement agencies from the federal government. This way the burdens that state and local law enforcement often faced could be alleviated with federal assistance. Whisenand (1966) highlights the ways in which the federal government sought to alleviate the stressors that impeded the functioning of state and local law enforcement. The Law Enforcement Assistance Act of 1965 was one such attempt at providing this alleviation.

#### Law Enforcement Assistance Administration

The Law Enforcement Assistance Act (LEA) was designed to expand the training programs for local and state law enforcement personnel at that time (Whisenand, 1966). Indeed, this increase in training and the quality of police personnel was to be funded through various block grants from the federal government. The three different types of grants issued to policing were block action grants, discretionary grants and grants through

the National Institute for Law Enforcement and Criminal Justice (NILECJ) (Currie et al., 1975). The block action grants, allocated through LEAA's regional offices, accounted for 85 percent of LEAA funding. The remaining 15 percent was distributed directly from the agency headquarters and regional offices, in the form of discretionary and NILECJ grants (Currie et al., 1975).

Currie and colleagues (1975) explain that annually, every state was given \$200,000 to support the development of a comprehensive state criminal justice plan, which essentially explained how the state spent its LEAA funds. This comprehensive criminal justice plan was designed to force the states to organize and more efficiently deal with competing needs and order of priorities. Each state was awarded an action grant to support the projects and programs outlined in the criminal justice plan. In order to ensure that LEAA money would reach local units of government, the LEAA legislation required that 40 percent of the planning money be allocated to regional planning boards to help the financing of local criminal justice plans (Currie et al., 1975).

It has been established how these particular funds were to go to specific public or private nonprofit organizations for the sole purpose of establishing various professional training programs for law enforcement (Whisenand, 1966). Another key function of the LEA involved providing law enforcement with the tools necessary to develop projects and research designed for gaining new knowledge in regards to the organization of law enforcement, operations and the prevention or control of crime (Whisenand, 1966).

Up until the 1960s, police funding was almost entirely local. Indeed, it was not until the late 60s that the federal government stepped in to provide further assistance to

state and local law enforcement. Realizing that crime needed to be handled more effectively, Congress in 1968 created the Law Enforcement Assistance Administration (LEAA) to improve policing on both the state and local levels through the allocation of funding and technical resources (Varon, 1975; Rogovin, 1973). Varon's work regarding the examination of the LEAA provides ample insight into the background and functioning of the LEAA.

For example, Varon (1975) explains that LEAA was essentially an outgrowth of the Law Enforcement Assistance Act of 1965 and of the 1967 report by the President's Commission on Law Enforcement and the Administration of Justice. The Law Enforcement Assistance Act of 1965 was an attempt by the federal government to fund and encourage a variety of experimental, research, demonstration and training projects related to state and local law enforcement. Varon (1975) explains that the statute authorized the Attorney General to allocate funds to public or private nonprofit agencies for a variety of projects. These projects were designed to improve training, increase the abilities of law enforcement and assist in the prevention and control of crime.

The President's Commission on Law Enforcement and the Administration of Justice on the other hand, was created by executive order in July of 1965 in response to the growing public concern with crime. The President's Commission essentially called for more resources to be made available in support of law enforcement and the criminal justice system at federal, state and local levels (Varon, 1975). Therefore, in 1968 it was proposed that Congress create the LEAA under Title I of the Omnibus Crime Control and

Safe Streets Act to make more resources available to states from the federal government (Varon, 1975).

The structure of the LEAA is important to take note of in regards to how this program was implemented at state level and to see the transformations in funding and the functioning of law enforcement. Various research (Diegelman, 1982; Moment, 1976; Roth, 2005; Varon, 1975) has shown the structure and functioning of the LEAA and has provided a way to understand the need, at the time, of providing federal assistance to state and local law enforcement.

There are certain obligations that both the LEAA and law enforcement have to each other in order to have equal functioning. For example, for law enforcement to accept LEAA funding, the departments had to meet certain laws, requirements and policies (Moment, 1976). By following these standards, law enforcement was expected to receive significant federal aid at both the state and local level. The LEAA promised to provide various basic functions to law enforcement in order to provide significant training and funding for their improvement:

For example, the LEAA encouraged state comprehensive planning for criminal justice improvements by providing technical and financial assistance to improve and strengthen law enforcement and criminal justice, conducting research and development projects to improve criminal justice operations and developing and transferring to the states new techniques and methods to reduce crime and detect, apprehend and rehabilitate criminals (Diegelman, 1982, p. 997).

The funds that were awarded to the states were in the form of block grants, which provided more lenient terms in regards to how the states gave out and used the federal funds (Diegelman, 1982). Indeed, the states were given much power in their abilities to

set priorities and make choices in the allocation of funds across borders. Despite funds provided by the federal government, the government was not able to determine where or how states would use the funds they received (Diegelman, 1982).

In order for the states to qualify for LEAA money, they first had to establish a criminal justice planning agency (Clynch, 1976). Once states established this particular agency and the LEAA approved, the states could begin to establish which specific programs or projects may be funded. There has been note of the potential for control the LEAA and federal administrators had in regards to the disbursement of funds. However, the states had discretion over the manner in which they disbursed funds from the LEAA to various aspects of the law enforcement system (Clynch, 1976).

The state planning agencies also included what was known as a supervisory board. Relevant research points to the functioning of this supervisory board to act as a representative of all criminal justice components, ultimately to have final approval or denial in decisions concerning grants (Hagerty, 1978). However in many states, the objective to secure funds and achieving fair share of the LEAA resources made available to states contributed to a competitive ideology that sought to drive the system and its parts away from each other, thus taking away any sense of interconnectedness (Hagerty, 1978).

In regards to the 1968 creation of LEAA to assist law enforcement agencies, Hagerty (1978) explains that Congress recognized a weakness in this approach and thus amended the legislation in 1973. Congress essentially broadened the role of the LEAA to



include all components of the criminal justice system, rather than only law enforcement (1978).

In the course of the implementation of the LEAA, the program distributed more than one billion dollars between 1969 and 1975. Thirty-nine percent of this money went to support police and police-related activities; 13 percent of the funds were spent on court projects and programs; 28 percent of the money was spent in the area of corrections. Combined efforts, including any combination of courts, policing and corrections, accounted for 11 percent of the funds. Non-criminal justice agencies received 7 percent of the funds (Currie et al., 1975).

Based on accounts of the history of law enforcement funding, there appears to be various trends that have occurred. Indeed, historical accounts highlight the important role that state and local governments have had in funding the criminal justice apparatus. Law enforcement agencies were primarily funded locally until the arrival of the LEAA. Politics has also played a significant historical role in the funding of early modern American policing. The politicians and local elites of various towns that have a law enforcement establishment played a major role in hiring police officers to essentially do the work for them. Rather than stepping in and guarding warehouses or dispersing punishment to locals, the elites and politicians in the early years of modern policing were able to hire and have great influence over law enforcement and their priorities. Even with the implementation of LEAA to respond and fix this issue of corruption and political influence with the help of the federal government, the LEAA itself underwent much revision. The ways in which police have been funded since the LEAA is important to

take note of in the bigger role the federal government had in providing funds to law enforcement.

There is general agreement on some of the successes of the LEAA. Indeed, the program's encouragement of state level criminal justice planning, police professionalism through academic opportunities for law enforcement and the various technological advances were seen as positive aspects of the LEAA (US Dept of Justice, 1996).

However, many of the negative components of the LEAA have contributed to the need to expand further and evolve to a better way of working with and training law enforcement.

For example, some of the controversies of the LEAA involve politics, funding approaches, mission and organizational issues and planning (US Dept of Justice, 1996).

More specifically, in regards to the funding approaches, some people saw the federal funding under LEAA as more of a “blank check” rather than as seed money with certain time limits (US Dept of Justice, 1996). In other words, it seemed that there was not a shared consensus as to how the federal block grants were awarded and what amounts were necessary to have an impact on law enforcement. The Department of Justice (1996) essentially said that while many people did not see the necessity of awarding small grants to agencies, there were others who felt that small grants could be worthwhile and make an impact.

While the LEAA played a significant role in providing federal funds to state and local law enforcement for a few decades, new and more innovative programs have since taken its place. The LEAA had its functions absorbed by the National Institute of Justice on December 27, 1979, with passage of the Justice System Improvement Act of 1979.

The Act, which amended the Omnibus Crime Control and Safe Streets Act of 1968, also led to creation of the Bureau of Justice Statistics. With LEAA's abolition, the Bureau of Justice Statistics (BJS) and National Institute of Justice (NIJ) emerged as a result of the Justice Systems Improvement Act creating distinct agencies under the Department of Justice's Office of Justice Assistance, Research and Statistics (Tonry, 1998).

The Justice System Improvement Act of 1979 essentially restated and amended Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (Department of Justice, 2000). In regards to the new National Institute of Justice, its primary functions were to:

Promote research and demonstration efforts for improving Federal, State and local criminal and juvenile justice systems, preventing and reducing crimes and unnecessary civil disputes, insuring citizen access to appropriate dispute - resolution forums; and improving efforts to combat white-collar crime and public corruption (Department of Justice, 2000).

The newly formed Bureau of Justice Statistics, on the other hand, sought to:

Promote the collection and analysis of statistical information concerning crime, juvenile delinquency and civil disputes as well as: collecting information concerning criminal victimization, crimes against the elderly and white-collar crime, establishing national standards for justice statistics; providing information to the President, Congress, the judiciary, State and local governments and the general public on justice statistics; and making grants to public agencies, institutions of higher education and private organizations or individuals to carry out its functions (Department of Justice, 2000).

As one can see, with the establishment of the NIJ and BJS, it would seem that more emphasis was placed on the importance of collecting data and promoting research. There was still the consensus of having collaboration between the state and federal governments for the intent of promoting a much richer form of law enforcement and data

gathering. The federal government at this time was still playing a significant role in forming law enforcement and the criminal justice apparatus's goals and functioning.

The federal government, as can be seen through the various functions and responsibilities set forth in the Justice System Improvement Act, was showing their power and influence on the states in regards to how the criminal justice apparatus had to be formed for the purpose of securing of funds. There were specific guidelines that had to be followed in these newly implemented programs for the furtherance of the criminal justice apparatus (Department of Justice, 2000). As the guidelines, priorities, technology and funding increased with the federal government, so too, did these factors with state and local law enforcement agencies. The federal government was able to promote the furtherance of state criminal justice systems by implementing these programs in collaboration with the various state agencies receiving federal resources.

While the Department of Justice's Office of Justice Assistance, Research and Statistics only lasted a few years until its abolition in 1984, there was another program to take its place that is still in existence today.

The Office of Justice Programs (OJP) came into existence in 1984. Their key mission for OJP is to:

Provide innovative leadership to federal, state, local and tribal justice systems, by disseminating state-of-the art knowledge and practices across America and providing grants for the implementation of these crime-fighting strategies. OJP works in partnership with the justice community to identify the most pressing crime-related challenges confronting the justice system and to provide information, training, coordination and innovative strategies and approaches for addressing these challenges (Office of Justice Programs, 2014).

Indeed, the Office of Justice Programs seeks to further the relationship and collaboration of resources with State and local criminal justice agencies. One of the main ways in which this relationship is strengthened is through the various grant programs that exist. A main goal of the OJP is to administer the grant awards process in a fair, accessible and transparent fashion and, as good officers of federal funds, manage the grants system in a manner that avoids waste, fraud and abuse (Office of Justice Programs, 2014). Interestingly, one of the main goals of OJP in regards to the funding process is to make sure the granting system avoids wasteful and abusive spending. Looking back historically to how law enforcement was funded, the waste and abuse that were present is clear. Historically, politicians and local elites were able to fund officers essentially at their discretion and had significant influence in the ranking system of officers, which affected the rates at which the officers were paid. With the OJP, it is clear there is more emphasis placed on how the federal funds and resources that both state and local criminal justice agencies receive are to be used.

State and local law enforcement throughout the decades have seen many significant changes in regard to how and where they received the funds and resources they needed to perform their duties. Indeed, in the early years of American policing, politics and local elites of the growing upper classes had much power and influence in forming the roles of the police. Many early law enforcement agencies were sworn to politicians who felt the need to increase their power in securing more votes and spreading their influence. Until there was a call to reduce the corruption and political influence that was apparent in early policing, the early decades of policing were essentially unprofessional.

Government programs such as the LEAA were able to bring a more professional and bureaucratic model of policing to law enforcement in order to educate and train police. Law enforcement could move away from political influence and become a more professional and well-trained apparatus. Since the time of LEAA, the federal government has undergone various transitions to how police receive resources, such as grant programs. The underlying thought is that by the federal government stepping in to help state and local criminal justice agencies, law enforcement can begin to be well-equipped and trained to reduce crime and instill control. At the same time, with federal funds coming in to the state and local law enforcement agencies, so too do the priorities and resources of the federal government. Historical trends of law enforcement funding show that as the federal government has assisted state and local agencies, the missions and responsibilities have such agencies have evolved to fit the federal government model.

The growing federal government assistance to state and local law enforcement agencies presents clear implications of reliance on federal funds. The need for law enforcement to equip and train themselves to perform their duties is maintained through federal support. Historically, law enforcement has relied upon outside sources for funding. Through changes in police structure, such as moving from political influence and funding towards more professionalism and bureaucratic federal influence, the need to secure outside funding and resources marks a high priority in police functioning in order for them to be effective.

The need to secure outside funding intensified as a response to the economic crisis of 2008. The collapse of many large financial institutions, stock market downturns

and unregulated credit card default swaps inevitably led to a \$700 billion dollar bailout approved by Congress, which essentially hindered various government entities' abilities to secure funds and resources, including state and local law enforcement (Murphy, 2008). Increased unemployment rates, the collapsed housing market, slowed consumer spending, reduced city revenue and the record level federal deficit seemingly made economic stability and securement impossible (COPS, 2011). The economic downturn was devastating to local economies and, by extension, the local law enforcement agencies that already tend to lag behind the general economy (COPS, 2011). Police agencies were some of the hardest hit by the economic climate in the wake of 2008. Curtailing revenues nationwide forced local governments to make cuts in spending across the board, which included public safety operating budgets (COPS, 2011), therefore making it essential for police agencies to look at other sources for funding.

The growing federal funds allocated to the Department of Homeland Security provided a source of revenue to rural and local law enforcement agencies in the wake of the economic crisis of 2008. By turning to the Department of Homeland Security the funding through grant programs that rural and local law enforcement were seeking became available.

## CHAPTER 3

### DEPARTMENT OF HOMELAND SECURITY

Prior to the terrorist attacks in the United States on September 11 2001, the nation's homeland security was dispersed and essentially not centralized. Indeed, homeland security activities were spread across more than 40 federal agencies and an estimated 2,000 separate Congressional appropriations accounts (Borja, 2008). In February 2001, the U.S. Commission on National Security/21st Century issued its Phase III Report, which recommended significant and comprehensive institutional and procedural changes throughout the executive and legislative branches to ensure that the nation could meet future national security challenges (Borja, 2008). One of the recommendations was to create a new National Homeland Security Agency to consolidate and improve the goals of the different departments and agencies that had a role in homeland security for the United States. In March 2001, Representative Mac Thornberry (R-TX) proposed a bill to create a National Homeland Security Agency, following the recommendations that were made the previous month from the U.S. Commission on National Security/21st Century (Borja, 2008). The proposed bill sought to combine FEMA, Customs, the Border Patrol and several infrastructure offices into one agency that would be responsible for homeland security-related activities. Several hearings were held, but at the time, Congress took no further action on the bill.



In the wake of the terrorist attacks on September 11, 2001 that shook the very foundation of the United States, an organization was born that would forever change the ways in which the nation would approach safety and security. Just days after the attacks, President George W. Bush appointed Pennsylvania Governor Tom Ridge as the first Director of the Office of Homeland Security in the White House (DHS, 2014). The newly formed Office of Homeland Security would have vital goals in maintaining safety and security within the United States' borders. As George W. Bush explained in his address to a Joint Session of Congress and the American People in September of 2001:

“Tonight, we face new and sudden national challenges. We will come together to improve air safety, to dramatically expand the number of air marshals on domestic flights and take new measures to prevent hijacking. We will come together to promote stability and keep our airlines flying, with direct assistance during this emergency. We will come together to give law enforcement the additional tools it needs to track down terror here at home. We will come together to strengthen our intelligence capabilities to know the plans of terrorists before they act and find them before they strike.” (Bush, 2001).

The Office of Homeland security would be the response to the national challenges that Bush spoke of in his address to the country. The office would oversee and coordinate a comprehensive national strategy to safeguard the country against terrorism and respond to any future attacks (Borja, 2008). By integrating numerous diverse agencies that provided aspects of homeland security, such as immigration, border controls, disaster management, Coast Guard and intelligence, the United States Government could obtain a much more diverse and outstretched national security force (Mabee, 2007).

The following month of October helped pave the way for more organizational efforts in fully establishing the Office of Homeland Security. On October 8, 2001, two organizations were established within the White House to regulate homeland security policy. The Office of Homeland Security (OHS) within the Executive Office of the President was organized to develop and implement a national strategy to coordinate federal, state and local counter-terrorism efforts to secure the country from and respond to terrorist threats or attacks (Borja, 2008). The second organization, the Homeland Security Council (HSC), involved Cabinet members being vested with the responsibility of homeland security-related activities and advising the President on homeland security matters, essentially mirroring the role the National Security Council (NSC) plays in national security (Borja, 2008).

Throughout the rest of 2001 and starting months of 2002, various organizational structuring and budget implementations took place that put into perspective the seriousness of this newly created department. Indeed, in February 2002, President George W. Bush released the FY2003 Budget. This would be the federal government's first post-September 11 budget. The proposed FY 2003 Budget directed \$37.7 billion to homeland security efforts, including support for first responders, bio-terrorism prevention efforts, border security and technology, reflecting an increased focus on homeland security (Borja, 2008). Such a high budget allocation to various agencies and responsibilities under the new homeland security department would undoubtedly set new standards for safety and security within the United States' borders. This would create new funding incentives for state and local agencies as well.

On March 21, 2002, President Bush issued Executive Order 13260, establishing the President's Homeland Security Advisory Council (PHSAC). Members of the PHSAC would serve as advisor to the president on various issues pertaining to homeland security. The various advisors represented the private sector, academia, professional service associations, federally funded research and development centers, nongovernmental organizations and state and local governments. (Borja, 2008). The council, which eventually rechartered itself to become the Homeland Security Advisory Council (HSAC), brought together a host of professional individuals throughout various fields, seemingly broadening the scope of homeland security's capabilities. In the months to follow, homeland security would grow more organized and established to become the entity that the United States sees today.

On November 25, 2002, President Bush signed into law the Homeland Security Act of 2002 and announced that former Pennsylvania Governor Tom Ridge would serve as the secretary to the newly formed Department of Homeland Security, which would be created through this new legislation (Bullock, Haddow, & Coppola, 2011). Throughout the decade, various organizational and departmental changes occurred to improve communications and operations. For example, the very organization of the Department of Homeland Security was changed in efforts to improve structure and functioning. In comparing the organization of DHS in 2003 to the present day, it is interesting to see on an organizational level, how evolved the DHS has become.

## Department of Homeland Security Original Organization Chart, March 2003

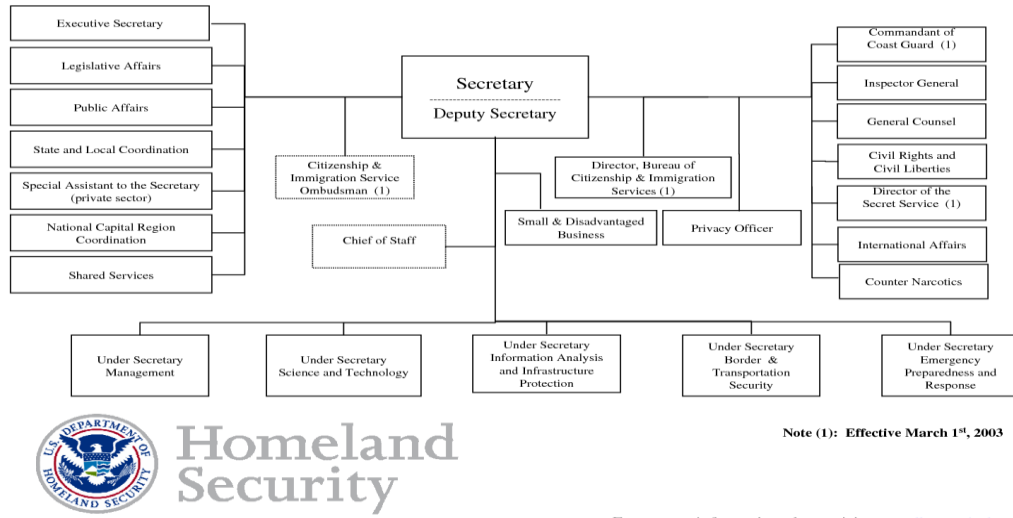


Figure 4-1: Department of Homeland Security Organizational Chart

Source: DHS. (2014). Department of Homeland Security Original Organization Chart, March 2003. Retrieved from [www.dhs.gov/xlibrary/assets/dhs-org-chart-2003.pdf](http://www.dhs.gov/xlibrary/assets/dhs-org-chart-2003.pdf).

Figure 4-1 shows how the Department of Homeland Security was organized at its inception. When observing the layout, one can notice how many departments were brought into DHS. The web of various organizations brought into DHS became an intricate bureaucratic structure, allowing the federal government to cover a large variety of factors potentially affecting national security. Throughout the rest of the decade, the federal government would include many more organizations that historically were not part of DHS. For example, agencies such as the Federal Emergency Management Agency (FEMA), the Transportation Security Administration (TSA), the Coast Guard,

the Customs Service and the United States Secret Service would transfer to the new department (Borja, 2008). On March 26, 2004, the department combined the Office for Domestic Preparedness and the Office of State and Local Government Coordination to form the Office of State and Local Government Coordination and Preparedness, which would show further the collaboration efforts of the federal government and local criminal justice agencies (Borja, 2008).

One can begin to see the bureaucratic complexity that has formed over the years with the Department of Homeland Security. Indeed, it became evident that the federal government had stepped in further to promote and control the ways in which the United States frames and approaches national security preparedness. By collaborating with various agencies throughout federal, state and local agencies, the Department of Homeland Security began to control and have its hand in nearly every aspect pertaining to national security preparedness.

In establishing the history and formation of the Department of Homeland Security, it is equally important to highlight the various roles this entity plays in providing safety and security to the United States. Overall, the Department of Homeland Security functions to serve a six-point agenda in preparing and maintaining the United States' national security. The six-point agenda acts as a guideline and formality as to how the department functions in the best way to address potential threats. For example, the Department of Homeland Security must:

Increase overall preparedness, particularly for catastrophic events, create better transportation security systems to move people and cargo more securely

and efficiently, strengthen border security and interior enforcement and reform immigration processes, enhance information sharing with our partners, improve DHS financial management, human resource development, procurement and information technology and realign the DHS organization to maximize mission performance (DHS, 2014).

To maintain this level of security and overall effectiveness in securing the nation's borders, the Department of Homeland Security must collaborate and share information, technology and priorities to various criminal justice agencies throughout the United States. In this way, the department can fully function as a source for national security preparedness from both natural and man-made disasters such as terrorism.

One of the main ways the Department of Homeland Security is able to function as a primary source for national security in the United States is through various technologies and legislation. One key piece of legislation enacted by Congress that helps ensure the success of DHS is the USA Patriot Act. The Patriot Act essentially strengthened the abilities of the Department of Homeland Security. Signed into law by President Bush on October 26, 2001, The Patriot Act sought to:

“deter and punish terrorist acts in the United States and around the world and to enhance law enforcement investigatory tools by dramatically reducing restrictions pertaining to law enforcement requests to search telephone records, e-mail communication and health records” (McCarthy, 2002).

Indeed, this key piece of legislation helped strengthen and secure the objectives of the Department of Homeland security. The Patriot Act was justified as helping to break down barriers to information sharing, which allowed law enforcement and intelligence personnel to share information needed to help connect the dots and disrupt

potential terror and criminal activity before it could be carried out (Oklahoma Office of Homeland Security, 2005).

Intelligence sharing, networking and collaborations between Homeland Security and state and local law enforcement entities helped strengthen the United States' borders in a way not seen before. A partnership of Homeland Security and both state and local law enforcement agencies have become a way of strengthening the domestic capabilities of criminal justice personnel in protecting against terrorism and other natural disasters (DHS, 2014; Pelfrey Jr, W. V., 2007; Thacher, D., 2005; Waxman, M. C., 2009; White, J. R., 2004).

One such form of partnership bent on strengthening the capabilities of rural and local law enforcement, fire and various emergency responders emerged from Eastern Kentucky University, in collaboration with a variety of other academic institutions. The Rural Domestic Preparedness Consortium is an example of Homeland Security and law enforcement collaboration in an effort to secure the nation's internal borders. The consortium is described below as a type of case study to illustrate the effects of DHS funding.

### Rural Domestic Preparedness Consortium

In 2005, Congress authorized the development of a Rural Domestic Preparedness Training Center in order to develop and deliver all-hazards preparedness training to rural communities throughout the US (Brosius, 2009). Eastern Kentucky University, known for its prestigious justice and safety program, was awarded a competitive grant by the

Department of Homeland Security to establish this particular training center. Following the awarding of this grant, 2005 legislation authorized a Rural Domestic Preparedness Consortium to be developed across a variety of academic institutions. To fully establish the Consortium and development of the Training Center, Eastern Kentucky University was awarded a grant in order to collaborate with various academic partners, strategic partners and criminal justice officials to ensure the success of the consortium.

The main goals of the consortium were essentially to bring together a group of partners to collaborate in preparing, training and meeting the homeland security training needs of rural communities across the United States. Rural homeland security requirements were highlighted by various academic and professional entities to ensure that rural law enforcement and various criminal justice personnel were well equipped in dealing with homeland security incidents such as potential threats to security, terrorism, natural disasters and other emergencies (Brosius, 2009; COEmergency, 2010; Zimmerman, 2009). Indeed, various states, including Kentucky, were seeing a rise in Homeland Security funding both to urban and rural law enforcement agencies (FEMA, 2003; Homeland Security News Wire, 2011; KY Office of Homeland Security, 2013; Zimmerman, 2009), despite mixed feelings and expert questioning of such decisions for funding (Bismarck Tribute, 2010; Cameron & Raymond, 2013; Homeland Security News Wire, 2011).

One of the main collaborators in securing funds for the Rural Domestic Preparedness Consortium from the Department of Homeland Security was Congressman Hal Rogers. By working with the House of Representatives, Rogers was able to secure



\$3 million for the consortium from the Homeland Security Appropriations Act of 2010 (Zimmerman, 2009). Rogers, the senior member and chair of the Appropriations Committee, undoubtedly played a significant role in ensuring that law enforcement, fire, EMS and other emergency responders had the funds from DHS in order to become better equipped in responding to potential threats from terrorism or natural disasters. Congressman Rogers, residing in Somerset, Kentucky, secured a way for the criminal justice agencies across Kentucky to ensure their abilities to respond to Homeland Security needs and priorities, at least how they perceive security needs and priorities. The Center for Rural Development, in Somerset, also played a significant role in collaborating with Eastern Kentucky University and the various colleges and partners initiating the consortium's agenda (Zimmerman, 2009). Since 9/11, the Department of Homeland Security has increased its efforts in funding rural and local law enforcement as a means of instilling and advancing their priorities of terrorism and natural disaster preparedness. Millions of dollars of tax payer money, combined with various resources and training initiatives throughout the decade since 9/11, have been allocated to rural and local law enforcement entities across the nation in order to fulfill the requirements and expectations of DHS (FEMA, 2013; Jeunesse, 2009; John, 2013; Wyoming OHS Training Program, 2013). Indeed, DHS with its priorities and goals of securing the nation from terrorism and natural disasters has made a diligent effort to include the various state and local criminal justice agencies as a means of having such protection. By securing Homeland Security funds, these state and local law enforcement agencies, as well as various emergency services, implement federal funds to adhere to DHS goals and priorities.

Historically, funding has been a major factor influencing law enforcement roles and abilities. The need to secure funding has been a crucial component in allowing law enforcement to perform their duties. As one can see, the historical trend of federal government assistance coming to state and local law enforcement agencies took place at a time where the need for funding and a restructuring of law enforcement was needed. At crucial times in history such as 9/11 and the financial crisis of 2008, federal government assistance through the Department of Homeland Security became a way for law enforcement to secure funding and resources vital to their existence. At the same time, the priorities and goals of DHS in the wake of threats of terrorism and natural disasters, follows in their financial assistance to state and local law enforcement agencies. DHS funding and resources allocated to state and local law enforcement agencies become evident as law enforcement utilizes DHS resources throughout their borders to adhere to the goals and priorities set by homeland security.

## CHAPTER 4

### HOMELAND SECURITY AND LAW ENFORCEMENT COLLABORATION

The increasing collaboration of homeland security and local law enforcement is evident from examining where money and resources are going. By examining how homeland security and law enforcement are working together to strengthen and mutually reinforce their efforts, one can begin to see the tremendous lengths taken in order to provide both entities with the knowledge and resources supposedly deemed essential to providing safety and security. Changes in the technology and methods used by both entities to strengthen their collaboration efforts and abilities illustrate the determination of these agencies to combat perceived threats of security. Such changes involve Fusion Centers, surveillance and intelligence gathering and modification to law enforcement structure and philosophy. These changes will be examined in this chapter to demonstrate the influence of homeland security funding and priorities on local law enforcement.

#### Fusion Centers

Homeland Security Fusion Centers are a significant piece of technology being used to gather intelligence on citizens and to enhance collaboration of federal and state criminal justice agencies. Fusion Centers illustrate the efforts of law enforcement and homeland security to overtly watch and gather intelligence on community members. Surveillance and data gathering on citizens, just one significant result of homeland

security and law enforcement collaboration, have become increasingly important in an age when the prevention and control of terrorism and other threatening and suspicious groups or persons have emerged as a top priority of both federal and state criminal justice agencies.

With the millions of dollars from DHS being allocated to state and local law enforcement agencies, a vast number of new technologies and resources have been made available in attempt to strengthen the communication and information sharing of criminal justice agencies throughout the states. A trending issue and technology emerging in the field of criminal justice are DHS Fusion Centers. These Fusion Centers provide a way for law enforcement agencies to gather and share threat-related information to various criminal justice entities at the federal, state and local levels and even with the private sector (DHS, 2014; Eack, 2008; Hodai, 2013; Monahan & Palmer, 2009; Wolverton, 2013). Fusion centers conduct analysis and facilitate information sharing to law enforcement and homeland security partners in order to prevent, protect against and respond to crime and terrorism. The fusion centers also contribute to the Information Sharing Environment (ISE) through their role in receiving threat information from the federal government, analyzing the information through the local context, distributing that information to local agencies and gathering tips, leads and suspicious activity reports (SAR) from local agencies and the public (DHS, 2014).

The emergence of Fusion Centers has undoubtedly increased the capabilities of state and local law enforcement. By implementing Homeland Security Fusion Centers, law enforcement agencies can share data pertaining to their department with other

federal, state and local agencies regarding criminal and terrorist activities, essentially applying a more intelligence-led policing strategy (Carter & Carter, 2009; Cleary, 2006; McGarrell, Freilich & Chermak, 2007; Sheridan & Hsu, 2006). The notion is that through shared information and collaboration amongst state and local agencies, law enforcement organizations can increase their abilities in preventing and responding to crime and other perceived threats.

At the same time, the increase in technology and shared information across various state and local law enforcement agencies through Fusion Centers has given criminal justice agencies access to an unprecedented amount of information on communities and citizens. Various concerns have arisen as a result of Fusion Center implementation. For example, critics of Fusion Centers and related intelligence sharing initiatives across federal, state and local criminal justice agencies have expressed concern for the potential of agencies to expand beyond their originally intended purposes, basically implementing a broader all-hazards approach and thereby increasing violations of civil liberties (German & Stanley, 2008; Monahan, 2010; Monahan & Palmer, 2009; Newkirk, 2010). The increase in information collection and data mining of communities and community members has led to concern over the spying and surveillance tactics of law enforcement agencies. Rather than containing their focus to the initial role in counter-terrorism efforts and information collection, the Fusion Centers have seemingly increased the law enforcement role in surveillance and spying, with particular focus directed towards social movement organizations, such as the Occupy Wall Street Movement of 2011 and other anti-Wall Street protests and community members involved with such organizations (Grey, 2012; Monahan & Palmer, 2009).

Traditional roles of policing have increasingly been altered as a result of such changes from Fusion Center priorities of surveillance and spying. The incentive for law enforcement agency changes in missions and operations to implement Fusion Center methods of surveillance and spying comes from the influence DHS through their allocation of funds and requirements on the use of funds. For law enforcement agencies to survive in restrictive fiscal times, they must implement technologies such as Fusion Centers in order to secure funding and resources. By following and effectively securing the money, rural and local law enforcement agencies tailor their missions and operations around Homeland Security purposes, thereby securing funds and resources at a time when, on account of fiscal shortfalls, economic stability for law enforcement agencies is at risk.

#### Increases in Collaboration in the Rural Context

Rural and local law enforcement agencies have increased collaboration with Homeland Security since 9/11. State and local law enforcement entities have become avenues for DHS to instill its organizational mission and funding priorities and disperse these nationally. By engaging in information sharing and surveillance through such technologies as Fusion Centers, rural and local law enforcement are able to function in collaboration with Homeland Security efforts. Such intelligence gathering and surveillance efforts by rural and local law enforcement have created a way for them to ensure that DHS priorities of threat control and emergency preparedness are pursued.

Indeed, the rural and local law enforcement roles have evolved in order to fully collaborate with DHS counter-terrorism efforts and reap the funding rewards. Various

rural and local law enforcement agencies have increased their efforts in counter-terrorism as a means of not only securing their borders and controlling threats, but as a means of procuring funds and expanding their scope. Methods have included increased surveillance, covert intelligence gathering, transformation from community policing to a more para-militaristic law enforcement model of policing, immigration enforcement and covert investigations (Bayley & Weisburd, 2011; Murray, 2005; Ortiz, Hendricks & Sugie, 2007; Pelfrey Jr, 2007; Thacher, 2005). The increased emphasis on counter-terrorism and surveillance efforts by rural and local law enforcement illustrates the shifts that are being made in law enforcement priorities as a result of DHS collaboration and funding availability. The technology being made available is only increasing as DHS continues to prioritize and fund rural and local law enforcement's role in terrorism preparedness.

One noteworthy trend in law enforcement and DHS collaboration efforts relates to organizational changes within rural and local law enforcement departments. Prior to 9/11, these law enforcement departments typically espoused and to varying degrees implemented, a community style approach to policing. However, after the terrorist attacks on 9/11, the emphasis on community interaction in policing transformed into obsession with preparing and responding to potential future attacks. One way of preparing for future attacks was through technology capacity building, which emphasized the need for communication and information sharing between rural and local agencies and the federal government. Various other factors such as the financial crisis of 2008 (which galvanized the dependency of rural and local agencies on federal funding streams), changes in departmental organization, openness to information sharing and

changes in organizational operations were significant in order to centralize DHS and federal government priorities in the wake of 9/11 and the need to prepare and respond to terrorism (Chappell & Gibson, 2009; DeLone, 2007; Marks & Sun, 2007; Oliver, 2006).

To better illustrate the changes that have occurred to the law enforcement organization and ideologies of responding to crime and engaging their communities, the major philosophies that law enforcement agencies have had throughout the decades before and since 9/11 are outlined in Table 5-1. By examining the philosophies that have driven law enforcement in responding to crime and interacting with the communities they serve, one can see how homeland security has been able to infuse its own ideologies into policing in a way that blends together the major philosophical approaches to policing seen over time.

#### Law Enforcement Philosophies

Table 5-1: Law Enforcement Philosophies

<b>Philosophies</b>	<b>Crime Control</b>	<b>Due Process</b>	<b>Community-oriented Policing</b>	<b>Citizen Control</b>
<b>Focus</b>	Repression of criminal conduct/ Criminal arrests	Equality/ Protection of citizen's rights	Crime prevention/ Building community partnerships	Crime Control/ Surveillance/ Security/Counter-Terrorism



Table 5-1 (continued)

<b>Philosophies</b>	<b>Crime Control</b>	<b>Due Process</b>	<b>Community-oriented Policing</b>	<b>Citizen Control</b>
<b>Speed/Pace</b>	Fast investigative and conviction processes	Procedural safeguards to protect potential innocent or guilty individuals	Less need to resort to criminal process through police success in communities	Swift neutralization of potential threats or suspicious persons/Quick response to terrorist or natural disaster incidents
<b>Measurement of Success</b>	High rates of apprehension and conviction	Equality/Protecting citizens from abuses in power	Preventing motivated offenders/Police and community interaction/Fear reduction	Criminal and Terrorist Profiling/Intelligence gathering/Neutralizing suspicious persons/potential terrorists/Preventing terrorism
<b>Methods</b>	Presumption of guilt/Broad investigative powers	Presumption of innocence/Possibility of error in fact finding process	Increasing relations between police and the community/Use of informal social controls/Discretion	Increased emphasis on Federal and State communication and collaboration/Threat assessment/Risk analysis

Table 5-1 summarizes the key points of Packer's (1964) classic distinction between crime control and due process, along with the more recent emphasis on community policing and the emerging citizen-control model of policing. Highlighted in

the table are factors relating to the philosophy or focus, speed/pace, measurement of success and methods used. These philosophies often feature opposing methods of preventing and responding to crime and they help show the changing trends that have occurred in policing.

Packer's (1964) due process and crime control models represent two very distinct traditional philosophies of policing. These models are based on two separate value systems that compete for attention and operate in a state of tension in the operation of the criminal process (Packer, 1964). The philosophies of Due Process and Crime Control are among the most popular forms of policing and have become a significant part of how police engage in their community. Before the emergence of the citizen-control type of policing, Due Process and Crime Control were often the ideal methods police used to prevent and respond to crime. Remnants of the two philosophies still exist within the citizen-control philosophy, which calls for a deeper analysis of the two forms of policing.

The first model is that of crime control (CC). This particular model has a set of distinct tenets that characterize the philosophy through which police respond to crime. Packer (1964) explains that, according to the CC model, the repression of criminal conduct is by far the most important function of the criminal process. Breakdowns to public order, such as the disregard of legal controls and the diminishment of security and liberty, can take place with the failure of law enforcement to bring criminal conduct under tight control. Therefore, the task of law enforcement is to exert a tight grip on the criminal process. For the model to operate successfully, law enforcement must produce a high rate of apprehension and conviction in a context where the supply of criminals being

dealt with is very large and the resources for dealing with them are very limited (Packer, 1964).

In the CC model, the police are given more broad investigative powers to apprehend potentially guilty individuals for questioning, therefore, signifying the need to have a speedy process for the conviction of criminals (Roach, 1999). In other words, by focusing on quicker means in conducting the investigative process, police are better able to instill a tighter grip on criminal conduct. Crime control tends to place importance of the presumption of guilt in order to better deal with large numbers of potentially guilty individuals, thus securing the need for a speedy investigative process. For this model, the presumption of guilt assures the dominant goal of repressing crime through summary processes, while still maintaining efficiency (Packer, 1964). The tenets of crime control that emphasize the repression of criminal conduct, efficiency in operation, high rates of apprehension and conviction and the presumption of guilt all characterize this philosophy in policing prevalent throughout the decades. Through the “get tough on crime” mentality that prevailed in policing throughout the 80s and 90s, for example, the crime control model served to enhance the capabilities in police maintaining a tight grip on criminality.

Due process on the other hand, tends to involve more complex stages designed to present formidable impediments to carrying the accused any further along in the fact-finding process (Packer, 1964). The due process (DP) philosophy stresses the possibility of error and rights violations in legal proceedings. People are often poor observers of disturbing events, which can lead to the possibility of incorrect recollections of what took

place. This possibility of error leads to the rejection of informal fact-finding processes (something highly emphasized by the crime control model) as definitive of factual guilt (Packer, 1964). Due to this possibility of human error, the due process model places much less emphasis on efficiency and guilty pleas than the crime control model (Roach, 1999).

Due process also maintains a high priority on the equality of citizens. While certain individuals, based on their race or socioeconomic status, often face the majority of police scrutiny, due process contends that all accused persons, regardless of wealth or social status, should receive equal treatment (Roach, 1999). The combination of stigma and loss of liberty, often the end result of the criminal process, is viewed as being the heaviest deprivation that government can inflict on the individual (Packer, 1964). To avoid the possibility of abuses of power from the police and the oppression of citizens, controls and safeguards must be established. One such safeguard, the doctrine of legal guilt, assures that an individual is not to be held guilty of a crime just by showing that in all probability, based upon reliable evidence, they did the crime of which they are accused (Packer, 1964). The burden of proof essentially falls on the state to provide enough evidence against the accused individual to convict them of criminal actions. Rather than relying on a fast investigative and fact-finding process to deal with large numbers of criminals, due process focuses more on the rights and liberties of the individual to protect them from abuses of power. The slower and more adversarial process is not to proceed from an initial presumption of guilt, but instead, one of innocence.

By examining the two traditionally diverse philosophies of policing, one can begin to notice trends in how police engage in their work within communities. Yet enforcing the law is but one aspect of policing, and many priorities within the community do not pertain to the enforcement of the law. Changes became implemented to render policing more responsive not only to crime, but also to the fear of crime and, more broadly, to a wide range of problems that affected the quality of life in communities (Goldstein, 1987). Community-oriented policing (COP) emerged as a philosophy emphasizing the importance of communal relations and collaboration with the police. By having more involvement, accountability and improved service within the community, police could better perform their duties and have better relationships with the community. With increasing police-community collaboration, these relations would contribute to a reduction of fear and foster cooperation in dealing with the community's problems (Goldstein, 1987).

The Department of Justice (2014) presently defines community policing as a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime. The community-oriented philosophy focuses on a particular method of policing in which the police and community work together in order to better deal with their problems. Through police and community collaboration, informal social control measures (versus collaboration across agencies of formal social control) can operate within the community to reduce the likelihood of criminal activity. Goldstein (1987) explains that as police officers identify with an area and become familiar with its

residents and lifestyles, the potential for community-oriented policing increases, therefore allowing the work of the police to reinforce the informal social controls of the area.

The collaboration between the community and police, as previously stated, serves to develop solutions to problems and increases communal relations with police. Police can develop a variety of community partnerships with groups from the community (including nonprofit organizations, private businesses and the media) to increase the effectiveness of community policing (Department of Justice, 2014). By encouraging these interactive partnerships, the police can become more equipped in identifying community concerns, secure resources to respond to potential problems and make an impact on public perceptions of the police, crime problems and fear of crime (Department of Justice, 2014). By identifying the macro social conditions that can affect a community, police can better reduce the potential for problems. Police do not necessarily use the enforcement of the law as an end in itself, but only one of several means by which to deal with the problems the police are expected to handle (Goldstein, 1987).

The community-oriented philosophy has many distinct tenets related to the police reaching out to their community for better effectiveness in dealing with social problems. By collaborating with various community members and groups, police can work with the community to deal with a variety of problems and increase levels of trust between the community and police. These tenets characterize an approach to policing that has both similar and differing orientations compared with CC and DP.

For example, CC expresses that the repression of criminal conduct is by far the most important function of the criminal process. Police are to focus on more strict forms

of crime control in order for the system to fulfill its purpose of achieving high rates of apprehension and conviction. Community policing, on the other hand, while still using criminal law, places more emphasis on a wider scope of alternatives to the criminal process including, administrative and civil law, mediation and arbitration, as well as redirecting problems by working with other social service agencies, versus other threat control organizations (Oliver, 2006). By becoming more oriented within their communities, police not only address problems of crime, but also of disorder, quality-of-life and fear of crime (Oliver, 2006). Rather than solely focusing on the control of crime, COP places importance on working with community members, thereby instigating positive perceptions of the police, which in turn, will lead to informal social control methods working throughout the community.

Community-oriented policing builds partnerships in a way where police become co-producers of the solutions to various problems that plague specific neighborhoods and thus are more accountable to the citizens they serve (Oliver, 2006). This tenet to COP features similar factors associated with DP in the pursuit for equality and protection of citizen's rights. By working closely within the community and strengthening social ties, police can more effectively be held accountable and promote more of the equality amongst citizens that DP emphasizes. Rather than using the criminal process as an initial method to enforcing the law, police can implement COP tenets that focus on alternative measures to solving problems, which can simultaneously integrate DP tenets that focus on equality and protecting the potentially innocent citizen's rights.

Community-oriented policing features distinct tenets that can be compared with both CC and DP philosophies. Rather being entirely new, COP features characteristics that simultaneously foster its own ideologies and ideologies present within CC and DP. This emerging philosophy shows an expansion from previous models to policing. In the present era, another emerging philosophy of policing has taken hold that essentially contains and excludes certain tenets featured in previous models to policing, while featuring its own individual ideologies.

#### Citizen-Control Philosophy (C-CP)

The citizen-control philosophy of policing that is seen in post 9/11 law enforcement contains remnants of the due process, crime control and community-oriented policing philosophies previously outlined. For example, CC elements of the repression of criminal conduct and stricter controls can be seen within C-CP, which essentially broadens and increases the powers of law enforcement to further control citizens and potential suspects. While DP methods of encouraging the hypothetical “everyone is equal by being a potential suspect” treatment of citizens can be seen within C-CP, many of the tenets characteristic of DP, such as protecting citizen's rights and being innocent until proven guilty gets excluded from C-CP to more effectively instill methods of crime control. Finally, COP methods of police and community interaction based around distinguishing potentially suspicious or compliant citizens can be seen within C-CP. Additionally, the “get tough on crime” mentality, characteristic of the CC model and seen in the last few decades of policing, has expanded to include a “get tough on citizens” approach. By keeping the ideologies of Packer's models and community-oriented



approaches to policing, there can be a justification for police to instill more control on citizens. Fusing together CC and COP, while largely excluding DP, allows law enforcement to become further embedded in communities, while increasing efforts at citizen-control, versus solving various social problems, by utilizing surveillance and spying tactics and increasing suspicion of potential terrorists or non-compliant members within communities.

The reliance on federal funds for state and local law enforcement agencies in the wake of 9/11 and the financial crisis in 2008 led agencies to work more closely with the federal government and the Department of Homeland Security. By working in collaboration, law enforcement agencies essentially blended homeland security philosophies with existing CC and COP philosophies, while downplaying vs. total exclusion of DP methods, to create citizen-control methodologies. The central tenets to the citizen-control philosophy consist of increases in police surveillance, spying and identifying suspicious and threatening persons potentially involved in terrorist or other suspicious activities. An increase in funds, technology, information sharing and surveillance contribute to police being able to better instill these methods of citizen-control in their communities. Police no longer necessarily deal with solving macro social problems, something consistent with community-oriented policing, but rather tend to focus away from informal social control, except to serve to the ends of formalized control in better identifying potential threats to order, especially terrorism. By engaging homeland security priorities of preventing and responding to potential threats to security, police can further increase their controls on community members masked under the

umbrella containing features that minimize DP and have distinctively increased COP and CC.

While DP has traditionally been a central law enforcement philosophy, the newly emerging C-CP has excluded many of the tenets characteristic of DP, such as the focus on the equal treatment of citizens and protecting citizen's rights. In minimizing DP, C-CP can more effectively expand the tenets of CC and COP to better secure communities to more effectively target the broadened population of suspicious threatening persons.

Although a variety of specific ideological changes occurred in rural and small-town policing following 9/11, the major overarching change in police organization and operations involved a shift from a more community-oriented approach to a more rigid and strict crime/citizen control philosophy. Packer's (1964) heuristic was concerned with the swinging pendulum and tension between crime control and due process. The 9/11 attacks in the United States helped expand the "get tough on crime" mentality seen in the past few decades of policing into a more controlling "get tough on citizens" method, or a citizen control model. Moreover, the following and securing of the money by law enforcement agencies led to the crime control model, which traditionally existed mainly in the criminal realm, to bleed into the civil realm, allowing for an expansion of crime control ideologies to civic life. C-CP bolstered and expanded CC, while diminishing DP to a back burner, effectively co-opting COP. The following of the money and the need to secure funding and resources facilitated a shift from traditional Packerian crime control to a post 9/11 citizen control.

As a result of DHS and federal government collaboration at the state and local levels of law enforcement, the citizen control model became implemented in order to fully establish a method of counter-terrorism, response and punishment. Oliver (2006) points to the more focused concentration of police resources into citizen control. The notion is that through citizen control, many potential threats to social order, police, homeland security and suspicious activities in general, can be exposed and neutralized through intelligence gathering and preemption (Oliver, 2006). A citizen control orientation, under the guise of safety and security in an age of terrorism and insecurity, is able to increase the intelligence and technological capabilities of both state and local law enforcement, as well as private agencies. Through more aggressive tactics, enforcement of the law and a shying away of traditional due process and community-oriented policing, rural and local law enforcement and DHS can cooperate to combat future terrorism efforts, neutralize suspicious persons and activity and more effectively secure their borders.

The availability and use of DHS resources at the local level of policing has been an important factor in reshaping the way in which police operate. Rather than solely focusing on a community-oriented approach, local law enforcement has instilled new methods of policing which focuses on a more control-oriented style of policing. The traditional model of community policing has developed a more symbiotic relationship to the homeland security style of policing, leading to control-oriented policing (COP) as a result of the tension between these two. As indicated previously, newer philosophies of policing, such as citizen-control, contain remnants of previous philosophies used but also feature novel elements. Policing and homeland security have developed a more

interdependent relationship with one another in order to link citizen-control ideologies to the already established community-oriented approach to policing. Community policing has gradually become absorbed into the realm of citizen-control policing, allowing police and homeland security to have stronger abilities in applying post 9/11 priorities of terrorism prevention and response to potential threats of all kind.

Indeed, to be able to keep up with DHS priorities in counter-terrorism and emergency preparedness, local law enforcement has used the grant money allocated by Homeland Security in order to fully equip and train themselves with a homeland security approach to policing (Jones & Supinski, 2010; Oliver, 2006; Randol, 2012). Traditional methods of community policing, while potentially flawed in certain respects, such as in its ability to achieve order maintenance and other goals, police strategies employed simultaneously increasing fear of crime while trying to reduce disorder and the possibility of not having strong effects on community processes, (Hinkle & Weisburd, 2008; Kerley & Benson, 2000; Xu, Fiedler, & Flaming, 2005) had been an essential factor to rural and small-town law enforcement due to the close and often highly politicized ties that these departments have with their communities.

It might seem that the innovation of homeland security styles of policing, often characterized by more militaristic tactics, aggressive intelligence and surveillance orientation and more focus towards citizen control, would hinder the kind of close ties between rural and local law enforcement and their communities emphasized by a community policing philosophy. One of the main issues seen with the implementation of the C-CP philosophy is the fundamental change in the nature of police and communal

ties. There has been a move from more informal social control methods, distinctive of COP, to formal control, which stratifies the interaction between police and the community. By delving deeper into the reasons how and why homeland security ideologies have been blended into rural and local law enforcement philosophies, various themes emerge that can help highlight the impact of such collaboration.

## CHAPTER 5

### THEORETICAL ANALYSIS

To better understand the changing trends in rural and small-town law enforcement, a theoretical analysis is required. Such analysis will help clarify how certain key precipitating events, especially 9/11 and the subsequent financial crisis of 2008, shifted the priorities of local agencies to a more bureaucratic mentality focused on money and securement of resources, essentially bringing changes in their infrastructure, roles, strategies and priorities.

The first part of this chapter will consider relevant contemporary theoretical literature in criminal justice. Works by Lilly and Knepper (1993), Sheldon and Brown (2000), Selman and Leighton (2010) and Reiman and Leighton (2013) will be incorporated to conceptualize the growth complex apparent within the field of criminal justice. In addition, the Rural Domestic Preparedness Consortium from Eastern Kentucky University discussed earlier will be used as a case study to parallel contemporary literature. The second part of the chapter incorporates classical literature from Max Weber (1978), Antonio Gramsci (Bates, 1975; Lears, 1985) and Ferdinand Tönnies (1887), to help make sense of the development and effects of the criminal justice growth complex, as it pertains to rural and small-town policing. The focus throughout is

on the growth complex and the hegemonic relationship between homeland security and rural and small-town law enforcement and the outcomes thereof.

### The Concept of Growth Complex

Kraska and Brent (2004) explain that the growth complex theoretical orientation assumes a bureaucracy's most basic modus operandi is to survive and grow. In other words, the criminal justice apparatus seeks out and constructs new problems for its solutions, actively pursues its own self-serving agenda as opposed to working toward the "public good." This supports Reiman and Leighton's (2013) analysis of the failure of the criminal justice system to not only eliminate high rates of crime, but to implement public policy aimed at targeting the factors associated with criminality such as effective gun control, decriminalization of illicit drugs, amelioration of poverty and early intervention with at-risk youngsters. The criminal justice apparatus is increasingly influenced by the private sector objectives of profit and growth (Kraska, 2008). By continually pursuing and creating issues relating to its own agendas and priorities, the criminal justice apparatus can continue its function in maintaining its legitimacy and justification for the need of its services. The growth complex continues for the criminal justice apparatus as its agendas and priorities look to new targets and issues that can increase its profit and justification.

Reiman and Leighton (2013), in their classic book *The Rich Get Richer and the Poor Get Prison*, point to the simultaneous growth and failure of the criminal justice system in reducing high rates of crime. Despite the overwhelming growth in funding and power of the criminal justice apparatus over the last few decades, the rate of crime has

generally risen, except in recent years where there has been a decline. However, this decline cannot be solely contributed to criminal justice policy and practice. Reiman and Leighton (2013) explain that there are a number of public policies that would succeed in reducing crime such as effective gun control, decriminalization of illicit drugs, amelioration of poverty and early intervention with at-risk youngsters. However, no substantial implementation of such public policies has been introduced on any significant scale that could alleviate the high rates of crime seen in the US. The criminal justice apparatus, rather than working toward public good through such public policy examples aimed at reducing high crime rates, continues in its mission to survive and grow as an entity solely focusing on its own self-serving agenda of addressing the very crime problem it fails to control.

Shelden and Brown

One of the factors that characterize this criminal justice growth complex is the crime control industry. Shelden and Brown (2000) explain that the crime control industry includes a number of businesses that profit either directly or indirectly from the existence of crime and attempts to control crime. Their analysis of the prison industrial complex discusses several types of businesses providing various services that benefit directly from the imprisonment of offenders such as food, medical services, drug detecting and architecture and facilities design (Shelden & Brown, 2000). The billions of taxpayer dollars that flow to the prison industrial complex to fund such opportunistic businesses endures as a seemingly endless supply of inmates fall into the prison population.



By targeting the surplus population of often poor and marginalized individuals within society, the criminal justice apparatus can keep these individuals controlled to avert their potential disruption within the community. Sheldon and Brown (2000) refer to the 'war on crime' and the 'war on drugs' and how these disproportionately target racial minorities who, in increasing numbers, are found behind bars and generally subjected to the formal controls efforts of the crime control industry (e.g., probation and parole).

This form of class control contributing to the prison industrial complex has strong ties to the philosophy of citizen-control seen within homeland security and law enforcement. As the homeland security philosophy towards threat prevention and response blend into law enforcement methods of policing, a type of class control emerges where a broader range of primarily poor and powerless citizens become targets. While racial minorities, now more specifically Arab-Americans, are still targeted at high rates, citizens become potential targets for criminal justice response if they appear to be suspicious or portray suspicious activities perceived as threatening to the established order. Applying their influence and priorities to law enforcement, homeland security can effectively continue their growth by fulfilling their agendas and priorities to a newer and broader range of citizens and activities.

This new form of controlling a surplus population, which Sheldon and Brown (2000) initially identified in their analysis of the growing prison industrial complex, can now be seen with homeland security influence, power and money directed to law enforcement. The power and money that homeland security directs to influence law enforcement contributes significantly to the criminal justice growth complex. The

methods of citizen-control emerge to instill a further grip on various surplus populations of suspicious persons. Such groups are not limited to terrorism; other suspicious groups include drug dealers, gangs, sexual deviants and essentially anyone deemed to pose a possible threat to the economic, political and moral order of society. As can be seen, continuation and enhancement of a criminal justice growth complex requires specific networks of key individuals and agencies with requisite power and influence working in collaboration. In turn, their collaboration expands their power, influence and ideological legitimacy to maintain an industry oriented toward the economic incentives stemming from a system of control and punishment.

To have such power constitutes a type of hegemonic relationship between DHS and rural and small-town law enforcement. To further spread and establish their legitimacy, DHS develops power relationships with law enforcement so their priorities and agendas become justified to not only law enforcement agencies, but also to the communities those agencies serve.

#### Gramsci on Cultural Hegemony

Hegemony stems from the ideological process through which values and norms that benefit those in power become “common sense” in the culture in question. Gramsci uses cultural hegemony to address the relationship between culture and power under capitalism (Lears, 1985). Groups in power must gain the consent of subordinate groups within society to establish the components of a dominant culture, which consists of values, norms, perceptions, beliefs, sentiments and prejudices that support and define the existing distribution of goods and the institutions that decide how this distribution occurs

(Lears, 1985). The dominant class projects its own way of seeing the world so that those who are subordinated by it accept this world view as “common sense” and natural (Chandler, 2014), as opposed to challenging it.

In order for these components to be accepted as “common sense,” there must be a willingness and active consent from the subordinated. Consent is secured by the diffusion and popularization of the worldview of the ruling class (Bates, 1975). The state in its coercive capabilities instills its beliefs upon the subordinated, often through public discourse such as various media outlets, schools and contemporary literature, so that the groups being dominated come to accept the ruling class' beliefs as their own. In order to be successful, the ruling class must develop a worldview that appeals to a wide range of groups within society, thereby allowing the ruling class to claim that its interests are those of society at large (Lears, 1975). By ruling class ideologies becoming “common sense” to society and deeply ingrained in cultural mentalities, citizen resistance to the ruling class is diminished.

For example, by influencing law enforcement through money and resources, DHS has secured a way to not only instill philosophies to policing, but also to the communities in which the police serve. Philosophies of prioritizing terrorism, watching for suspicious persons and threatening activity and growing as a bureaucratic entity become so integral to law enforcement that both they and the citizens they serve begin to accept DHS' philosophies as their own. This allows DHS to grow and spread its philosophies through the realm of policing and into society at large.

As members of society experience DHS philosophies through law enforcement, the justification for such philosophies emerge and seem self-evident, revolving as they do around safety and security. Being a dominant federal entity, DHS is able to shape public discourse to not only show why its philosophies in protecting society are essential, but also why it is crucial for law enforcement to apply these philosophies throughout communities and for citizens to collaborate, cooperate and comply. Through such justification from the dominant class, a hegemonic relationship emerges between DHS and rural and small-town policing. Hegemonic influence becomes evident when society is able to see the justification in DHS and law enforcement spreading its philosophies under the guise of protecting them from harm. By society consenting to the dominant class' worldview in dealing with terrorism and groups that threaten the social and moral order of society, the nation submits to DHS and the ruling class by seeing the need for protection.

As previously indicated, financial incentives certainly play a significant role in how DHS is able to control and further its agendas with rural and small-town policing. The following section draws upon more contemporary literature to highlight the financial incentives and groups responsible for this type of hegemonic relationship that has emerged between DHS and rural and small-town law enforcement.

#### Selman and Leighton's Analysis

Selman and Leighton's (2010) analysis of the rise of the private prison industry can be drawn upon to help understand the financial incentives to rural and small-town policing agencies created by the growing homeland security infrastructure. Specifically,

their analysis of the “iron triangle” of government bureaucrats, private businesses and key lawmakers is useful for understanding the interlocked roles various entities have in instilling homeland security resources and priorities to rural and small-town law enforcement agencies. By applying Selman and Leighton’s (2010) “iron triangle” analysis to rural and small-town law enforcement, one can more effectively understand the incentives that both homeland security and rural and small-town law enforcement agencies have in following the money.

Selman and Leighton (2010) argue that understanding contemporary criminal justice policy requires appreciating the practice of “following the money”. Indeed, traditional models of criminal justice policy do not necessarily cover how profit incentives shape public safety and the deprivation of liberty. According to Selman and Leighton (2010), the 30-year incarceration binge that began in the 1970s required the building, stocking and staffing of an increasing number of prisons and jails. This, in turn, required dramatic increases in corrections budgets. Therefore, recipients of taxpayer money became vested interests who lobbied the government to maintain or expand their piece of the pie, which created stronger vested interests lobbying for more money, ultimately creating a seemingly perpetual incarceration binge (Selman & Leighton, 2010). In other words, those who received funding and other resources wanted to keep receiving funding, which led them to lobby and invest themselves in government entities to maintain their resources.

Political influence also became a significant factor in the increasing incarceration binge. Politicians from economically depressed areas would lobby federal officials to

build prisons in their counties, thus increasing pressure on states to build prisons regardless of whether doing so was necessary in terms of public safety (Selman & Leighton, 2010). Themes of following of the money emerge where businesses and political actors have potential for making a profit through their connections with the criminal justice system. In the case of private prisons, the “iron triangle” of government bureaucracy, key members of legislative bodies and private business interests emerged with the ability to protect itself and others from external influence, regulation and public accountability (Selman & Leighton, 2010). When the three components of the iron triangle combine, a type of sub-government is created with the potential to determine public policy free from scrutiny with expanding economic, political and social consequences. As the sub-government becomes stable, a blurring of public good and private interest takes place; governmental and non-governmental institutions become harder to differentiate.

Promoters of operational prison privatization pointed to the violence in government run prisons, drawing upon stereotypical prisons, thus deflecting any fault from privatization and advancing the ideology that the private sector can operate prisons more efficiently. The war on terror created a calling for the private prison industry. Less than three weeks after September 11, a New York Post story on the for-profit private prison industry stated, “America's new wall of Homeland Security is creating a big demand for cells to hold suspects and illegal aliens who might be rounded up” (Selman & Leighton, 2010, p. 124). The events of 9/11 helped bring justification for having for-profit private prisons as a means of handling the situation. In the face of financial difficulties, the industry relied on its connections, the political side of the corrections-

industrial complex, its ability to influence federal legislation through access to agency heads and the racialized fear in American society for its much-needed raw materials (Selman & Leighton, 2010). The connections that the private prisons industry had are significant in outlining the characteristics of what an “iron triangle” constitutes with such power and influence. By examining more closely the characteristics of an “iron triangle”, the blending of homeland security and rural and small-town law enforcement become more apparent.

### Iron Triangle

Past research has often looked at the complexity and nature of the “iron triangle” in the political atmosphere and the extensive overlap of bureaucratic, political and private interests (Lilly & Deflem, 1996; Lilly & Knepper, 1993; Selman & Leighton, 2010). Often referred to as sub-governments, the “iron triangle” denotes the closed circle or elite of government bureaucrats, agency heads, interest groups and private interests that gain from the allocation of public resources (Lilly & Knepper, 1993). Indeed, the largest portion of these sub-governments consists of Congressional committee members, private interests groups and bureaucrats. Lilly and Knepper (1993) further explain how other interest groups seeking benefits such as administrators, university academics and members of state and local governments may join in the sub-government as well.

Several characteristics inherent to these sub-governments help account for the control they possess in regards to policy making. For example, the members of a sub-government often share a close working relationship (Lilly & Knepper, 1993). In other words, there is a balance of powers in such a way that once all participants within the

sub-government work together to create a stable coalition, no single participant can work to extinguish the collaborators. In addition, each sub-government features a distinct overlap between the societal interest and the government bureaucracy in question (Lilly & Knepper, 1993). Many of the actors that make up the sub-governments, such as government policymakers and agency administrators, often share the same interests, values and perceptions, essentially allowing for a blurring of public and private interests. Sub-governments also have the tendency to become a fixture within a given policy arena (Lilly & Knepper, 1993). The notion of the “iron triangle” is used to convey the message that these sub-governments have become solidified into iron by instilling control over the policy-making process for a long time. Lilly and Knepper argue that such a system legally may not be a form of government, but nevertheless may exert greater influence than more formal structures of the government (and see Sheldon & Brown, 2000). The sub-government’s abilities in maintaining distinct forms of power have in essence aided in their survival.

Understanding the nature of sub-governments or “iron triangles” is important for explaining the increasing role homeland security has in rural and small-town law enforcement. By looking at the collaborations of various bureaucratic, political and private interest groups, one can begin to notice the complexity and influence that the key interest groups have in the criminal justice arena. The following section applies the concept of an “iron triangle” to rural and small-town law enforcement in the effort to analyze and help explain the increasing role of homeland security.



## The Homeland Security/Rural and Small-Town Law Enforcement Iron Triangle

As previously noted, “iron triangles” often indicate a sub-government consisting of bureaucratic, political and private interest groups. Various government bureaucrats, key members of legislative bodies and private business interests play significant roles in working together to instill similar beliefs, interests and values often influencing public policy. In the realm of criminal justice, various key players have wielded significant influence in making sure homeland security becomes implemented within the realm of rural and small-town policing. This implementation ensures that homeland security funding, technology and ideological priorities become instilled to rural and small-town policing as a means of ensuring their growth, sustainability and securement of resources.

A case in point is the Rural Domestic Preparedness Consortium, authorized by Congress in 2005, located at Eastern Kentucky University. This entity illustrates one way in which this “iron triangle” can emerge. Various key individuals collaborate as a means of securing resources for rural and small-town criminal justice agencies, where traditionally, the securement of funding and resources has often been difficult. By looking to homeland security, rural and small-town criminal justice agencies have been able to secure funding and resources with the help of various collaborators working together with similar interests, goals and values, effectively shaping the policy and priorities of the rural and small-town environment.

The “iron triangle” that has given homeland security increasing power within rural policing has only grown with the collaboration of key entities existing on each side of the triangle. For example, Congressman Hal Rogers, one of the main legislative

collaborators in securing funds for the Rural Domestic Preparedness Consortium from the Department of Homeland Security, was able to obtain \$3 million for the consortium from the Homeland Security Appropriations Act of 2010 (Zimmerman, 2009). He was able to use his position and political influence as the senior member and chair of the Appropriations Committee to secure funding and resources for this consortium, effectively contributing to part of the “iron triangle”. By working with various actors from the Center for Rural Development in Somerset, KY, Eastern Kentucky University’s Rural Domestic Preparedness Consortium was able to obtain funding from the Department of Homeland Security. The resources were used to develop and deliver all-hazards preparedness training to rural communities throughout the United States.

The consortium strives to provide a regional approach to rural first responder awareness level training, develop emerging training and develop technical assistance in support of rural homeland security requirements (Brosius, 2009). As a conduit of money, the consortium received funding from the Department of Homeland Security, with much help from Congressman Rogers, to provide emergency preparedness training relative to homeland security priorities. To achieve their success, key players had to work together in order to ensure the securement of funds and implementation of homeland security priorities to the rural and small-town environment.

Government bureaucrats, often consisting of employees at academic institutions such as Eastern Kentucky University, played a significant role in contributing to the “iron triangle” as well. For example, Eastern Kentucky University, chosen to lead the Rural Domestic Preparedness Consortium, worked closely with other academic institutions

throughout the nation with expertise in developing and delivering homeland security curriculum to rural first responders (Brosius, 2009). By having government bureaucrats present in academic institutions intent on delivering homeland security training to rural and small-town criminal justice agencies, the “iron triangle” can more effectively work together to ensure homeland security funding and resources are put to their intended purposes of furthering homeland security priorities and agendas of threat prevention and response.

To further ensure the success of the Rural Domestic Preparedness Consortium, collaboration with private interest groups became significant to working towards developing strategies for mitigating, preparing for, responding to and recovering from disasters (Rural Domestic Preparedness Consortium, 2014). Making up the last piece of the “iron triangle,” private interest groups working alongside public sector entities such as law enforcement, fire and EMS, can simultaneously increase their profits, while working with political and government bureaucrats to strengthen the “iron triangle”. For example, private interest groups such as Wal-Mart Stores, Inc., Tyson Foods, Inc. and J.B. Hunt Transport Services, Inc., have joined public sector entities to help strengthen collective emergency management capabilities (Rural Domestic Preparedness Consortium, 2014). The purpose is to foster information-sharing and sustainable partnerships among private and public sector groups, clarify public and private sector roles and responsibilities within the National Strategy for Homeland Security and establish the stage for mitigating, preparing for, responding to and recovering from disasters (Rural Domestic Preparedness Consortium, 2014). By further strengthening the “iron triangle” bond, these various private interest groups help ensure the success of

homeland security funding and priorities expanding into the realm of rural and small-town criminal justice agencies.

When examining more closely the similar interests each part of the triangle has, the reasons for collaboration to secure funding become clearer. As discussed earlier, the need to secure funding for rural and small-town environments, especially during times of financial crisis as seen in 2008, has become increasingly salient to sustaining these agencies. By having an “iron triangle” of politicians, government bureaucrats (often involved at academic institutions) and private interest groups, homeland security and rural and small-town criminal justice agencies were able to establish a consortium that would not only secure funding, training and resources for rural and small-town criminal justice related agencies, but also increase and maintain homeland security priorities, agendas and technology within the realm of policing. The broader result was a shift from community to control oriented policing.

By the “iron triangle” working to develop the Rural Domestic Preparedness Consortium, the homeland security ideologies and practices could more effectively take hold of the traditional community-oriented approaches to rural and small-town policing and transform them to a control-oriented style. In other words, collaborating with politicians, government bureaucrats and private interest groups led to the shying away of traditional community-oriented philosophies to a control-oriented mentality characterized by the need to prevent and respond to potential threats and suspicious citizens.

Thus, Selman and Leighton’s (2010) focus on following the money and the “iron triangle”, though initially applied to corrections, can also be applied to rural and small-

town policing to show the significant influence that politicians, government bureaucrats and private interest groups have in campaigning for funding and resources. The need to follow the money for rural and small-town law enforcement became especially crucial after events such as 9/11, natural disasters in New Orleans and the financial crisis of 2008. By following homeland security and its capacity and willingness to provide funding and resources in exchange for instilling its priorities and missions to local law enforcement, rural and small-town policing essentially found their means of securing the resources needed. Various key figures from Congress, academic institutions and private agencies were able to work together to establish a consortium for the purpose of supplying and training agencies throughout rural and small-town environments. By actively working closely with one another, the “iron triangle” that Selman and Leighton (2010) explain emerged as the key means of securing such funds, thus allowing rural and small-town agencies to acquire the resources they needed and also allowing homeland security priorities, agendas and technology to stretch further into law enforcement at the rural and small-town level.

This state of affairs stretches more broadly to encompass areas outside of Eastern Kentucky as well. As previously indicated, the Rural Domestic Preparedness Consortium functions to develop and deliver all-hazards preparedness training to rural communities throughout the United States. The national trend emerging to work with various rural communities throughout the United States includes other academic institutions from Arkansas, Iowa, North Carolina, Ohio and Tennessee, with expertise in developing and delivering homeland security curriculum to rural first responders (Brosius, 2009). By bringing together these various institutions, the Rural Domestic Preparedness Consortium

can more effectively expand homeland security priorities and agendas to a larger number of rural communities throughout the nation.

#### Tönnies on Gemeinschaft and Gesellschaft Communities

The homeland security innovations that have occurred in rural and small-town law enforcement have contributed to the transformation of the irrational, or less formalized, elements of community policing toward formalized rationality. This change can be examined through the lens of Ferdinand Tönnies' (1887) conception of Gemeinschaft and Gesellschaft communities. The terms refer to the moralities and ways of living in urban and rural environments.

Tönnies argues that the Gemeinschaft type involves binding, primary interactional relationships based on emotion. The Gesellschaft type, by contrast, entails an interactional system characterized by self-interest, competition and negotiated accommodation (Christenson, 1984). Gemeinschaft communities are often associated with common ways of life, common beliefs, concentrated ties and frequent informal interaction, small numbers of people and emotional bonds (Brint, 2001), similar to Durkheimian mechanical solidarities characterized by highly concrete and localized rather than abstract and generalized moral beliefs (Collins, 1994). Communities feel connected through similar work, educational and religious training and lifestyle. Gesellschaft communities, on the other hand, are characterized by dissimilar ways of life, dissimilar beliefs, dispersed ties and infrequent interaction, large numbers of people and regulated competition (Brint, 2001). Gesellschaft communities compare to that of Durkheim's organic societies with universal and secular moralities. Communities are

based upon the dependence individuals have on each other, often relying on the interdependence that arises from people's specialization of work (Collins, 1994). The transformation of the *Gemeinschaft* type to the *Gesellschaft* one can be utilized to explore the changing trends within rural and small-town law enforcement, which historically, was typified by the *Gemeinschaft* communities.

When applying Tönnies' conception to rural and small-town policing, one can begin to notice the changes in law enforcement because of homeland security's hegemonic influence. For example, traditional policing in the rural and small-town environment focused more on informalized communal ties, positive police-citizen interaction and an emphasis on community styles of policing, what might be termed *Gemeinschaft* policing. With the increasing influence of homeland security ideologies, economic dependence and the rise of citizen-control oriented policing, however the concepts of rationality, individualism and hegemonic consent become more apparent, something indicative of a shift to *Gesellschaft* policing. Rural areas and small-towns reflecting Tönnies' concept of *Gemeinschaft* communities are experiencing a shift to *Gesellschaft* style policing through law enforcement's need for homeland security collaboration and funding. In transforming to *Gesellschaft* concepts of policing, rural and small-town communities change from their traditional close ties and common ways of life, to a dynamic driven by the need for economic and resource securement.

Tönnies argues that in a *Gesellschaft* society, there is no unification of common values or identities. Rather, collaboration amongst people exists only based on the need for exchanging goods and services (De Benoist, 1993). In other words, communal

existence comes to depend on economic relations and influence transactions.

Gesellschaft policing in rural and small-town environments was encouraged by post 9/11 ideologies of following the money and reliance on homeland security grant incentives.

The need for money and resources at a time of economic disparity compliments Tönnies' argument for Gesellschaft societies and the move toward hegemonic influence from groups who have the resources that law enforcement agencies need. This concept directly highlights Max Weber's views on power and societal relationships.

### Max Weber

Weber (1922, 1978) examined the concepts of domination and legitimacy. For Weber, domination refers to the probability that a given group of persons will obey certain specific commands. Hence, every genuine form of domination implies a minimum of voluntary compliance. Essentially, the dominated group shows an interest, whether based on ulterior motives or genuine acceptance, in obedience, often based around economic objectives. The members of a group may be bound to the obedience of their superior by a purely material complex of interests or ideal motives (Weber, 1978.)

Weber (1978) points towards two forms of power: (1) domination based on a "constellation of interests", or more particularly, by virtue of a position of monopoly and (2) domination by "virtue of authority", or the power to command and duty to obey. As will be seen, these two forms of power can be interrelated especially when applying them to DHS securing their domination through authority out of domination based on resources.



The first form of power is based upon influence derived exclusively from the possession of goods or marketable skills. These goods or skills are guaranteed in some way and act upon the conduct of those dominated, who are motivated simply by the pursuit of their own interests. In other words, domination based on a constellation of interests refers to any situation in which a power relationship is based on one party controlling a resource that others need, which as argued earlier, directly applies to the relationship between homeland security and rural and small-town police departments.

As Weber explains, the bureaucratic structure goes hand in hand with the concentration of the material means of management in the hands of the master (Weber, 1946). Weber uses the example of the army of the modern military state being characterized by the fact that their equipment and provisions are supplied from the magazines of the warlord (Weber, 1946). Only the bureaucratic army structure allowed for the development of the professional standing armies that are necessary to its functioning and fulfilling the priorities of the elite. In other words, using a bureaucratic model the elites could instill their control through the concentration of goods and services to those who could pursue their ideologies. This example directly applies to the bureaucracy and control of DHS exercised on rural and small-town law enforcement in supplying equipment and provisions to shape priorities and agendas.

Rural and small-town police departments rely on money and resources especially during times of economic recession, as seen after 9/11 and during the economic crisis in 2008. DHS made funds available to law enforcement agencies, but these funds came with “strings attached” to alter law enforcement missions, priorities and functions. The

changes that occurred, from the need to secure funding and resources, highlight the economic-oriented mentality and desire for values experienced by police.

The second kind of domination rests upon alleged absolute duty to obey, regardless of personal motives or interests. Weber (1946) explains that the dominant group claims submission when they simply pursue their own interests and realize them best when the dominated persons rationally pursue their own interests as these are forced upon them by objective circumstances. Homeland Security for example, with its bureaucratic mentality and position of authority with the funding and resources needed by law enforcement, acts in its own interests while law enforcement pursues funding in order to continue and expand their existence. By law enforcement turning to homeland security for funding and resources, homeland security can recognize its authority and can secure itself a continuous control and supervision of their relationships, which in this case would include their relationship to rural and small-town law enforcement.

Weber explains that, once it is fully established, bureaucracy is among those social structures hardest to destroy. Indeed, bureaucracy is the means of carrying community action over into rationally ordered societal action, which is based on actions that lead to a valued goal (Weber, 1946). In other words, the transformation of community action to rationally ordered action ensures that relations of power and exercised authority continue. The dominant group can ensure its exercised authority carries on by turning basic community actions into ones centered on a common goal built from rationality and authority. Therefore, as an instrument for societalizing relations of power, bureaucracy has been and is a power instrument of the first order – for the one

who controls the bureaucratic apparatus (Weber, 1946). By establishing its bureaucracy and power, DHS can rationalize the need for its goods and services through societal action. Rural and small-town law enforcement's duty to obey DHS ensures that its authority carries on in their ability to societalize its power.

The two power relationships that Weber discusses often intertwine in the power relationship that exists with DHS and rural and small-town law enforcement. Homeland Security domination by authority stems from their domination based on a constellation of interests or resources. For example, as previously noted, DHS has a resource that rural and small-town law enforcement need, therefore, securing one aspect of domination based on a constellation of interests. This relation of power develops as rural and small-town law enforcement relies increasingly on DHS funding for their existence and expansion. By DHS establishing the first form of power that Weber discusses, they simultaneously establish the second form of power based on virtue of authority. The reliance on DHS funding by rural and small-town law enforcement has allowed DHS to establish authority over these agencies. Rural and small-town law enforcement's rational pursuit of funding allows DHS to follow in their own interests and claim submission of the agencies relying on their resources.

Weber (1978) also points to the conscious offer of economic advantages in the interest of preserving and expanding a primarily non-economic community. In other words, homeland security offers economic advantages to rural and small-town law enforcement at the price of homeland security ideologies and practices being integrated in current rural and small-town law enforcement agendas. Weber analyzes the coexistence

of expansionist and monopolist economic interests within communities. Essentially, rural and small-town law enforcement have certain economic interests in securing funds and resources, while simultaneously, homeland security has expansionist priorities in maintaining and increasing their influence, highlighting the growth complex orientation explained earlier. The increasing collaboration between the two entities thus shows the relevance of a Weberian analysis of community and economic interests.

The expansionist and monopolist interests shown by DHS and rural and small-town law enforcement also reflects the notion of the “iron triangle.” Each side of the triangle, or the bureaucratic, elected officials and private interest groups making up the sub-government, has vested interests in growing its influence and financial capabilities. The “iron triangle” simultaneously seeks to expand as an entity by each side of the triangle increasing its power, while securing the financial incentives stemming from the relationship between DHS and rural and small-town criminal justice agencies. The “iron triangle” that contributes to the relationship between DHS and rural and small-town criminal justice agencies coincides nicely with Weber’s work on the influence economic advantages can have on an entity seeking growth.

## CHAPTER 6

### DISCUSSION AND CONCLUSIONS

#### Synopsis

The literature on rural and small-town policing has come a long way in describing how the nature of policing is deeply embedded within communities across vast geographical locations in the US. The main contention of this thesis is that the growing support of, and involvement by, the Department of Homeland Security in rural and small-town policing during the post 9/11 and 2008 financial crisis eras has affected such policing in fundamental ways. Traditional models focusing more on community policing, crime control and due process now lean more towards security styles of policing and citizen control, reflecting the creep of homeland security missions into law enforcement. Homeland security working ideologies and operations have become infused with rural and small-town policing, as homeland security funding and resource opportunities became more available and highly sought out by police agencies in a time of fiscal crisis.

Through following the money, the agendas, technologies and ideologies of rural and small-town policing have essentially transformed to include the homeland security focus on terrorism preparedness and response, natural disasters and identifying various suspicious or threatening persons and groups in a post 9/11 era. By implementing

homeland security styles of policing and ideologies, the community oriented approach to policing that many rural and small-town law enforcement agencies have historically used, has changed to fulfill the priorities and agendas of homeland security.

Research into rural and small-town policing often focuses on the difficult conditions under which law enforcement officers must perform their duties (Weisheit et al., 2006; Scott, 2004; Wood, 2001; Bartol, Bergen, Volckens, & Knoras, 1992). Indeed, geographical isolation, lack of resources, financial hardships and other job related stressors can have a significant impact on the effectiveness of rural and small-town policing. The need to keep up with the tasks handed to police officers in the wake of often difficult situations experienced in rural and small-town environments provides further incentive to look to homeland security for resources and guidance.

Historically, police have often looked to outside sources for resources and funding. For this reason, politicians and urban elites had a significant influence on the agendas and ideologies of policing in its early forms (Archbold, 2012; Uchida, 1993; Currie et al., 1975). Law enforcement eventually moved away from such strong political and often corrupt influences, which created major changes to the foundations of policing. Nevertheless, the ways law enforcement has been funded over the years have continually been a major influence on police agendas and priorities. The LEAA and federal government move to assist police and clean up corruption to some extent professionalized police and had a positive influence on the ways police engage in the community and their duties. Post 9/11 police agencies continue to have funding and resources delivered from the federal government, with the same federal intentions of influencing the abilities and

priorities of policing; homeland security has been playing an increasing role in this regard.

The creation of the Department of Homeland Security after 9/11 sought to provide the US with a way of combating and preventing acts of terrorism and natural disasters that had severely hindered America's infrastructure. Homeland security technologies, ideologies and priorities focusing on combating terrorism and controlling safety and security threats have made significant advances into the realm of policing. Rural and small-town police, with traditionally close communal ties and more community oriented styles of policing, now embrace homeland security technologies, ideologies and priorities, essentially moving towards philosophies centered on citizen-control and homeland security styles of policing.

The citizen-control philosophy of policing, with its focus on threat control, emerged as homeland security funding and priorities flowed into rural and small-town law enforcement. With ideologies stressing surveillance, increased emphasis on federal and state communication and collaboration, criminal and terrorist profiling and the potential threat of suspicious individuals, traditional models of policing transformed to include homeland security philosophies in preventing and responding to terrorism and other threats. By focusing on citizens and possible threats they pose to the social order, community-oriented approaches to policing popularized in the 1980s and 90s become altered away from emphasis on constructive citizen-police interaction to address underlying problems. The efforts of homeland security to advance its priorities and

stretch further into the realm of rural and small-town law enforcement portrays the growth complex and bureaucratization characteristic of the criminal justice apparatus.

To survive and grow as a bureaucratic entity, homeland security must increase the perception of need for its existence. In so doing, homeland security is able to open up new targets where its involvement becomes justified under the guise of securing the nation from potential threats of terrorism and other norm deviations and disasters. While the power and influence of DHS grows, rural and small-town law enforcement agencies benefit from the influx of homeland security funding and resources. In short, a strong financial incentive exists to incorporate more citizen-control philosophies into extant policing models. The relationship between homeland security and rural and small-town policing thereby grows symbiotically.

Essential to the transformation process described above is the power and influence of certain key individuals and groups. Persons in political, bureaucratic and private arenas collaborate to form an “iron triangle.” These actors possess similar beliefs, interests and values. By developing a close relationship, this “iron triangle” of various actors can secure and implement homeland security funding and resources for rural and small-town criminal justice agencies often with minimal political risk and maximum political gain (e.g., advancing safety and security, creating jobs, etc.) As a result, rural and small-town law enforcement experience a shift in traditional models of enforcing the law and engaging in their communities.

The more informal lifestyles and close-knit relationships that have traditionally characterized rural communities and shaped rural policing now experience an infusion of



formality and rationality as a result of changing law enforcement models. By following the money and taking advantage of the financial incentives provided through homeland security, rural and small-town law enforcement effectively transform from their traditional models of community policing to employ increasingly bureaucratized citizen-control philosophies that often contradict the informal close-knit lifestyles apparent in many rural communities. This transformation illustrates the growth in power and scope of influence homeland security has been able to achieve. The ability to influence rural and small-town law enforcement depends, at base, on the capacity of DHS to provide resources that law enforcement agencies need to survive and expand.

With funding and resources at their disposal, DHS bureaucrats can achieve a tighter grip in controlling how rural and small-town law enforcement agencies operate. Homeland security offers economic advantages to rural and small-town law enforcement at a time of economic shortage. However, these advantages come at a price of homeland security ideologies and practices being integrated in current rural and small-town law enforcement agendas.

### Limitations

Like all studies, this thesis has limitations. For example, it did not use surveys or interviews with rural or small-town law enforcement agency personnel or citizens to learn their thoughts about the increasing collaborations with homeland security. Research on post 9/11 rural and small-town policing could benefit from having input from both citizens and police officers directly experiencing the effects of homeland security innovations to the law enforcement environment. The possible environmental and

communal impacts of such innovations could also be studied using interview methods. Surveys and interviews with homeland security personnel would be of additional benefit. More broadly stated, then, a limitation of this thesis is there was a reliance exclusively on literature, archived data sources and theory, rather than collecting field or quantitative data.

Because little research has examined rural and small-town policing post 9/11, this thesis lacked the ability to fully describe the impacts of homeland security on this environment. A deeper analysis of homeland security technologies and resources being used in the rural and small-town environment is needed to adequately describe exactly what changes are occurring. Likewise, more news sources (Goodman & González, 2014; Levs, 2014; Rosenfeld, 2014) could be examined to provide further analysis of homeland security impacts on local police agencies through resource provisions. More case studies outside Eastern Kentucky could also be examined to provide a wider variety of locales that provide examples to this relationship.

Additional theoretical perspectives could also be utilized to examine the relationship between homeland security and rural and small-town law enforcement. One example is late modernity and neoliberal analysis. A late modernity and neoliberal analysis could aid in looking more closely at the role of the private sector contributing to rural and small-town law enforcement collaboration with homeland security, as well as the recent trends in crime, incarceration rates, citizens' fear of crime and shifts in criminal justice system policies stemming from dramatic and macro-social changes occurring in late modern society (Potter, n.d.). Also, C. Wright Mills (1940) and his

concept of the vocabularies of motive could be employed for further theoretical development. A deeper analysis of language and how people describe their motivations and account for their conduct could be applied to the relationship between homeland security and rural and small-town policing. A better understanding of the changing priorities, agendas and more importantly, language occurring in rural and small-town law enforcement from the growing collaboration with homeland security can provide evidence to Mills' analysis.

### Policy Implications

This study implies that rural and small-town police should look into the possible impacts homeland security resources and ideologies have had on their agencies. They should look to improve communal relations that homeland security ideologies may indeed hinder. The priorities on citizen control and surveillance, for example are becoming increasingly popular methods that homeland security uses to prevent and respond to terrorism and potentially threatening activities. These methods of control may hinder communal ties that rural and small-town police often have and rely on to better perform their duties. By taking a closer look at the possible effects of applying homeland security ideologies to the realm of policing, rural and small-town law enforcement may better perform their duties in the communities they are in close contact with.

A broader implication has to do with funding. State and local officials that allocate (or withhold) resources for law enforcement agencies need to realize that increased reliance on federal bureaucracy and funding comes with a price of fundamental

alterations to local agency missions. Encouraging local police agencies to “go out” and find funding is a double-edged sword.

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