



Policing in Federal Countries

Introduction

This paper describes the role and place of policing in federal countries. It illustrates different models of policing in the following countries: Brazil, Canada, India, Spain and the United States. A brief outline of divisions of power of policing responsibilities between local, regional and national governments are described. The paper discusses financial arrangements between the different levels of governments and touches on recruitment issues as well.

As only a broad outline of each country is given, the paper does not offer the complexities involved in federal policing model. However, it does provide useful frameworks to further discussions on policing in countries pursuing a federal model.



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Brazil

Brazil has a federal system of government and of administration of the criminal justice system. Article 144 of the 1988 constitution states that the public safety function is to be exercised through the following agencies: on a national level, the Federal Police (Polícia Federal--PF), the Federal Highway Police, and the Federal Railroad Police; and on a state level, the Civil Police (Polícia Civil--PC), the Military Police, and military fire departments. In practice the Federal Railroad Police are nonexistent, and federal highways are under Federal Police control. State highways and traffic police are under state Military Police control. The Federal Police force is very small and plays only a minor role in maintaining internal security. Police forces in Brazil are controlled largely by the states. Of the two principal state police forces, the Civil Police have an investigative role, and the uniformed Military Police are responsible for maintaining public order

Structure of policing in Brazil

The purpose of the Federal Police is to investigate criminal offenses of an interstate or international nature; to prevent and suppress illicit traffic in narcotics and related drugs; to perform the functions of a coast guard (enforcement only), air police, and border patrol; and to perform the functions of the judicial police. The Federal Police force is structured as a career service.

Officially, the Federal Police force is known as the Department of Federal Police (Departamento de Polícia Federal--DPF) and is headquartered in Brasília. In addition to the Federal District, DPF units are distributed throughout the states and territories. A general director, who is appointed by the president, heads the DPF. Under the military regime, the general director was an active-duty army general. Since the return to civilian rule, the general director has been a civilian.

The State Police forces, nominally under the supervision of the state governors, are in fact associated closely with federal authorities. The State Police, by definition, are powerful forces in their states because municipal police generally do not exist (although municipal guard forces are allowed, according to Article 144 of the constitution). The city of São Paulo is a notable exception. Its mayor, Jânio Quadros (elected in 1985), created a municipal police force. All police functions not performed by DPF personnel are responsibilities of the state forces. State Police consist generally of two separate forces: the Civil Police and the Military Police, sometimes referred to as the State Militia (Polícia Militar do Estado). The Secretariat for Public Security (Secretaria de Segurança Pública--SSP), an important agency of each state government, supervises police



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activities. The SSPs are subordinate to the National Council of Public Security (Conselho Nacional de Segurança Pública--Conasp).

Each state also maintains a Civil Police force, which, according to Article 144 of the constitution, is responsible for "the duties of a judicial police force and for investigating criminal offenses, except military criminal offenses." Given that there are virtually no municipal police, the state forces are stationed in populated areas and are responsible for all police functions. Cities are divided into precincts through which the Civil Police operate, using methods familiar to police squads in most other countries. Police chiefs are known as delegates (*delegados*), and the force is usually commanded by the general delegate (*delegado general*), whose rank is equal to that of the commandant of the Military Police. A *delegado* must have a law degree, and is selected by public examination. Lower-ranking officers are known as investigators. Promotion to the higher ranks of the Civil Police usually requires a law degree.

In 1997 there were 385,600 members of state Military Police organizations in Brazil. They are ultimately under army control and considered an army reserve. A Military Police Women's Company was established in Rio de Janeiro in 1982. According to Article 144 of the constitution, the function of the Military Police "is to serve as a conspicuous police force and to preserve public order." The Military Police of any state are organized as a military force and have a military-based rank structure. Training is weighted more heavily toward police matters, but counterinsurgency training is also included. Arms and equipment of state forces include machine guns and armored cars, in addition to other items generally associated with police.

Article 144 of the constitution stipulates that: "The Military Police forces and the military fire departments, and the auxiliary forces and the Army Reserve are subordinate, along with the civilian police forces, to the governors of the states, the Federal District, and the territories." Since 1969 the Ministry of Army has controlled the Military Police during periods of declared national emergency. Before 1930 these forces were under individual state control, and known as "the governors' armies." They sometimes outnumbered regular troops in many states. In the 1930s, the Federal Army took steps to reverse this situation. In 1964 most Military Police members were on the side of the successful conspirators.

The Military Police are auxiliary army forces that can be mobilized quickly to augment the armed forces in an emergency. In the past, active-duty army officers often commanded Military Police units, but that has occurred less frequently as professional police officers have achieved higher ranks and positions. The commandant of a state's Military Police is usually a colonel. The command is divided into police regions, which deploy police battalions and companies. Firefighting is also a Military Police function; firefighters are organized in separate battalions. State traffic police are either the State



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Highway Police (Polícia Rodoviária Estadual), or the Traffic Police (Polícia de Tráfego) in the larger cities. Both are part of the state Military Police.

Financial Arrangements and Recruitment

In line with Brazil's federal structure the two orders of government recruit and fund their own police units. Whilst all states have their own police academies, the DPF provides specialized training. The DPF headquarters provides technical services relating to data processing, collection and dissemination of police intelligence, and scientific assistance to the Military Police. The DPF headquarters is also responsible for Brazil's input to and cooperation with the Paris-based International Criminal Police Organization (Interpol). Among the many agencies subordinate to the DPF are the National Police Academy, the National Institute of Criminology, and the National Institute of Identification, all in Brasília.



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Canada

Structure of policing in Canada

The Royal Canadian Mounted Police is the Canadian national police service and an agency of the Ministry of the Solicitor General of Canada. The RCMP is unique in the world since it is a national, federal, provincial and municipal policing body. They provide a total federal policing service to all Canadians and policing services under contract to the three territories, eight provinces (except Ontario and Quebec), approximately 198 municipalities and, under 72 individual agreements, to 192 First Nations communities.

While the federal government is responsible for the creation of the criminal law and legislation, under the Constitution Act, the provinces are responsible for the administration of justice, including policing. Only two provinces, Ontario and Québec, operate their own provincial forces. The others contract the Royal Canadian Mounted Police (RCMP) to provide policing services.

The RCMP is a federal police force. It is governed by the RCMP Act and has a number of responsibilities. Some of which are:

- Enforcement of federal statutes
- Protection of foreign missions and important Canadian figures
- Contract policing to eight provinces, three territories and about 200 municipalities
- United Nations policing duties abroad
- Provision of a range of operational support services to all police in Canada. Such services include forensic laboratories, police information systems, identification, and advanced police training.

Provincial police acts set out the terms by which police are governed. The acts can require that cities and towns, upon reaching a certain population size, maintain their own police force.

Municipalities have three options when providing municipal policing services: form their own police force, join an existing municipal police force, or enter into an agreement with a provincial police force or the RCMP.



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In addition to the municipal, provincial and federal police forces, there are also a number of First Nations policing agreements for Aboriginal communities across Canada.

- *Federal police powers*
The Royal Canadian Mounted Police enforces federal statutes and all laws made by, or under, the authority of the Canadian Parliament.
- *Provincial police powers*
Provincial police forces enforce the Criminal Code and provincial statutes within each province or areas that are not served by a municipal police force (i.e. small towns or rural areas).
- *Municipal Police powers*
Municipal police forces enforce the Criminal Code, provincial statutes, and municipal by-laws within the specific boundaries of a municipality or within several adjoining municipalities which make up a region (e.g. Durham Regional Police).

Where a municipal policing contract is granted to a provincial force or to the RCMP, these police agencies automatically assume municipal police powers. As well, where a provincial policing contract is granted to the RCMP, the RCMP automatically assumes provincial policing powers.

For many police forces, regionalization is the most cost-effective and efficient way of doing business. For example, at the local level, municipal police forces have joined together with other municipalities and rural areas to create a regional police service. This regional police force offers reduced costs, improved service and centralized administrative services.

These benefits are the same for the RCMP which significantly changed its service delivery model through regionalization. The purpose of the RCMP's regionalization initiative was to ensure a closer relationship between operational and corporate responsibility, streamline administration, eliminate duplication and improve accountability.



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Financial Arrangements

With an annual budget of about \$1 billion, contract policing brings the federal government about \$700 million in revenue every year. The federal government's approach is that it only wants to recover the costs which its provincial and municipal partners would pay, if they were operating police forces of their own.

Since the first policing contract was signed in 1928, the terms and conditions of these agreements have varied with finances of the provincial and federal governments, the costs of providing policing services and the benefits which each party receives. The financial position of provinces has been improving steadily since 1945 and as a result the federal share of policing costs has decreased. By 1990, the federal share was 30%. In 1992 it was confirmed that the provinces, territories and municipalities would continue to pay 70% and that the cost-share for municipalities over 15,000 in population would remain at 90%. Also, the policing agreements were extended for a 20-year period, on the understanding that costs of service delivery would be reviewed at 5-year intervals.

Today, only Ontario and Quebec do not contract for RCMP policing services. With about half of Canada's population these two provinces feel they have the resources to maintain their own police forces.

Where there are municipal and provincial contracts, the municipal and provincial government is responsible for funding their respective police forces. Where RCMP is granted a policing contract to police a municipality, under the billing agreement, municipalities with a population under 15,000 are billed 70% of total expenditures, and municipalities of 15,000 and over are billed 90% of total costs. In the provinces and territories where the RCMP are contracted to provide provincial level policing, the provinces are billed 70% of the total contract costs in most cases. The remaining funds come from the federal government.



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India

The Structure of Policing in India

The Police are a civil authority subordinate to the Executive, represented in the Union Government by the Prime Minister and in the States by the Chief Minister, and their respective Councils of Ministers. Prominent among the Union police forces are the Central Bureau of Investigation (CBI), Border Security Force (BSF), Central Reserve Police Force (CRPF), Central Industrial Security Force (CISF) and the Indo-Tibetan Border Police (ITBP). Each of these forces is headed by a Director/Director-General with the status of a three-star General in the Army. The CBI is controlled by the Department of Personnel of the Union Government headed by a Minister of State who reports to the Prime Minister. The other forces are controlled by the Union Ministry of Home Affairs headed by a Cabinet Minister.

The bulk of the Indian Police is comprised of forces in the States. Each State has its own force headed by a Director-General of Police (DGP) who is equivalent in rank to his counterpart in the Union Government forces. A number of Additional Directors-General or Inspectors-General of Police (IGP) who look after various portfolios, such as Personnel, Law & Order, Intelligence, Crime, Armed Police, Training, and Technical Services are located at the State Police Headquarters and report directly to the DGP.

Major cities in a State are headed by a Commissioner of Police (CP) who, again, reports to the DGP. Areas outside these cities in a State are divided into Districts of varying size. Each district is headed by a Superintendent of Police (SP) and supervised by a Deputy Inspector-General (DIG) whose jurisdiction is called a Range, composed of a group of three or four districts.

In each District and in the city police force, the basic police unit is a Police Station (PS). A few police stations have an Out-post (OP) which is a mini-station for serving remote or trouble-prone localities. The number of police stations depends on the size of the State and the District. The state of Madhya Pradesh, which is the largest state in terms of area (443,447 square kilometers) has 1,101 Police Stations and 554 out-posts. While the larger districts have an average of 22 Police stations, the smaller ones have 15. A medium-sized State such as Tamil Nadu, with an area of 130,058 square kilometers, has 1,090 police stations and 163 out-posts. A medium-sized District covering an area of about 8,000 square kilometers has about 40 police stations.

Each police station is headed by a Sub-Inspector or Inspector referred to as the Station House Officer (SHO). A designated number of Constables, the lowest rank in the police force, and Head Constables are assigned to each police station. In some States, there are



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additional ranks, such as Assistant Sub-Inspector or Assistant Police Inspector. While urban police stations often have certain functional divisions such as Law and Order and Crime and Traffic, no such divisions exist in rural or village police stations.

An Armed Reserve at the District Headquarters, under the command of the Superintendent of Police, handles public disturbance problems, such as religious or caste riots and clashes between political rivals. There are a few battalions of the Special Armed Police (SAP) used for more serious situations. The SAP is deployed by the Director General of Police when the situation warrants it. For example, if during a major breakdown of public peace the State Police are outnumbered and unable to cope with the magnitude of the disorder, a State Government may ask for Central forces, especially the Central Reserve Police Force. The cost of such deployment is usually borne by the State government.

The Criminal Investigation Department (CID) is an important arm of every State Police department. Headed by an Additional Director of General Police or Inspector General of Police, it is a specialized agency for conducting sensitive inquiries into allegations against public figures or police personnel. More importantly, it is entrusted with the investigation of important criminal cases which cannot be solved by the District Police.

Financial Arrangements

There are separate budgets for the Union and State Police forces. A large State such as Madhya Pradesh has an annual police budget of Rupees 3,730 million. A medium-sized State such as Tamil Nadu has an annual police budget of Rupees 3200 million. The central and state police administrations are funded by and responsible to their respective Ministries for Home Affairs.

There are two schemes by which the Union Government assists State Police Departments to strengthen police administration are the Police Housing Scheme and the Modernization Scheme. While the Police Housing Scheme funds the construction of housing units for lower levels of police personnel, the Modernization Scheme finances the purchase of equipment in the areas of communication, transport and scientific investigation.



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Recruitment

There are different recruitment regulations for the Constabulary, Sub-Inspector/Inspector and Assistant Superintendent (ASP)/Deputy Superintendent (DSP) levels. While the minimum educational qualification for the Constabulary and Sub-Inspector/Inspector is a High School diploma, an undergraduate college degree is required for entry into the ASP and DSP level.

Superintendents of Police (SP) are recruited every year by the Union Government on the basis of a national competitive exam and are appointed into what is known as the Indian Police Service (IPS). Although IPS officers are recruited by the Union Government, they are assigned to each of the 25 States and collectively to the 7 Union Territories.

Positions in the Central forces are manned partly by IPS officers drawn from the States and partly by recruitment from the open market. The other levels are recruited by the Union Government forces or by the State Governments. During their tenures in the states, IPS officers are responsible to their government of the state.

Superintendents of Police are trained at the National Police Academy, Hyderabad, for about a year. At the end of the year, they also undergo a brief orientation training at the Police Academy of the State to which each is assigned. IPS officers are exposed to a variety of training programs during their career. These are given at the National Police Academy or at the various management institutions. Almost every State and Central Police force has its own training institution. In certain cases, training resources may be pooled, as in the case of the North Eastern Police Academy, which covers the smaller States in that region.

The duration of training varies from State to State, and with rank. Generally, DSPs and Sub-Inspectors spend a year at the Academy and Constables are trained for a shorter period (9 months) at Police Recruit Schools. The training faculty are normally police personnel themselves. Only at the NPA, Hyderabad, are outsiders such as lawyers and management consultants associated with training programs.

The Law ensures that the police force is representative of the traditionally poor and underprivileged sections of the society. There is a quota of 22.5% for recruitment in every force for Scheduled Castes and Scheduled Tribes. Additionally, in some States, there is a prescribed quota for those listed as Backward and Most Backward.



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Spain

Structure of Policing in Spain

Between 1978 to 1986 there was no fully constitutional legislation regulating the police at state level. In 1986 the *law LO 2/1986 of March 13th on Security Forces and Bodies (LOSFB)*, currently in force, changed the pre-constitutional Police Law (*Law 55/1978 of December 4th*).

The Spanish Constitution of 1978 established a politically and administrative decentralized system which then created “Autonomous Communities” (AACC) and within the AACC more specific “Statutes on Autonomy” (Home Rules). Certain Home Rules opened the possibility to create Police Forces that depended on the Autonomous governments. Note also that in the Spanish System of Autonomies not all the AACC have the same powers which is why all regions do not have the possibility to create their own police.

There also exists a third level of autonomy, the municipal one. Any municipality of more than 5000 inhabitants has been given powers to have their own police force. Many municipalities keep their own local police force, with varying characteristics (i.e. considerable or limited responsibilities).

There are three administrative levels with capacity for creating their own police forces – the State Administration (state level), seven out of the seventeen AACC (regional level), and a few municipalities (local level).

Only three of the seven AACC (Catalonia, The Basque Country and Navarra) have their own autonomous police. Out of the remaining fourteen regions, three (València, Andalucía and Galicia) have units attached to the National Police Force (NPF), under the autonomous government control, while in actuality they belong to the state police. And one region (The Canary Islands) appears to be seeking its own development model, although this has not yet emerged in any specific form. Finally, in the other two remaining regions, there is the centralised police model.

Financial Arrangements

The 1990 annual expenditures for police were 262,627,447,000 pesetas (\$1,800,000,000). In 1992, the number of police in the central government was 132,133. Local police personnel totaled 46,300.



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The Catalan Case

As mentioned above, in Catalonia, according to the current constitutional framework, three authorities operate in the field of public security: NPF and GC (Spanish Central Government), MEF (the police of the *Generalitat de Catalunya*, our Autonomous Regional Government) and the various local police forces (at the municipal level).

The *Catalan Statute on Autonomy* granted the Autonomous Government the power to create a police force of its own in 1979. The Law 19/1983 of July 14th, on the creation of the Autonomous Police under the *Generalitat de Catalunya*, allowed the reinstatement of an institution with a very old tradition, the *Mossos d'Esquadra* Force (MEF), which began the modern era of Catalonia's police force.

The MEF is an armed civil institution and its main purpose is to protect the free exercise of rights and liberties and to maintain the safety of citizens. Its mandate in cooperation with other agents, is to contribute to social welfare in the areas of prevention, assistance and rehabilitation. The territory includes all of Catalonia, and depends functionally on the Government of the Autonomy and its own Regional Home Office (Regional Ministry of The Interior).

The Security Board of Catalonia agreed to the territorial deployment of the MEF which has now replaced the Spanish national forces and security bodies (NPF and CG). This process started in November 1994, will continue county by county and will be completed by the year 2005. Once these processes have been completed, the Autonomous Government will become the highest authority in charge of security for Catalonia.

- a) According to that Agreement, the MEF carried out the following functions:
- the protection of people and properties;
 - maintaining of public order;
 - surveillance and protection of authorities and buildings of the Autonomous Institutions;
 - surveillance of public places;
 - protection of public demonstrations and maintaining of public order before crowds;
 - giving assistance in cases of accident, disasters and taking part in the development of emergency plans;
 - protection of citizen's safety;
 - crime prevention;
 - the enforcement of legislation enacted by Catalan Parliament and Government, with special care in the field of environment, goods and properties belonging to cultural heritage, and private police;



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- the enforcement of state legislation that is in force in Catalonia;
 - crime investigation (all crimes except some that remain for the NPF and CG).
 - Crimes which remain under state jurisdiction are the following:
 - crimes connected to state security;
 - crimes against the King, the Queen, the Prince or the separation of powers;
 - coin forgery;
 - serious fraud that can alter prices of the market affecting the general economy of the state;
 - drug trafficking, fraud with food and medicines if they are committed by groups that work outside the Catalan territory;
 - terrorism;
 - crime committed by state authorities and members of state police forces;
 - other crimes under the jurisdiction of the Supreme Court or the *Audiencia Nacional*.
- b) The role of the state police forces (NPF and CG) in Catalonia became:
- citizens' security police: watching and protecting state buildings and state officials, guarding coasts, borders and customs, ports and state-run airports, etc.;
 - administrative and documentation police: they focus on state documents, entry and exit control of arms, explosives; contraband, etc.;
 - judiciary and criminal investigation police (basically they work on extra/supra- autonomous-community crimes.
- c) The functions of different local police forces remained as follows:
- Local police bodies work basically in the areas of traffic and administrative police and some tasks traditionally included in the model of community policing (quality of life, citizens' safety, etc.). Within the territorial scope of their respective municipalities, the LP force deals with the current situation regarding the safety of the municipality citizens, carrying out the actions and the policies of municipal security.
 - Varying in size and characteristics according to the municipality they serve, the LP forces are armed civil institutions that act upon the order of the head of the town council: the mayor.
 - In Catalonia, a significant number of municipalities (more than 180) have their own LP force, thus exercising their local autonomy to respond to their citizen needs. The Catalan Autonomous Government is the governing body in charge of co-ordinating the various LP forces, and between the MEF and the LPs, but at the same time it respects municipal autonomy.



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United States of America

“Because of federalism, no single level of government is solely responsible for the administration of criminal justice.”(Criminal Justice in America, Cole & Smith)

Overview of National Responsibilities

In the United States of America, there is no central or federal police department. Thus, federal law enforcement jurisdiction does not originate from a single federal department. Rather, Congress distributes such jurisdiction to various federal departments, which in turn allocates such authority to sub-agencies. Furthermore, federal law enforcement focuses mostly on interstate and international crime. The U.S. Department of Justice (DOJ) and the U.S. Department of the Treasury maintain the majority of federal law enforcement agencies. Under the DOJ and the Department of the Treasury, federal jurisdiction is distributed amongst the following federal agencies:

U.S. Department of Justice: *(the following list does not contain all federal agencies under DOJ, only those with a substantial number of federal employees)*

- 1) Immigration and Naturalization Services (INS)
 - Consists of Border Patrol and Inspection Branch
 - Primary responsibility is between ports of entry
- 2) Federal Bureau of Prisons (BOP)
 - Custodial supervision of inmates in federal prisons
 - Conducting searches for contraband
- 3) Federal Bureau of Investigation (FBI)
 - Domestic investigative jurisdiction over more than 200 categories of federal crimes
 - Concurrent jurisdiction with Drug Enforcement Administration over drug offences under the Controlled Substances Act
- 4) Drug Enforcement Administration (DEA)
 - Enforce regulations governing the manufacture and dispensing of controlled substances
 - Investigate major narcotics violators
- 5) U.S. Marshals Service
 - Oldest federal law enforcement agency (1789) and accounts for 55% of all arrests of federal fugitives
 - Jurisdiction over federal fugitive matters concerning escaped prisoners, probation and parole violators



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U.S. Department of the Treasury: *(the following list does not contain all federal agencies under the Department of the Treasury, only those with a substantial number of federal employees)*

- 1) U.S. Customs Service
 - Has investigative responsibilities covering more than 400 laws related to customs, drugs, export control, and revenue fraud
- 2) U.S. Secret Service
 - Criminal investigative and enforcement duties related to counterfeiting, financial crimes, computer fraud, threats against dignitaries
 - Uniformed Division: provides protection for the White House complex and other Presidential offices, the Main Treasury Building and Annex, the President and the Vice-President and their immediate families, and foreign diplomats
- 3) Internal Revenue Service (IRS)
 - Charged with enforcing the Nations tax laws
- 4) Bureau of Alcohol, Tobacco and Firearms (ATF)
 - Tax collecting, enforcement and regulatory arm of the Department of the Treasury
 - Enforces federal laws related to alcohol, tobacco, firearms, explosives, and arson.

Overview of State Responsibilities

The 10th Amendment of the U.S. Constitution provides that, “The powers not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states respectively, or to the people.” Thus, States have the jurisdictional authority to enact criminal - law statutes, which are enforced by state and local government. The duties of state and local law – enforcement agencies, however, vary significantly from state to state. (Unfortunately, the extent to which such duties vary cannot be analyzed in this study.)

For example, in the Commonwealth of Pennsylvania there is a statewide police force or “primary State law enforcement agency,” the Pennsylvania State Police. The Pennsylvania State Police consists of sixteen different troop divisions. Each division is responsible for its geographic jurisdiction or special enforcement responsibility (i.e. interstate highways). The Pennsylvania State Police possess statewide jurisdiction to enforce state criminal laws.

Within Pennsylvania, each county, 67 in total, has its own Sheriffs’ Office, which is responsible for maintaining limited law enforcement operations. Within Northampton County, there are 38 municipalities. Each municipality, which may be classified as



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boroughs, cities or townships, is authorized by state law to have their own police department or to organize regional municipal police departments. Municipalities are also authorized by state law to enact limited criminal laws by “ordinance”, which are not covered by state law and for the most part, are limited to minor crimes such as building code violations, property maintenance codes, etc. Municipal police forces possess the authority to enforce all state criminal laws as well as municipal criminal ordinances with respect to crimes occurring within their jurisdiction, although inter-municipal agreements do exist. Municipalities without their own police force are entitled to police protection from the Pennsylvania State Police.

As of 2000, State and Local governments in the U.S. operated 17,784 full-time law - enforcement agencies. Such agencies can be broken down into five categories:

- 1) Primary State Law Enforcement (*49 agencies in total*): 87,028 full - time employees, only exception is Hawaii, which does not maintain a primary State Law enforcement agency.
- 2) Sheriffs’ Office (*3,070 agencies in total*): Primary responsibility is jail operations in regards to matters of court security and the serving process. The Sheriffs’ Office is also responsible for patrol duty, investigative duty, and responding to general calls of service. In most U.S. counties, the Sheriff is elected by the people of the county
*6 of the 10 largest Sheriffs’ Offices are in California
- 3) Texas Constable (*623 agencies, State of Texas only*): elected officials who are responsible for providing services for the justice, county, and district courts.
- 4) General Purpose/ Local Policing (*12, 666 agencies in total*): Involves patrol duties, criminal investigation, administration, training and technical support, and court and jail related duties. Several levels of government conduct such duties.
 - a. Municipal, 12, 409 agencies across the United States
 - b. County, 52 agencies across the United States
 - c. Tribal, 171 agencies across the United States
 - d. Regional, 34 agencies across the United States
- 5) Special Jurisdiction Agencies (*1,376 agencies in total*): As of 2000, there were nearly 1,400 State and Local law enforcement agencies with geographic jurisdiction or special enforcement responsibilities. Examples of such geographic jurisdiction or special enforcement responsibilities are as follows:
 - a. Government Buildings/Facilities, including State Capitol and other government buildings
 - b. Conservation laws/ park and recreation, including fish/ wildlife and environmental laws
 - c. Criminal Investigation
 - County/City level
 - State bureau



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- d. Transportation Systems/ Facilities
 - Main Transit system/railroad
 - Airports
- e. Special Enforcement
 - Drug Enforcement
 - Alcohol Enforcement

American Indian Reservations

Under the Indian Self-Determination and Education Assistance Act of 1975, federally recognized tribes are authorized to establish their own government functions by means of contracts with the U.S. Bureau of Indian Affairs (BIA). Police departments are thus administered by tribes, and officers of such departments are tribal employees. However, tribal police departments may also be administered by the BIA, wherein departmental staff is provided for by the state. Some tribes even choose to rely completely on state and local authorities for police services, thus allowing state and local authorities to “enforce the same criminal laws within Indian Country (as referred to by such report) as they did outside of Indian Country.” The federal government, by means of the BIA may also enforce laws on reservations. Due to costs, however, very few tribes are funded completely with tribal money, and so jurisdiction often shifts to external law-enforcement departments.

Institutional Arrangements between Federal and State Police Departments

As of 25 November 2002, with the passage of the Homeland Security Act of 2002, the current institutional relationship between federal and state law enforcement agencies may change. As noted, state and local governments currently operate 17,784 full-time law enforcement agencies. The Department of Homeland Security will contain an intergovernmental affairs office to coordinate federal homeland security programs with state and local officials. The Department of Homeland Security will also assume authority over certain federal grant programs for local and state first responders such as firefighters and police departments. However, due to the fact that the Homeland Security Act of 2002 was only recently passed, such legislation is still in the initial stages of implementation, and so the effects of the Department of Homeland Security are still uncertain.



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Reporting Arrangements

Due to the events of September 11, 2001, all levels of law enforcement are currently working to produce a more effective channel of communication. By September 30, 2003, under the Department of Homeland Security Reorganization Plan, the Assistant Secretary for Information Analysis must “Review, analyze, and make recommendations for improvements in policies and procedures governing the sharing of law enforcement information, intelligence information, and intelligence-related information” between the federal government and State and Local government agencies and authorities.

Cost Sharing/Fiscal Arrangement/ Financial Arrangements

Federal – State Arrangement:

In fiscal year 2001, the U.S. Department of Justice awarded more than \$5 billion to the States, the District of Columbia, and the 5 territories. These funds were provided through the Department’s Office of Justice Programs (OJP) and the Office of Community Oriented Policing Services (COPS).

The following information pertains only to grant programs provided by the OJP. The Office of Justice Programs provides three types of funding to State, Local, and private agencies and organizations.

- 1) Formula or Block:
 - a. Awarded to State and local governments based upon predetermined formula
 - b. Governor must designate a State agency to receive such awards
 - c. State is required to pass awards to local agencies and other organization through sub-grants
- 2) Discretionary:
 - a. Awarded on competitive basis to public and private non-profit organizations
 - b. Broad range of funding allocations, i.e. from research requirements to overall program development
- 3) Congressional Earmarks:
 - a. Hard Earmarks: Congress directs the Federal agency to provide funds to specific programs it has identified.
 - b. Soft Earmarks: Congress identifies a program and directs the Federal agency to evaluate program and then, if warranted, fund program.



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State – Local Arrangement:

State governments then set priorities and distribute funds within their state. In the Commonwealth of Pennsylvania, OJP Formula Grants are administered by seven State agencies;

- 1) Bureau of Justice Assistance (BJA)
- 2) Office of Juvenile Justice and Delinquency Prevention (OJJDP)
- 3) Office for Victims of Crime (OVC)
- 4) Corrections Program Office (CPO)
- 5) Bureau of Justice Statistics (BJS)
- 6) Office on Violence Against Women (OVW)
- 7) Office for Domestic Preparedness (ODP)

*In the Pennsylvania State Police 2000-01 Department Budget, \$21,633,000 Federal Funds were received. The same budget also noted that \$11,260,000 was used for Grants/Other funds.

Municipal – Municipal:

Municipalities, under state law are authorized to organize regional police departments, thus consolidating financial burdens in regions where financial, as well as physical resources may be limited.

Conclusion: Unfortunately, due to the diverse nature of U.S. law enforcement, generalizations regarding such levels of governmental jurisdiction cannot be made. The sole purpose of this study is to provide the broadest description of U.S. law enforcement.