PLEA BARGAINING:

A Police Officer's Point of View... "A Practical Necessity"

Charles L. Lindstram

The subject of plea bargaining evokes strong emotions from the majority of society's law abiding citizens. It is a complex and misunderstood concept. All too often, it is a misused technique that contributes greatly to general citizen apprehension and confusion of the criminal justice process.

Plea bargaining is simply a set of negotiations between the defendant and the "people" as to what the settlement of a case will be. Usually, a plea bargained case results in a lesser charge against the defendant in return for a guilty plea. Often multiple charges are dropped in return for a guilty plea to a single charge. In sentencing, the judge usually acts on the basis of a lesser charge and not the actual facts of the case or cases.

From most police officers' standpoint, it would be ideal not to allow plea bargaining. Simply stated, a defendant should be arrested and charged based upon the crime and evidence. Guilt or innocence and the sentence should be determined on the basis of evidence presented. Complexities in the law, complicated court procedures, heavy court caseloads, and limitations on sentencing based upon the law, however, make such a simple philosophy unworkable. In the final analysis, given current conditions, plea bargaining in the criminal justice system is a "practical necessity."

Plea bargaining is extremely practical in that it does allow unusual circumstances to be considered. It also allows for bypassing burdensome legal problems and errors already made in legal procedures. It reduces substantially the cost of handling a case by avoiding time consuming and lengthy trials. In essence, plea bargaining can provide a "just" settlement that otherwise might not be possible and avoids a miscarriage of justice, either to the defendant or to society.

One of the principle problems with plea bargaining is that often it is a convenience to the court and prosecutor when there are no extenuating circumstances or problems with a case. It simply helps to process or get rid of a case. It is the position of most police officers that there is too much plea bargaining for these reasons. They especially feel wronged when the defense attorney, judge, and prosecutor go into the office, close the door, and come out later to inform the officer that the case has been disposed of. While someone obviously has to make the final decision in such matters, it is the police position that the process of plea bargaining should involve all concerned, including the police and the victim of a crime (if there is a separate complaint).

Police believe that a case plea bargaining should be openly acknowledged, or publicized, giving forth the reasons for the negotiated settlement. Through open acknowledgement, it would be more likely that only cases which have a justifiable reason would be negotiated. Much of the mystique and confusion surrounding the process could be eliminated. Citizens too would then come to better understand the process.

In conclusion, plea bargaining is a practical necessity as long as we have such a complex legal system with such a heavy emphasis on the rights of the accused. Currently our court system so heavily emphasizes the procedures to be followed that we often have a giant difference between legal guilt and factual guilt. We would have less need of plea bargaining if continued on page 2
Alumni Update

Secretary of the Treasury, Donald T. Regan announced on January 11, 1985 that Charles F. Rinkewich (62) of Marietta, Georgia, had been selected as the Director of the Federal Law Enforcement Training Center (FLETC), Glyncol, Georgia.

Rinkewich is a Regional Director for the U.S. Department of Justice's Audit Staff in Atlanta, Georgia. He is currently serving and will continue to serve as the Coordinator for the South Florida Task Force.

Sue K. Brown ('72), a retired detective sergeant with the East Lansing Police department, received the 1983 Women Police of Michigan award at the organization's meeting held in Grand Rapids on April 30, 1983. The award is given to an individual who exemplifies dedication to excellence in the field of criminal justice.

Richard Bayless ('54) is the Industrial Relations Manager for the Kelsey-Hayes Company of Brighton, Michigan. Kenneth Burchill ('51) is the Personnel Manager for the General Motors Overseas Corporation. He is based in Cairo, Egypt.

Perry Eckh (65) is Director of the Greenville County, South Carolina Police Services Bureau.

Albert Ganzel ('51) is the Division Director of Community Services and Health Occupations at Peaks Park Community College in Colorado Springs, Colorado.

Wanda Sue Hutchinson ('74) is an Analyst with the Kansas City Board of Police Commissioners.

Kenneth Joseph ('68) is the Director of Security for Cooper Industries of Houston, Texas.

Theodore Kocher ('54) is the Warden and Regional Administrator for Michigan Department of Corrections in Marquette.

Marvin May ('74) is the Administrative Assistant for the Michigan Parole Board.

Faye Pullou ('81) is a Juvenile Probation Counselor with the Lucas County, Ohio, Juvenile Court.

David Sellers ('76) is the Coordinator of Hourly Systems with Volkswagen of America in Troy, Michigan.

Claudia Ann Smith ('79) is a Civilian Security Specialist with the Intelligence and Security Command Division of the Army. She is based in Arlington, Virginia.

Susanne Smokoski ('71) is a Field Agent with the Michigan Department of Corrections in Saginaw.

James F. Summon ('75) is an attorney with an office in East Lansing, Michigan.

Deborah Stark ('81) is the Director of the Eaton Rapids, Michigan Youth Advocacy Program.

Leand Theschendorf ('71) is a Sergeant with the Tuscola County, Michigan Sheriff.

Patti Tilden-Moncotti ('74) is a Children's Protective Services Worker with the Michigan Department of Social Services.

Aaron Westrick ('82) is an officer with the Marine City, Michigan, Police Department.

Linda Wittman ('71) is an officer with the Lansing, Michigan, Police Department.

Plea Bargaining continued.

We could simplify the procedures in criminal court cases and better balance the rights of the accused with the rights of the victim and of society in general. Accordingly, we should be working toward a complete overhaul of the court system. Understanding concepts such as plea bargaining, however, can be an initial step toward the solution of a critical problem.

Charles Lindstrom is the Chief of Police in Holland, Michigan.
Security Program Prospers

Private security, loss prevention, security administration, and asset protection and risk management are all progressively more encompassing names for the same modern necessity: the protection of employees, property and products of business, industry and government. Losses due to internal as well as external forces have required organizations to mold their enforcement oriented security departments into more proactive loss prevention cost centers. The proactive approach is becoming particularly important in organizations dependent upon computers, inventories and other specialized needs.

Through discussions with alumni and employment interviewers, members of the School of Criminal Justice have explored the needs of security which can be met through educational programs. The expansion of the private security field has been most opportune, given that local criminal justice agencies are rethinking. As a result, more students are exploring careers in security, and the School’s program is expanding to meet their demands.

Three courses have been developed in the undergraduate program: Security Systems, Principles of Security, and Loss Prevention. Three courses are also in place in the graduate curriculum: Security Management, Assets Protection, and Security Administration. In addition, students have the opportunity for independent study and to participate in our security internship program.

Employment prospects for students in the security area are excellent, as are the possible research activities. Kenneth Christian, the security education coordinator, also sees the field as a productive arena for the development of linkages with professionals. In effect, although security is just now beginning to mature, it provides a context for the continuing development of the land-grant mission.

Forensic Science — Past and Present

The School of Criminal Justice at Michigan State University has the oldest program in forensic science education in the country. Started in 1947, it has existed in various forms until the present. Under the tutelage of Ralph Turner, who founded the program, forensic science education in the School of Criminal Justice has remained at the cutting edge of the field.

With the retirement of Turner in 1980, the program was turned over to Jay Siegel. Prior to academic, he was a forensic chemist with the Virginia State Bureau of Forensic Science. In its present form, the School’s forensic science program consists of an undergraduate degree program leading to the Bachelor of Science in Criminalistics and an area of concentration within the School’s Master of Science curriculum. The last three years have witnessed major changes and improvements which have resulted in our undergraduate degree program becoming among the top in the country.

Highlights of these major changes include: a new laboratory facility in McDowell Hall and some $90,000 in Federal grants (matched by some $10,000 in University funds).

The new laboratory and equipment have allowed the School to make major changes in the content of the criminalistics courses which now provide our students with the most modern techniques and experiences in criminalistics. Enrollment in the criminalistics program has tripled in the past three years. The demand by students for the major is quickly exceeding the School’s resources and ability to serve them. Siegel has instituted a new lecture course, Introduction to Forensic Science, which provides a non-technical survey of the field and is open to all students. In addition, a vigorous new research program has begun in various areas of criminalistics.

Robert C. Trojanowics

School of Criminal Justice Alumni Newsletter

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National Neighborhood Foot Patrol Center

On August 4, 1982, the Charles Stewart Mott Foundation awarded a grant to Michigan State University for the establishment of a National Neighborhood Foot Patrol Center in the School of Criminal Justice. Five years of support are planned with the total dollar amount being close to $1,000,000. The National Center is fully operational, employing a staff of six under the direction of Robert Trojanowicz.

Many recent alumni will already be aware of the school’s long-standing involvement with the Flint Neighborhood Foot Patrol Program — an involvement which culminated with the publication of An Evaluation of the Neighborhood Foot Patrol Program in Flint, Michi- gn. The study, written by Trojanowicz and a research team from the School of Criminal Justice, concluded that the foot patrol in Flint had improved police/community relations and had significantly reduced crime rates and calls for service.

The success of the Flint Foot Patrol Program prompted the Mott Foundation to establish the National Center, which will use the Flint program as a model for the improvement of police operations. At the same time, however, the Center will fund and supervise new research on foot patrol and community policing techniques. The specific mission of the National Center includes the following:

- Establishing a national clearing house for information on foot patrol and community policing.
- Providing on-site technical assistance visits to communities wishing to initiate a foot patrol program.
- Providing training sessions at Michigan State University for police officers, community leaders, and private citizens who want detailed, practical information about foot patrol.
- Providing internships, graduate assistantships, and research opportunities for qualified graduate students.
- Providing academic classes on progressive police management issues, research, and techniques.

The information which the Center distributes and the research and course work it sponsors will focus on the conditions which must exist in a community or in a police department if foot patrol is to prove successful. Mobilization of citizens for crime prevention, budgetary unit political processes, and the impact of labor-management disputes on police service are topics which will receive special attention.

The past few months have been a busy time for the Center staff. In March, the first training session was held on the MSU campus; it attracted 42 participants from eight states. An article on foot patrol appeared in the law schools and a “Foot Patrol Manual” is scheduled for publication in June.

If anything, the future promises to be even busier. Requests for technical assistance visits continue to come in from communities across the country. A second training session and Advisory Council meeting are planned for this fall.

And Staff members have begun preliminary work on a “Foot Patrol Reader” to be written over the coming year.

Foot patrol is clearly a thing of the future. There is compelling evidence that foot patrol works. It has become a prominent topic in the media, the public is interested, and police departments in many communities are exploring the foot patrol option.

The School of Criminal Justice is pleased to be in the forefront of this move toward new policing methods. As Trojanowicz remarked, “The police today face a real dilemma since the public is demanding greater accountability at a time when police budgets are being drastically reduced. Foot patrol has the potential for being a way out of the dilemma. It increases police accountability; it is effective, and, above all, it is budgetarily feasible.”

Faculty Focus


The Commission on Criminal Justice, the Office of Criminal Just...
vice, and the School presented a program on The Police Use of Deadly Force on September 22, 1982, at the Michigan State Police Training Academy in Lansing. Robert Trojaniwicz acted as moderator of the program which was coordinated by Dennis Baw.

The seminar, Forensic Pathology: The Investigation of Violent Death, was supported by J.B. Robert for forensic investigators, coroners, medical examiners, prosecutors, and criminal defense attorneys. Offered in September, 1982, it dealt with the types and uses of evidence available to death scene investigators. Many forensic pathologists served as seminar leaders, including Jay Siegel, Laurence R. Simon, Jr., of Sparrow Hospital; Patrick E. Besant-Matthews of the Southwest Institute on Forensic Science, and Ronald K. Wright, the Broward County Medical Examiner. The program was co-sponsored by Edward W. Sparrow Hospital, Lansing, Michigan. It will be repeated in September, 1983.

Homer Hawkins developed a Human Relations Training Program for the Michigan Department of Corrections in September, 1982. The central objective of the program was to work with training staff to broaden their knowledge base in the following areas: basic human relations, cultural diversity, the urban experience, encounter group techniques, and staff professionalism.

The Canadian-American Institute on Police and Community Relations was held October 9-11, 1982. It was sponsored by the National Conference of Christians and Jews and Michigan State University’s School of Criminal Justice, in cooperation with the Canadian Council of Christians and Jews. The topic for the 1982 institute was “Community Violence: The Police and Public Response.” Jack R. Greene served as Director of the Institute. Louis A. Radelet was Associate Director. Gary Scott was Director Emeritus. Hoyt Reed was Secretary Emeritus. Victoria Schneider (***) served as Institute Coordinator. Louis Radelet has also been developing a course on Ethics in Criminal Justice for seniors and graduate students in the School.

Frank Horvath presented his research, The Police Use of Deadly Force in Michigan to the Michigan Crime Commission in October, 1982. The research project is funded by the Office of Criminal Justice, 2nd Floor, Lewis Cass Building, 320 South Walnut, Lansing, Michigan.

Horvath, a nationally known polygraph expert, is also heading a new Polygraph Research Center at Michigan State University. The center was initiated in September, 1982 by grant funds from the American Polygraph Association. Additional funding was recently awarded by the APA to continue the operation of the center. It will support faculty and graduate student research on polygraph procedures, techniques, and usage. The center will also disseminate research reports and other documents related to polygraph usage.

The White Collar Crime in the Pride Sector program was designed for security and personnel professionals and was co-sponsored by the American Society for Industrial Security and the Office of Criminal Justice. Offered on February 28, 1983, seminar topics included the prevention of white collar crime, personnel selection, and the detection, investigation, and disposition of white collar crime. Frank Horvath presented a session on polygraphs and Michigan law. The program was developed by Dennis Baw, Kenneth Christian, and Rod Wijn (***). Robert Trojaniwicz served as moderator.

Ken Christian successfully completed all of the requirements of the Professional Certification Board of the American Society for Industrial Security. Having earned the designation, Certified Protection Professional, he has incorporated much of the subject matter relating to the course into the graduate-level course. He offered the course that winter, 1983. It will be offered again in Grand Rapids during fall, 1983.

Siegert was interviewed by a group of Michigan judges to Britain for the Comparative Judicial Program in London and Cambridge. From August 27 to September 9, 1983, participants will meet in session and have informal meetings with members of the English judiciary. This seminar is co-sponsored by Michigan State University’s School of Criminal Justice in cooperation with the Academy of Forensic Sciences and the Institute of Criminology at Cambridge University.

During the 1982-83 academic year, David Kalinchik has been working with the Saginaw, Michigan Sheriff and the Department of Corrections. The effort has been directed at assessing the operational needs of the Saginaw County Jail.

In the same time period, Mercy Morosh has helped to found a Michigan Chapter of the national professional organization, Women in Criminal Justice. The chapter’s activities have included seminars, forums, and a newsletter. Ms. is also a member of the Advisory Committee on Correctional Reform, which serves the Committee on Corrections in the Michigan House of Representatives.

Timothy Bynum has been named Program Chair for the 1985 national meeting of the Academy of Criminal Justice Sciences, to be held in Las Vegas, Nevada. He and Vincent Hoffman also completed an assessment of juvenile detention centers in Michigan. Information on their assessment may be obtained from the Office of Criminal Justice, 2nd Floor, Lewis Cass Building, 320 South Walnut, Lansing, Michigan.

Zolton Fertosy will be delivering a course for the 1984 Michigan State University’s Evening College during fall, 1983. The Evening College is designed to provide continuing educational experiences to adult learners.

Criminal Justice Training Coordinator, Mahendra Singh, is now planning seminars for fall, 1983.
All Criminal Justice — Homecoming
Football Game and Reception
October 29, 1983
MSU vs. Minnesota

Plan now to attend Homecoming 1983 at Michigan State University. Criminal Justice Alumni will be getting together at the game and at a reception following it in the Gold Room of the Union. Any questions, contact Ellie Christian at the address below. Detach and return your order as soon as possible.

TICKET ORDER for Homecoming —
MSU vs. Minnesota Football Game and Criminal Justice Alumni Reception, October 29, 1983

Name __________________________________________ Daytime Phone __________________________
Address ____________________________________________________________
City __________ State ______ Zip ______
No. of tickets _______ $21.00 Game and Reception/ per person
No. of tickets _______ $9.00 Reception only/ per person
Make check or money order payable to MICHIGAN STATE UNIVERSITY/SCHOOL OF CRIMINAL JUSTICE. Return by September 26, 1983.

Tickets will be mailed October 1, 1983.
MAIL TO: Ellie Christian
School of Criminal Justice
560 Baker Hall
Michigan State University
East Lansing, MI 48824-1118
Phone: (517) 355-2197

TOTAL _______ $ ENCLOSED __________

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