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Politics, Administration and Police Discretion:
The Exercise of Discretion by Patrolmen in Three
Urban Communities

A dissertation submitted in partial satisfaction of the
requirements for the degree of Doctor of Philosophy
in Political Science

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by

FELLOWSHIP

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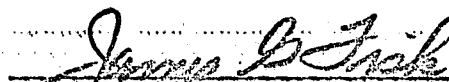
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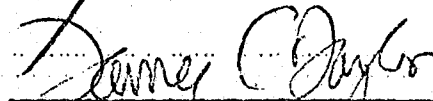
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ABSTRACT OF THE DISSERTATION

Politics, Administration and Police Discretion:

The Exercise of Discretion by Patrolmen in
Three Urban Communities

by

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The exercise of discretion in the implementation of public policy is a necessary and fundamental aspect of modern public administration. Decisions made by administrators to implement the law or governmental programs are as much political decisions as those made by legislators. This is especially true of the municipal police. The choices made by policemen reflect the values and judgments of a society in regard to the problems of justice and order. It is the choices of the police more than anything else which determine the meaning of law in a political system.

Focusing on the routine discretionary decisions of patrolmen, this study describes how patrolmen exercise their discretion in attempting to control crime and in handling disputes and order-maintenance problems. In contrast to previous studies, this research is concerned with

the way patrolmen interpret their task and how they cope with organizational and legal constraints on their discretion. The orienting hypothesis is that the exercise of discretion by patrolmen is shaped by the incentives and pressures of the police bureaucracy and the values of the police culture. Together, these determine the priorities and decision-rules of operational law enforcement. This study seeks to determine what are the organizational and occupational pressures to which patrolmen must respond and what are the consequences of these for the exercise of discretion?

The research strategy involved comparing a high-crime division of a large, urban police department with a high-crime small department; and a low-crime division of the large department with a low-crime small department. Data for the study have been collected by participant observation and a survey of 200 patrolmen and 65 management personnel in the three departments.

The study found significant differences in the way patrolmen exercise their discretion between the three departments and between individual patrolmen within the departments. Patrolmen in the large department were more likely to enforce the law or take other formal actions in a wide variety of situations than patrolmen in the small departments. In fact, patrolmen in the small departments were less likely to take such actions. These differences

are almost entirely attributable to the department and not to characteristics of the community.

Yet patrolmen have considerable autonomy in deciding how to go about using their powers of discretion. There are systemic limits on the use of administrative controls to guide the discretion of patrolmen. These stem from normative limitations which derive from the values of the police culture and from the fact that patrolmen control the outcome of a task of great importance to the department. This gives them the power to resist extensive administrative control of their discretion.

Patrolmen are motivated by the ideal of the inner-directed, aggressive policeman, and they define their task in terms of the goal of crime-fighting. The freedom from extensive organizational controls and the norm of "individualism" allow patrolmen to fashion distinctive operational styles of police work. Four such styles were identified: the Old-Style Crime-Fighter; the Clean Beat Crime-Fighter; the Professional; and the Service style. These styles are defined by a patrolman's decision of how aggressive he shall be in controlling crime and whether or not he adopts a conscious set of priorities. The analysis showed these styles determine how an officer will use his discretion in some situations, and that they develop independent of the police department--that is, police departments do not produce distinctive styles of police work.

Police professionalism and three models of reform, all geared to gaining greater political control over police discretion--the policy-making, professional, and community control/decentralization models--are evaluated in light of these conclusions.

INTRODUCTION

The Politics of Administrative Discretion

This is a study of the police and politics in three urban communities. It is rather commonplace nowadays for political scientists to engage in such studies, although the approach taken here may seem beyond the boundaries of what is normally considered political inquiry. This is not a study of the ways in which local politicians influence police actions either through formal acts or through informal methods of persuasion; nor is it a study of the ways in which local political groups might influence the police; nor is it a study of the ways the police, through police associations or other ex-officio groups, attempt (rather successfully in some cases) to shape the course of public policy or to gain support for various kinds of police actions. The focus of this study is the decisions of patrolmen, the most lowly but the most important of policemen, as they perform their task of coping with crime and disorder. It is my contention that these men perform tasks which are fundamentally political. Long ago Max Weber suggested that monopolizing the means of violence and coercion was the distinctive characteristic of the modern state.¹ For the average citizen, state coercion is most apparent with the local police; indeed it is the use of coercion which sets the police apart from other domestic

social agencies. Thus in this ultimate sense the actions of the police are political. For better or worse, these men have the power to mete out Justice in fundamental and often irrevocable ways; they determine the meaning of law and order in American society.

In one sense it may seem rather preposterous to assert that patrolmen have the power to determine the course of Justice in American society. Patrolmen do not make the laws, nor do they set policy within a police department. Indeed, the contemporary view holds that much of what patrolmen do is not connected with law enforcement at all; rather they are all-around social workers more concerned with social problems and peace keeping than with Justice.² In what sense, then, do patrolmen determine the meaning of law and order? Political decisions, which have been defined by one author as the "authoritative allocation of values for a political system," have always referred to those decisions which alter the course of public affairs in fundamental ways.³ The decision to launch a poverty program in 1964 is but one example. In order to understand the genesis of these decisions, political scientists have traditionally examined the process of decision-making within the legislative branch and by political executives such as the President. But as Kenneth Culp Davis argues, the claim that we are a government of laws and not men overlooks the fact that men not only make the laws but implement them.⁴ Was

the intent of the poverty program to eliminate poverty through a variety of job training and educational programs designed to provide equal opportunity or was it to achieve a redistribution of power within American cities by allowing citizens the right to participate in the determination of policy? Much to the discomfort of many politicians, administrators initially acted as if the latter were the principle goal of the poverty program. Politics is as much a matter of the discretion of administrators as it is the decisions of the legislature.

Discretion is an inevitable aspect of politics. The laws can never be so detailed and specific so as to anticipate every circumstance; and the laws are often ambiguous and serve conflicting ends. Further, administrators rarely face that idyllic situation of having a surfeit of resources. They must choose priorities and allocate financial resources accordingly. The act of discretion is defined by the fact that choice is exercised in light of a framework of accepted values and goals where some aspects of the decision process are left unspecified or contingent on circumstances and thus left to the judgment of individuals. This fact has two implications for the analysis of administrative discretion. First, one must determine what criteria are used in exercising discretion, that is, the standards the decision-maker brings to bear in a given set of circumstances. The law is obviously an important criterion but community norms,

administrative policy or rules, and the values of the decision-maker may be equally important. Second, the latitude of an administrator's discretion may vary. An administrator's leeway may be narrowly confined and he may exercise choice in light of several more or less well defined alternatives; or at the other extreme an administrator may have considerable freedom to decide how he will act. Davis suggests that a "public officer has discretion whenever the effective limits on his power leave him free to make a choice among possible courses of action or inaction."⁵ What is decisive here is the degree of freedom the decision-maker has, the extent to which he is subject to external political controls.

Administrative discretion as it pertains to law enforcement consists of two broad choices: the decision to intervene in a particular set of circumstances and the choice of what action to take, whether or not to resolve the matter in a formal way through court action or through an informal settlement. Administrators in Federal regulatory agencies and in the Justice Department cannot and do not pursue every violation of federal law. The Food and Drug Administration does not monitor the effects of every drug that comes on the market; nor does the Justice Department enforce anti-trust statutes against every industry in violation. Similarly, the police do not step in every time a law is broken; indeed, they may systematically ignore

some violations. The question posed for an analysis of discretion is under what circumstances and for what reasons do administrators (and policemen) decide that the behavior of an individual or organization is in violation of the law and decide to step in. This decision is complicated by the fact that individuals and groups will attempt to conceal their true intentions from officials, and administrators may decide to utilize procedures and tactics which violate the rights of these individuals. Once a matter has come under the purview of an enforcement or regulatory agency, an administrator has the choice of resolving the problem in alternative ways. Should the full force of the law be invoked and individuals made subject to arrest, fines and possible imprisonment? Or should they merely be required to change their behavior in specific ways? For example, should the Justice Department break up a company guilty of violating anti-trust law? Should the Food and Drug Administration require that a particular drug be withdrawn from the market? Should a policeman give every motorist he stops a citation or merely obtain a promise not to run a stop light in the future? Again the question is on what basis are these decisions made? Finally, the act of discretion should not be interpreted narrowly; it pertains not only to the substantive choices an administrator or policeman might make but to what Davis calls "interim choices."⁶ These are choices made prior to the decision

to intervene which influence the outcome. They include budgetary decisions which may determine the effectiveness of an investigative or enforcement bureau, the formulation of rules and procedures, decisions about various methods of training, timing, and individual's methods of proceeding. These decisions are more numerous than substantive choices, and they can have significant consequences for the exercise of discretion.

The act of discretion admits of varying degrees of action and inaction. Indeed, it is because administrators have the power not to enforce the law that discretion has important political consequences. The act of discretion may be tantamount to making the law. It is the decisions of administrators which determine in individual cases who will benefit and who will be deprived, who will be affected by the law, and how strictly it will be enforced. Decisions not to enforce anti-trust laws, decisions not to adhere to relevant standards in deciding which drugs can be marketed, and decisions to ignore an assault benefit some individuals and groups and deny others the protection of legality. Thus discretion is always a political act, but the decisive questions turn on the standards that guide discretion and the degree of political control over the exercise of discretion.⁷

One can grant that administrators in public agencies wield wide powers of discretion, but in what sense can one

say that patrolmen have wide powers of discretion? If patrolmen do have some powers of discretion, is it not true they are subject to limitations imposed by the law and, more importantly, by administrators through a system of hierarchical controls? And is it not true that the decentralized character of policing in America, the fact that each community has its own police department, allows--indeed requires--that patrolmen adapt their discretion to the particular needs of the community? It is true that patrolmen are influenced by the law, the decisions and attitudes of administrators, and the culture and politics of the communities they police, though in what degree is a matter to be determined empirically? I contend that they are largely autonomous in deciding how and when the law will be enforced. The standards brought to bear in the exercise of discretion are largely those of individual patrolmen. A patrolman makes judgments about an individual's behavior in a set of circumstances and decides on an appropriate course of action in light of legal, organizational, and community norms. But these norms really do not offer a patrolman much guidance in making decisions on the street; ordinarily they tell a patrolman what he may not do rather than what he should do. These norms do not tell a patrolman when he should intervene in a specific set of circumstances or when nonenforcement is an acceptable course of action. Being drunk in public, for example, is

against the law in most municipalities, but should a patrolman arrest every drunk he sees? The law simply proscribes behavior, it does not prescribe which laws should be enforced. The courts have been reluctant to acknowledge the reality of discretion and continue to presume full enforcement. Yet the law places numerous restrictions on a patrolman's powers; they are required to meet the test of probable cause for felony arrests and they are expected to adhere to legal rules governing due process. Without question the courts have shown more concern over these matters than non-enforcement. Similarly, police administrators and politicians have been reluctant to acknowledge the discretion of patrolmen. They have been more concerned with minimizing specific abuses of police power such as corruption, blatantly illegal arrests, and excessive force among others. However, patrolmen are told to reduce crime, and police administrators, much less the city fathers, rarely define the steps an officer should take to do so. In order to reduce crime should patrolmen stop and question every group of juveniles they see? Should they spend their time being "seen," thereby acting as a deterrent to crime? Or should they de-emphasize the enforcement of minor violations in favor of felonies? Administrators and city officials will normally provide only vague and ambiguous answers to these questions.⁸ The obvious limitations on resources in most police departments, notably time and manpower, ensure that

not all of the laws can be equally enforced and that priorities must be established. In the absence of firm guidance from the law, police administrators, and the community, these priorities are established by patrolmen and are largely a matter of individual predilection. Ultimately, it is the values, prejudices, whims, and wisdom of patrolmen that count.

The autonomy of patrolmen is more than a matter of the lack of guidance from city fathers, administrators, and legal statutes. Indeed, the theme of this study is that the central political controls over police actions--community, hierarchical, and legal controls--are attenuated in modern society. The reasons for this development are rather complex. In brief, I shall argue that as a society becomes industrialized and urbanized the salience of community controls over police behavior, the kind of control which results from the informal system of social controls which exist in a small homogeneous community, decrease and the salience of administrative and professional controls increase. The law places significant limitations on police action, but it is rarely a determinant factor in the exercise of discretion. The limitations on hierarchical controls stem from unique characteristics of the police task and the power patrolmen have to resist extensive departmental controls over their discretion. The fact that the police task is based on coercion and that the police must

pursue a set of vague and ambiguous goals results in pressures which create a set of normative limitations on hierarchical control. These limitations are reinforced by the power patrolmen can wield against superiors due to their control of the outcome of the central task of the police bureaucracy, namely, the use of coercion to regulate behavior. Thus, the exercise of discretion by patrolmen is only minimally constrained by external political controls.

The most important determinants of police discretion are the norms and values of the police culture. But if the police culture demands loyalty to the group and if it prescribes a set of social and political beliefs which shape the decisions of patrolmen, it does not dictate how a patrolman should exercise his discretion. The police culture is based upon the need for patrolmen to cope with the pressures and hostilities which arise from the task the police perform. As such it is a defense against public hostility and serves to protect policemen. One consequence is that most policemen believe that any situation can be handled in a variety of ways and that it is the judgment of the policeman on the scene which ought to prevail. These beliefs preclude second-guessing an officer's decisions and foster an individualistic ethos in which a patrolman is granted the right to enforce the law pretty much as he sees fit. This facilitates the development of individual styles of police work among patrolmen; and these range from

officers who are extremely aggressive and formalistic (enforce the laws no matter what) to those who are less aggressive and enforce the laws selectively. An officer's choices are constrained by the system of departmental controls to which he is subject and the nature of the community he polices. But these only set the stage, so to speak; the decisive factor in the exercise of discretion is the kind of style that a patrolman adopts. A style reflects the propensity of an officer to intervene in a wide variety of circumstances and his sense of priorities. I shall attempt in this analysis to demonstrate that an officer's working style is largely independent of departmental controls and the community context, though it is constrained by both.

Theory and Ideology: Bureaucracy and Democratic Control

Such, in brief, is the theme of this study. But why is a study of police discretion so important and what are the theoretical and empirical concerns which have shaped this study? This study, and especially my willingness to argue that police discretion must be viewed as a political decision, ought to be understood in light of the historical context from which it emerges, and my own preoccupations with the problem of bureaucracy. Initially, the idea for this study was formulated against the backdrop of the chaos of dissent against the Vietnam War and pressures for vast social changes in American society. If the roots of these

conflicts extend deep into American history, the catalysts were the decisions of then President Lyndon B. Johnson to pursue an extended war in Vietnam and to go beyond the initial civil rights victories of the early sixties to wage a War on Poverty. These decisions produced not the beneficent results that Johnson had hoped for--American power standing fast overseas and the elimination of poverty--but rather intense social and political conflict: the quietude of the Eisenhower years soured into the strife of the Johnson years. It seemed as if America was unraveling at the seams. Events could not be contained. Criticism of the decision to expand the war in Vietnam eventually led to criticism of American foreign policy: the limits of American power, the destructive and dehumanizing effects of American technology as it was applied to the Vietnamese, and the abuse of Presidential powers. The decision to embark on a War on Poverty and the riots in American cities focused attention on the "urban crisis": the poverty of the inner cities in contrast to the abundance of the suburbs, the difficulties of transportation in metropolitan areas, the fragmentation of local government, and crime in the streets. Eventually, some began to suggest that Vietnam and discontent in the cities were simply opposite sides of the same coin, that both represented the failure of American political and social institutions.

The police were important figures in both conflicts:

the conduct of the police in handling demonstrations against the Vietnam War during these years became a matter of controversy as did the relationship between the police and the poor Black and Mexican-American residents of the inner-city. The police were regarded either as the symbols of an oppressive and increasingly illegitimate political order or as the lone guardians of order, the bulwark against anarchy. What mattered to many was the kind of decisions the police made and the way these decisions were made accountable to political authority. For these people the police were lawless, willing to take any means necessary to quell disorder and ultimately to prevent social change; the police were believed to be the last defense of the status quo. Other people believed the police were hampered in their efforts to restore order and contain crime, and they were believed to be the victims of a conspiracy to overturn the foundations of the American political order. Of course what was at stake were fundamental questions regarding the use of police power: the role of the police in society, their effectiveness in controlling crime and providing a variety of services, and abuses of police power. These were not new questions, indeed, they have been at issue since the formation of the modern police in the early nineteenth century. But these questions became matters of concern in an entirely different historical era and after the police had undergone extensive professionalization. If

the answers to these questions can never be entirely dissociated from the political conflict surrounding the police, they must at least be grounded in an understanding of the nature of the police function in the modern era, and, more importantly, police professionalism.

The turmoil of the last decade was mirrored in the discourse of the social sciences and had myriad ramifications. What was its consequences for the study of politics and, in particular, this study? Two are of importance here. First, the concept of political action was broadened, and political scientists became interested in the everyday agencies of American politics--welfare and police departments, in the politics of transportation, education, health care and the environment, and in the processes of budgeting and resource allocation. It was no longer adequate to study only Congress, the Presidency, and political parties. Second, the problem of bureaucracy as a force shaping public policy emerged as one of the central theoretical pre-occupations of social scientists. It was not only a question of the politics of bureaucracy but, ultimately, the question of democratic control of bureaucracy. I want to indicate specifically how these two developments have influenced this study.

It was perhaps inevitable during a period of protracted social and political conflict when the legitimacy of the existing political order was being challenged that the

concept of politics would be broadened. Institutions which had been previously seen almost solely in terms of their ostensible functions were probed for links to the political order, for example, the relationship between universities and the Defense Department through ROTC and research grants was seen by some as an indication of the complicity of the university in the Vietnam war (and what many thought was a corrupt foreign policy) and the degree to which the university served the interests of political elites. The tracking system and other procedures in elementary and secondary schools were seen not as methods to improve education, but rather as mechanisms which sustained differences in social class and hence social inequality. And finally, some argued that the function of the police was not to protect the residents of Black ghettos in the inner cities, but to serve as an army of occupation whose task was that of keeping Blacks in line.⁹ One needn't agree with these arguments to appreciate the nature of the shift in intellectual concerns taking place. And if not all drew such explicit connections between politics and the functions of social institutions, it was clear that the scope of politics was considerably broader than most had acknowledged. In particular, the urban crisis--the rebellion of Blacks in the cities and the breakdown of governmental institutions--focused attention on the routine, everyday agencies of local government, the agencies which

impinged upon the poor. Some of these agencies had been previously studied by other disciplines but usually in light of parochial theoretical concerns. For example, one can learn something about welfare and employment departments by reading Peter Blau's Dynamics of Bureaucracy (1955), but this study derived its impetus from a concern for interpersonal behavior in bureaucracies rather than a concern for the workings of the welfare department and its impact on the people it serves (to be sure, Blau points up some of the dysfunctions of incentive systems within bureaucracies but his study is a study of bureaucracy not welfare departments). It is only in the context of (apparent) widespread institutional failure and disaffection from normal political processes that the question of the impact of these institutions become a matter of intellectual concern.¹⁰

Empirically, two questions have animated the efforts of political scientists in the study of everyday agencies. First, there is a large literature devoted to the attempt to understand the decision-making process in various political systems and explaining what factors determine differences in policy decisions such as the level of expenditures, the "style" of policing, the decisions of welfare administrators or the process of innovation such as the decision to adopt federal grant-in-aid programs. If the focus of these studies is often specific governmental agencies, the differences may be explained in terms of

factors specific to the agency such as the values and pre-dispositions of administrators or factors which are characteristic of the political system such as the political culture, the degree of political conflict, and the extent of urbanization and industrialization.¹¹ Second, many analysts became concerned with the question of the effects of governmental decisions for poverty, crime, transportation and the like, and for citizens. This effort is reflected in studies which explicitly attempt to measure the consequences of governmental programs, both in terms of their effect on the problems they were designed to solve and their impact on citizen evaluations of government.¹²

A common thread running through many of these analyses is an awareness of how the dynamics of bureaucracy affect the development of policy decisions and their implementation. However, there is more than just a realization that administrators make policy decisions or of the erosion of the distinction between politics and administration. What is distinctive about these studies is a preoccupation with the way structural characteristics of bureaucracy influence policy making. Consider the following. Graham Allison showed how the structural characteristics of the Federal bureaucracy (e.g. the division of labor and the use of routine decision-making procedures) and bargaining and power politics among bureaucratic elites limited and ultimately influenced the responses of President John F.

Kennedy to the Cuban Missile Crisis. Utilizing the idea that a bureaucratic organization seeks to maintain stability by reducing its dependence upon strategic actors and organizations in its environment (e.g. a key supplier of resources), John Kirlin examined the relationship between local governments and a large county government which provides a variety of municipal services through a contract system for the effects on the provision of law enforcement services. Donald Schon pointed out how bureaucratic agencies become rigid and insulated from their environments and, consequently, are unable to adapt to a changing clientele. Finally, Nelson Polsby looked at decision-making within the U.S. House of Representatives in terms of concepts drawn from various studies of bureaucracy. He pointed out how decision-making in an institution organized to resolve conflict increasingly resembles decision-making in administrative agencies: it has become internally differentiated and routinized. All of these studies demonstrate the institutional constraints on political executives and legislators and imply that the formulation and execution of policy hinges not only on the behavior of individuals but on the structural characteristics of bureaucracy.¹³

Theoretically, the problem of bureaucracy is more than a matter of empirically determining how the structural characteristics of bureaucracy shape public policy; it is also a problem of ideology.¹⁴ Underlying many empirical

studies of urban problems were broad normative questions: what should be done to resolve the "urban crisis" and how should it be done? To what extent should government attempt to eliminate poverty and redistribute income? What was the role of the government in combatting racism? More broadly, to what extent should the government intervene in economic and social affairs in order to bring about results which are more beneficial to the society as a whole? But what has to be remembered is that these questions were debated in the context of massive institutional failure: the inability of the police, schools and universities, hospitals, the various levels of American governments to cope with the demands made upon them and to change. The question was (and is) both one of effectiveness--are the schools really educating our children--and responsiveness--are political institutions responsive to citizen demands and therefore accountable? The question of how was as important as the question of what. No, more so; I am inclined to believe that answers to the question of what American government should do often turn on the issue of how. And the how centers on the problem of bureaucracy. If the decade of the sixties called attention to broad social problems such as poverty, racism, class conflict, and the abuse of governmental powers, the bête noire of both Right and Left was the bureaucracy. James Q. Wilson could truthfully argue that, "the federal bureaucracy, whose growth and

problems were once only the concern of the Right, has now become a major concern of the Left, the Center, and almost all points in between. Conservatives once feared that a powerful bureaucracy would work a social revolution. The Left now fears that this same bureaucracy is working a conservative reaction. And the Center fears that the bureaucracy isn't working at all."¹⁵ Thus it is a concern for bureaucracy which provides the grist for the various ideological mills turning then and now and which underlies many an empirical study.

Three more or less coherent ideological perspectives on bureaucracy have emerged. The first, the Conservative perspective, holds that much of the so-called urban problem is beyond the ability of government to solve, that there are definite limits to what government can and should undertake. The government should in many cases simply do less or it should adopt programs which do not require a massive federal bureaucracy to administer, e.g. the poverty problem is better handled through an income-maintenance scheme than the traditional welfare bureaucracy. This perspective exhibits a preference for classical free-market liberalism, a belief in the virtues of limited government, and no small amount of skepticism of the ability of public bureaucracies to successfully (and efficiently) undertake any program. This skepticism is sustained by analyses which argue the inadequacy and limitations of any system

of centralized planning and hierarchical control.¹⁶

A second, the New Deal Liberal perspective, holds that government programs can and should be expanded, and the problem of bureaucracy is often a matter of merely introducing suitable reforms. These reforms display a bias toward centralization, increased professionalization of governmental employees--especially the police--and the creation of ombudsmen or other mechanisms to make governmental agencies more responsive.¹⁷ To this extent this perspective is just the opposite of the first, believing that government intervention in economic and social affairs is necessary and, with suitable reforms, such intervention can be effective. Thus the New Deal Liberal perspective tends to be rather sanguine about the problem of bureaucracy. However, there are individuals among the New Deal Liberals who are aware of some of the dysfunctions of large bureaucracies and those among the Conservatives who realize that in some instances, notably the area of National defense, bureaucracy is here to stay. Thus there are individuals in both groups who believe that much of the bureaucracy problem can be attributed to a lack of planning and rational analysis in government, and the corresponding need for a more adequate analysis of policy alternatives and the efficient management of public bureaucracies. This point of view is most pronounced among those advocating the implementation of a management system such as the Planning,

Programming, Budgeting System (PPBS) at all levels of government.¹⁸

A third perspective, the Radical, insists on the expansion of governmental programs but argues for decentralization in order to allow greater citizen participation and control over the development and implementation of policy. In this view the dissatisfaction of minority groups is not simply a matter of a lack of the opportunity to fully participate in American society, but also that the poor (and other groups) are controlled by overly centralized bureaucracies which tend to represent middle and upper class interests. These bureaucracies are not responsive to the needs of poor people, and the only way to increase the responsiveness of policemen, social workers, and other city officials is through decentralization. In its most radical form this view advocates "community control" of public institutions.¹⁹

The dilemma of bureaucracy, especially as it bears on the problem of discretion, is best exemplified by Philip Selznick's study of the Tennessee Valley Authority, TVA and the Grass Roots (1949). Building on the structural-functional approach which was so prevalent in sociology at the time, Selznick attempted to show how the need for a bureaucracy like the TVA to accommodate local political interests led to the inevitable compromise of governmental programs. The TVA, Selznick argues, sacrificed some rather

progressive New Deal programs, especially those of the Farm Security Administration, in order to implement other programs. Specifically, in order to obtain local support for the TVA's plans to build power plants and carry out other programs, the TVA was required to grant substantial control over farm programs to the land-grant colleges and the major farm interests. The significance of Selznick's analysis is his insistence that this is not simply a matter of the unique conditions in the Tennessee Valley nor the American belief in local control and decentralization nor the exigencies of New Deal politics; rather it is a matter of bureaucracy, of the unanticipated consequences of the delegation of authority. Any bureaucracy, he argues, must come to terms with the groups and political interests external to it; some of these can be manipulated (formal co-optation) and some must be accommodated (informal co-optation). Co-optation refers to the "process of absorbing new elements into the leadership or policy-determining structure of an organization as a means of averting threats to its stability or existence."²⁰ Formal co-optation is a process whereby people are allowed to participate in decision-making and administration but actual control over policies is not delegated to the group. Formal co-optation gives the illusion of control. Informal co-optation, on the other hand, involves the actual sharing of power with local groups; it is a response to pressures

brought to bear by external groups and it results in the abdication of control by the organization over some functions.

Despite the fact that one can read into Selznick's analysis the ruminations of a frustrated New Deal Liberal, his analysis of the TVA takes its inspiration from Roberto Michels' classic, Political Parties. What animates Selznick's analysis is Michels' contention that "ideals go quickly by the board when the compelling realities of organizational life are permitted to run their natural course."²¹ To be specific, Selznick is ultimately concerned with the problem of democratic control of bureaucracy: "if democracy as a method of social action has any single problem, it is that of enforcing the responsibility of leadership or bureaucracy."²² Ironically, Selznick disavows the pessimism that shaped Michels' formulation of the fate of democracy in the modern world, but he does much, in the course of his analysis, to vindicate that pessimism.²³

The preoccupation with bureaucracy and the problem of democratic control is not at all new. Ever since Max Weber's classic analysis of bureaucracy most discussions of the subject reflect his own ambivalence: bureaucracy is considered to be the embodiment of rationality, the smooth, efficient machine described by Weber which is so necessary for the progress and development of the industrial

state; yet it is also regarded as the cause of a malaise and irrational drift which has permeated Western society in the 20th century. Neither view is entirely accurate: just as there are limits to the rationality of bureaucracy so too the impersonal dynamics of organization are not immutable and occasionally yield to personal intervention. Yet the idea has persisted that with the advent of large, complex organizations we are able to shape our environment and control the future. This rationalistic ethos has been fed by the spread of scientific knowledge and its step-sister, technology, which give the illusion of omniscient and rational control over social and political events.²⁴ Much sociology and political science over the last 30 years has been devoted to debunking the idea of the completely rational organization of the scientific-management movement. On the other hand, most of those individuals writing in this area retain an implicit faith in the "rationality" of organization. It is only with the conservative and radical critiques and analyses such as Selznick's that the theoretical problems of bureaucracy are confronted, namely, the problems of democratic control of bureaucracy. Seeing all public bureaucracy as inherently dysfunctional and inefficient, conservatives would limit the growth of government, returning to the beneficent "hidden hands" of the market place. Believing that bureaucracy has become the bulwark of a conservative technological political

order, the radicals seek decentralization and a restoration of community. Liberals, for their part, seek to find effective ways to manage an increasingly complex bureaucratic political system.

The police obviously represent a rather profound instance of the problem of democratic control of bureaucracy. And the questions about the use of police power which surfaced in the last decade can only be answered in light of the impact of bureaucracy on police discretion and the implications of this for any set of reforms which seek to enhance public control of the police. Thus the requirements of any study of police discretion are twofold: to determine empirically how the pressures and constraints of the police bureaucracy shape the exercise of discretion; and to assess this in light of the broader theoretical problem of democratic control of public bureaucracy.

The Study of Police Discretion

Nowhere is concern for the problem of bureaucracy more apparent than in the numerous studies of the police which have appeared over the last decade. In many of these the questions posed and the answers given depended not only on the analyst's view of the police and the nature of their function, but how he approached the problem of bureaucracy. Three studies are more or less representative of the approaches taken to the study of the police. The first is Jerome Skolnick's study Justice Without Trial: Law

Enforcement in a Democratic Society (a study which owes much in my opinion to Philip Selznick's earlier work). Skolnick is concerned to demonstrate how bureaucratic rules and incentives, especially the demand for efficiency, shape police discretion and lead, in his opinion, to violations of due process.²⁵ Skolnick argues that there is a conflict between the demand that the police honor constitutional limitations on their powers and the demand to be efficient and take the initiative in maintaining order. Legality as a result is consistently sacrificed for order. And the demand to be efficient and maintain order flows inexorably from the values and ideology of police professionalism and the rules and incentives of the police bureaucracy. While Skolnick's analysis is provocative, it is based entirely upon observations of vice and narcotics officers, but generalized so as to include all policemen.

Michael Lipsky, whose analysis is consistent with Skolnick's in many respects, argues that there are conflicts between the demands of local bureaucracies--the police, welfare departments, and schools--for efficiency and stability and the uncertainties and stresses of working in a ghetto environment.²⁶ "Street-level bureaucrats" develop defensive mechanisms which allow them to minimize the stress and meet the requirements of the bureaucracy. As a result these officials behave in "stereotypic" ways which are in conflict with the needs of the people living in a

ghetto area. They become increasingly insulated from the people they presumably serve, and because "certain modes of bureaucratic behavior effectively act to shield the bureaucracies from the nature of their own shortcomings," the cities are faced with a continuing crisis.

James Q. Wilson's Varieties of Police Behavior: The Management of Law and Order in Eight Communities is more sanguine about the police than the previous studies.²⁷ Taking a different approach, Wilson argues that because the function which the police perform, it is difficult to control or direct in any substantial way the actions of patrolmen. This function is defined by the task of order-maintenance--the responsibility to handle a wide range of disturbances, disorders and other tasks in which the law is ambiguous and it is difficult to assign guilt or innocence. The difficulty of performing this task depends upon the kind of community in which a patrolman works. It is obviously more difficult in a high-crime Black community than a low-crime White suburb. Indeed, Wilson presumes the police act as they do largely because of the kinds of demands placed upon them. However, he argues that for some offenses, mostly those that are relatively clear-cut, the action of patrolmen can be understood in light of the political culture of a community, and a modicum of political control is obtained through the choice of a Chief of Police--who reflects the values of the community--

and the kinds of expectations he conveys to policemen.

In a broad sense all three of these studies are concerned with the professionalization of the police. Professionalism, all conclude, has really meant that police departments have become more bureaucratic. The decentralized and loosely controlled police departments of the 19th century have been replaced by centralized departments emphasizing the necessity of command, increased training, and impersonality in the enforcement of the law. There is no dispute among these authors that the police have not become professional in the way doctors or lawyers are professional, but beyond this there is little agreement about the meaning of professionalism. Wilson feels professionalism is a decided improvement; it has meant a stricter but more equal style of enforcement and has worked subtle and beneficial changes in the values of policemen. Skolnick, on the other hand, contends professionalism is at best a mixed blessing: it has made the police more efficient but otherwise there have been no significant changes.²⁸

Finally, but not unexpectedly, each of these writers offer a different solution to the "problem" of police discretion. Wilson argues that since much police action is not really amenable to control and since the decisions of patrolmen depend on the way an officer's behavior is shaped by the community he polices, the police will get better only as the problems of race and poverty get better.

Skolnick believes the police must shift from a professionalism which is based on a management ideology to a true professionalism. Under true professionalism, the police become legal actors who are, "sympathetic toward the necessity for constraint and review."²⁹ Lipsky suggests the cycle of bureaucratic dysfunctions can be broken only through radical decentralization of governmental functions and by allowing citizens more control over the formulation and implementation of policy.

While there are areas of agreement among these studies, what is striking is the disagreement, the different interpretations of what influences police discretion as well as the differences in proposed reforms. Each author reflects a different ideological position but the arguments seem facile: Wilson verges toward an apology for the police; Skolnick's notion of legal actors seems rather simplistic (nowhere does he really indicate how this ideal would apply); and Lipsky is quite oblivious to the problems of decentralization, especially the kind of problem identified by Selznick. Underlying these ambiguities and conflicts are two fundamental problems with studies of police discretion. First, the absence of a firm understanding of what it is policemen (especially patrolmen) do, and exactly how they go about using their powers of discretion. Jonathan Rubinstein was on the mark when he pointed out that, "despite the attention of countless writers, reporters,

and scholars, our understanding of what policemen do and what police work is remains murky."³⁰ Though Wilson's study was ostensibly a study of patrolmen, it was actually a study of police administrators; and much of his analysis is based on suppositions that ought to be confirmed on the basis of empirical research. For example, Wilson asserts that the police task is defined by the order-maintenance function, and a good many of his conclusions hinge on this assumption. But there are good reasons for questioning this assumption and it begs the question of how patrolmen view their task. Skolnick's study does attempt to provide a detailed description of police work based on personal observations, but his study is based on the vice-squad, and Skolnick tends to dismiss patrolmen as lower-level ciphers who handle disturbances and provide services. Yet, it is clear that patrolmen in many cases have far wider powers of discretion than investigators, and even more important, they make most of the arrests in any police department.³¹ Lipsky's analysis is based not on empirical research but the findings of others, notably Wilson and Skolnick. To this extent his study manifests some of the same inadequacies as those studies.

The truth is that much of the research on the police has been content to dismiss policemen as lower and working class stiff, predisposed to authoritarianism, intent on finding a secure civil service slot and retiring after

twenty years on the force. Patrolmen are not characterized as independent, aggressive, calculating individuals, but rather as working class ciphers, "sub-professionals" as Wilson calls them, driven by the demands of their task. This characterization is largely wrong. This view is partly based on the argument that policemen are recruited from the working class and as a result they are more predisposed to be authoritarian and conservative.³² But the more important basis of this characterization is an argument about the nature of a patrolman's task. Patrolmen, it is argued, are not concerned with law enforcement and crime-fighting; rather they provide services, manage domestic disputes and other disturbances. They are peace keepers. Patrolmen behave the way they do because of the situations they confront, and since they predominantly come from the working class, they are less able to cope with the demands of a high-crime area such as a Black ghetto (this of course begs the question of whether patrolmen from middle-class backgrounds can cope). By focusing on the presumed effects of a patrolman's background and the immediate circumstances of a decision, this view obscures the motivations, values and beliefs of patrolmen and the broader context of discretion--the pressures that a patrolman must cope with and the interim choices which influence the exercise of discretion.

Ironically, the one study which takes policemen

seriously and avoids this characterization is at the same time one of the most critical studies written, William Westley's Violence and the Police (1970).³³ Westley suggested that the central problem for policemen is to cope with the pressures from a critical and hostile public, and that much of police behavior can be understood as a reaction to these pressures and the resulting need to band together and protect one another. The real dilemma is that the police become increasingly isolated from the communities they police because of these pressures, and that conduct clearly at odds with acceptable legal and political standards--the wanton use of violence for example--is legitimized. For Westley, if the actions of the police are not acceptable, they are at least understandable.

Because of the inadequacy of current characterizations of patrolmen, I believe that the first requirement of any study of police discretion is to understand how individual patrolmen interpret their task, the problems they face, and the kind of decisions they make. What is required is to portray as accurately as possible the kinds of decisions patrolmen make on the street and the reasons they give for making these decisions. That is the approach taken in this study, and on the basis of observations of patrolmen, I intend to propose a rather different characterization of patrolmen. Far from being captives of their circumstances, they are aggressive, calculating, and manipulative men.

They are motivated by the ideal of the "inner-directed policemen" whose task is defined by the routine use of coercion and the goal of crime-fighting. However, as I previously suggested, patrolmen react differently to the pressures and demands of the job and fashion different styles for working the street.

The second problem with most studies of police discretion turns on the matter of the police bureaucracy and the way it shapes and influences the exercise of discretion by patrolmen. There are really two issues here. Most studies assume the importance of bureaucracy in the case of the police without confronting the question of why it is so important, especially when the focus is patrolmen. In fact a general conclusion that one might draw from Wilson, Skolnick and others is that the dynamics of bureaucratic behavior are less important for patrolmen than for investigators and the vice-squad. The corollary of the view that patrolmen are working class ciphers driven by the demands of their job is that organization as such is not very important. Yet the problem cannot be so easily dismissed. Lipsky's analysis contains a valuable suggestion in this regard. One implication of his argument is that patrolmen face a set of conflicting demands; that the role of a patrolman is characterized by a duality: he must meet the demands of the police bureaucracy as well as those of the community.³⁴ Though patrolmen have more latitude in

performing their task than most operatives in public bureaucracies, they are nonetheless subject to a system of hierarchical controls and the pressures of their immediate work group. At the same time a patrolman is profoundly influenced by the character of the community he polices. Police work is done in the street; it consists of confronting citizens in a variety of situations as victims or suspects. There is no question that a patrolman's task is different in a high-crime minority community than in a low-crime all White community. Moreover, a patrolman is dependent upon citizens to report crimes, provide information about suspects, and in some cases to press charges. A patrolman so to speak stands in the middle, looking both ways. From the analytical point of view the dynamics of bureaucracy and the characteristics of the community setting may be considered as alternative sets of variables which (in addition to the law) influence the exercise of discretion. Though a patrolman is obviously influenced by both, one of the key hypotheses I shall advance is that the departmental factors will be more salient than community factors. The interesting question is why? The decisive fact, I shall argue, is that professionalization of the police is closely linked to the bureaucratization (in the Weberian sense) of local government which began during the Progressive era of American history. The consequence of this development in conjunction with the unique pressures

of the police task, especially the difficulty of coping with public hostility toward the police, is to increasingly isolate the police from the informal social controls of a community. The more insulated patrolmen are from community pressures, the greater the effect of the dynamics of organization on the exercise of discretion. And to this extent the problem of democratic control of the police rests on an evaluation of hierarchical and professional controls over police action (by the latter I mean control based on the regulation of behavior in light of ethnical and professional norms).

The next question is exactly how do the dynamics of organization influence the exercise of discretion? There are a variety of questions that one could ask. Are police administrators, especially sergeants, able to directly influence the way patrolmen exercise their discretion? Or are there limits on their ability to do so? Are there arrest quotas imposed by either management or the immediate work group which patrolmen attempt to meet? Does the fact that control systems in police departments are extremely authoritarian have any bearing on the exercise of discretion? Does the impact of supervision and management controls vary according to the size of the department? What are the consequences for discretion of the fact that promotions in police departments are based almost entirely on civil service examinations? There are no clear answers

to any of these questions to be found in the research literature. Theoretically, one would expect all of these factors to have some influence, and one of the tasks of this research will be to sort out these factors and assess their relative influence. There are two steps to this analysis. First, to assess on the basis of observations and other empirical evidence the overall impact of hierarchical controls on the exercise of discretion by patrolmen. The working hypothesis adopted during the early stages of this study which guided my research in this regard assumed that the impact of hierarchical controls within a police department acted to constrain the choices of patrolmen rather than directly influence them. That is, these controls convey a vague set of priorities and set limits on the permissible actions a patrolman may take. Moreover, I assumed the police culture directly influences discretion by providing a frame of reference (a set of values and beliefs about how people behave on the street) with which patrolmen could evaluate the seriousness of various offenses and the behavior of individuals in different situations. While these were serviceable hypotheses during the initial phases of this study, they have been substantially modified as a result of the empirical research.

The second step is to theorize about the dynamics of organizational behavior in a police department. Oddly enough, despite the importance numerous authors have

attached to bureaucracy for police behavior (notably J.Q. Wilson, Albert Reiss, David Bordua), very little is known-- or at least it has not been spelled out--about the internal workings of the police bureaucracy and the consequences for the exercise of discretion.³⁵ (Skolnick's study is something of an exception but it is important to remember that he is talking about investigators and not patrolmen.)

I hardly need add that this task of developing a theoretical model of the organizational factors which influence discretion is especially important since the issue of democratic control of the police turns on an understanding of the dynamics of the police bureaucracy.

To summarize at this point: the problem of police discretion turns on the answers to two questions: what determines which standards patrolmen bring to bear in deciding whether or not to intervene in a situation, whether or not to arrest, and what tactics to use; and to what extent is the exercise of discretion subject to external controls and therefore accountable? To this end the aims of this study are fourfold:

- (1) To describe in intimate detail the exercise of discretion by patrolmen and the criteria they bring to bear in any given situation.
- (2) To demonstrate that the department is a better predictor of how a patrolman will exercise his discretion than situational (community context) factors.
- (3) To lay out a theoretical model of a police bureaucracy in terms of the impact for the exercise of discretion by patrolmen. This task

will be guided by an assessment of the impact of hierarchical controls and the police culture.

- (4) To assess the results of the foregoing for the problem of democratic control of police discretion.

Each of these aims interlock and are but a piece of a whole cloth. Their relationship to one another can be made explicit by briefly setting forth the steps in the ensuing argument and the kinds of empirical evidence that will be brought to bear.

The Plan of Attack: Roadmaps and Methods

This study is based on empirical research in three professional police departments in Southern California. Two of these are small departments, one, Inglewood, facing a serious crime problem and the other, Redondo Beach, with a relatively low crime rate. The third department is the Los Angeles Police Department. However, only two divisions--a high-crime and a low-crime division--were studied. The purpose of adopting this research design is to combine a comparison of two small departments with a large department and a comparison of high-crime and low-crime communities. I presumed at the outset that a number of organizational variables, e.g. supervision, would be influenced by size of the organization. Moreover, the research design facilitates a test of the hypothesis that departmental factors (hierarchical controls and the police culture) are a better predictor of discretion than

situational (community) factors. If the situational factors are predominant, there will be few if any differences in the kinds of choices patrolmen make in the two high-crime communities and the low-crime communities, but significant differences between the low and high-crime communities regardless of department.

The theoretical framework for the study is presented in the first two chapters. The first chapter examines the duality of the police role and the relationship between community and bureaucratic controls over police discretion. The salience of bureaucratic controls is examined by an analysis of the rise of police professionalism during the Progressive era of American history. The second part of this chapter assesses the relevance of legal, community, and organizational factors in determining discretion in light of an analysis of previous studies. The second chapter presents a model of police bureaucracies based on an analysis of the police task, the structure of police bureaucracies, and the process of socialization in a police department. It will be argued that patrolmen have considerable autonomy to develop independent approaches to police work, but there are central organizational pressures to which they must adapt, e.g. the conflict between substantive goals such as crime fighting and instrumental goals such as honoring constitutional limitations on police power.

The succeeding four chapters present the empirical analysis. The third chapter attempts to specify, empirically, the limits on a patrolman's discretion. The purpose of this chapter is to set forth empirical evidence to test many of the theoretical inferences drawn in the previous chapter, namely, the lack of substantial limitations on a patrolman's discretion, the fact that the expectations conveyed to patrolmen by administrators are vague and contradictory, and that supervisory controls are largely concerned with the violation of trivial and petty rules. Interestingly, significant differences in the kinds of limitations on discretion in the large and small police departments emerged.

Chapters four and five provide a detailed description of the way patrolmen use their powers of discretion. There are two aspects to discretion for patrolmen: the problem of crime-fighting and nonenforcement of the law. Chapter four takes up crime-fighting--felony arrests, the decision to stop and interrogate individuals on the street, and the issue of probable cause. Chapter five examines decisions not to enforce the law for minor violations such as traffic offenses and disturbances such as fights and assaults. Some attention is paid in these chapters to differences in discretion between the three departments, but the more important task is to describe how patrolmen go about making decisions on the street and to highlight some of the dif-

ferences between individual patrolmen.

In the sixth chapter the empirical argument is concluded with an analysis of survey data. As I suggested previously patrolmen not only have a great deal of autonomy but also they fashion independent approaches to police work. A typology of four distinctive operational styles, based on the dimensions of aggressiveness and selectivity, is developed and analyzed in terms of the decision to intervene for purposes of investigation or to enforce minor violations, the decision of whether or not to make an arrest, and the use of tactics. Then, using coded responses to open-ended questions as measures of discretion, the following hypotheses are tested: in general departmental factors are a better predictor of how an officer will exercise his discretion than situational factors; and a patrolman's style is independent of the department (though, as I shall argue, it may be modified by the attitudes and practices of police administrators).³⁶ The final chapter will return to the theoretical problems raised in the initial chapters and the issue of democratic control of the police.

Underlying the analysis throughout is a question that has vexed most people writing about the police: the meaning and import of police professionalism. While my argument is consistent with other interpretations, at least to the extent that I agree professionalization has largely meant more or less systematic bureaucratization of police

departments, I intend to argue that there are limits to what can be accomplished through professionalization, and that perhaps we have placed altogether too much faith in this particular ideal. Professionalism has not brought about the profound changes in values and outlook that some writers ascribe to it (notably Wilson). Rather, it has contributed to setting a narrow goal, crime fighting, for police work and, by simultaneously insisting on strict adherence to honoring constitutional guarantees (whether the police do in fact or not) and maintaining the support of the community, it has exacerbated the conflicts and tensions endemic to police bureaucracies. Finally, professionalization has been put forth as a means of making police discretion accountable to political authority. In reality it has served to further isolate the police from the communities they serve and to minimize external control by increasing the autonomy of the police. Of course one might argue that the real difficulty is the one Skolnick suggests, namely, that the police are not truly professional or, perhaps, that accountability really hinges on decentralizing the operations of the police (or at least opting for smaller police departments as some advocate).³⁷ Yet these and other reforms can only be seriously entertained in light of a better understanding of the process of discretion in professional police departments. This study seeks to expand that understanding.

To help the reader to interpret the data which follows and to alert him or her to my prejudices, a short discussion of the methods used in this study is appropriate. At the outset, I should point out that I have attempted, somewhat quixotically perhaps, to combine several methods. Three kinds of data are used throughout the study: information obtained through participant-observation of police work; data obtained from the departments, e.g. arrest rates, etc.; and survey data based on an interview schedule administered to patrolmen in each of the three departments. I wanted to combine the depth made possible by a case study and extended participant observation with the generalizability obtainable through a comparative study which uses aggregate data. Nicos Mouzelis suggests the oft quoted "case study-survey dilemma" in the literature on organizations may be overstated. The case study is touted for its utility in developing insights and hypotheses while the survey is regarded as more rigorous methodologically and affording the researcher the opportunity to explicitly test hypotheses and draw causal inferences. Both have disadvantages: the case study often precludes generalizing and does not facilitate the testing of hypotheses and the survey can verge toward superficiality. Yet, as Mouzelis points out, the "either...or" character of this dilemma is more apparent than real. There is no reason why these approaches cannot be combined. Employing both participant-

observation and survey methods in the study of several organizations may yield far better results than either used singly. Indeed, I would concur with Mouzelis when he argues, "it is by such a method that one can gradually build up limited generalizations which are both well founded and theoretically important."³⁸

Another reason for using a variety of methods has to do with the problem of reliability. I believed that it would be possible through the use of participant-observation and a survey instrument to be able to cross-check information obtained by each method. In fact, I attempt throughout the analysis to play one off against the other. Obviously, one is entitled to be rather skeptical of police responses to a survey instrument administered by an outsider. Cross-checking with field observations is one way of getting around this problem. Finally, the survey instrument was developed only after I had spent several months riding in patrol cars. This made the questions more realistic and, I believe, the instrument more reliable. The realism of the questions and my acquaintance with the argot of the police minimized misinterpretation of the questions.

The participant-observation phase of the study involved riding in patrol cars with one or two officers (one of the small departments uses one-man cars) for the duration of an eight hour shift. Altogether I spent about five

months riding in patrol cars in all three departments. I rode in Redondo Beach and Inglewood for two and a half months during the fall and winter of 1972-73 and in the two divisions of LAPD during the summer of 1973. The procedure was the same in both instances. I normally rode four times a week with different officers. There were no restrictions set by any of the departments, and I always selected the officers and beat. The majority of observations took place during Night Watch, the 4:00 p.m. to 12:00 p.m. shift. A few times in each department I rode Day Watch and Morning Watch for purposes of comparison. My reason for concentrating on one shift was to facilitate the development of rapport between myself and the policemen I was studying. Night Watch was chosen because it is usually the busiest shift and provides the widest variety of calls and decisions. The reader should be aware, however, that the field observations are not based on a sample of shifts. My choice of whom to ride with was based on two considerations: the area of the community I wanted to ride in and whether or not I had ridden with the officers previously. In a few instances I did ride with two officers more than once, but for the most part I attempted to ride with as many patrolmen as possible.

While riding I concentrated on two tasks. First, closely observing each situation patrolmen became involved in and then probing for their reasons for making a particu-

lar decision. Second, I conducted informal open-ended interviews with the patrolmen about their attitudes and feelings about police work, crime, the department and the like. Many of the quotes used throughout are taken from these interviews.

The survey instrument was administered to all patrolmen who would agree in the small departments (there were three refusals in Redondo Beach and none in Inglewood) and a random sample of patrolmen in the two divisions of LAPD. The interviews took approximately one hour and twenty minutes each, and were conducted by myself and interviewers obtained from the Survey Research Center, U.C.L.A. The interviews were conducted in the station house either at the beginning or end of an officer's shift of duty. One qualification the reader should bear in mind in interpreting the survey data is that unlike most surveys these interviews were conducted in each department over a period of two to three weeks. There is a distinct possibility that people interviewed later were aware of the questions and had already decided on appropriate answers. I have no way of really knowing the extent of this problem. Based on my analysis of the data, I believe the problem was not serious. Finally, how honest were the responses? My feeling is that by and large they are relatively honest. This is based on reactions by patrolmen to the interview (which were usually good) and the process of cross-checking the inter-

views and field observations. There are some discrepancies between the two, and these are discussed in the text. All questions pertaining to the reliability and validity of the methodology are discussed in greater detail in the methodological appendix which the reader may wish to consult prior to reading the empirical chapters.

The survey instrument consists of two parts. The first is an interview in which patrolmen were asked to respond to seven hypothetical situations. They were asked to read a description of an incident and then indicate the kind of decision they would make or evaluate a decision made by officers in the incident. The second part of the interview is based on a self-administered questionnaire completed in the presence of the interviewer. There are two types of questions: those pertaining to the attitudes of patrolmen (seven point Likert type items were used) and those pertaining to the respondent's background.

One final caveat: given the historical context of this study, namely, the country had just emerged from a period of protracted domestic strife in which the police were central figures, the reader is entitled to know something of the nature of my own feelings about the police. I do not hate the police and I have no urge to write an expose of them; but neither am I particularly sympathetic toward the police or their so-called "plight." I have very little in common with most of the policemen I met. I found that

I could rarely agree with them either on broader social and political issues or the particulars of "law and order."

Many of their attitudes toward various individuals and groups, especially Women and Blacks, outraged me. And I found myself appalled at tactics and practices which were often simply a matter of routine. Finally, many officers appeared to me as rather self-serving individuals for whom the constant refrain was, "things would be better if they (the public) only understood what we have to put up with." Yet they were rarely if ever willing to understand what the public has to put up with.

But I find that I must grant them a degree of respect that was not present when I first began this research. Many policemen are dedicated to the job they perform, and they are craftsmen in the deepest sense. And if they are often narrow-minded, prejudiced, conservative, insensitive, and too bellicose about "law and order," they are intelligent observers of the society they police. They have important things to say about the ills of American society that is all too often disregarded. The police deserve to be taken seriously, and on their own terms. This does not mean an absence of criticism, but it does mean that we are obligated to understand the forces that shape the police and the nature of the task we ask them to perform. I have attempted to do this, and the reader must judge how far I have succeeded.

NOTES TO INTRODUCTION

1. Max Weber, "Politics as a Vocation," in Hans Gerth and C. Wright Mills (eds.) From Max Weber: Essays in Sociology (New York: Oxford University Press, 1948) pg. 78.
2. The distinction between law enforcement and peace keeping, which has become a staple of research on the police, was first made by Michael Banton. See Banton's The Policeman in the Community (New York: Basic Books, 1964) chap. 2.
3. David Easton, A Framework for Political Analysis (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1965) pg. 50.
4. Kenneth Culp Davis, Discretionary Justice: A Preliminary Inquiry (Urbana: University of Illinois Press, 1971) pg. 3.
5. Ibid., pg. 4.
6. Ibid.
7. An excellent discussion of the politics of administrative discretion can be found in Murray Edelman, The Symbolic Uses of Politics (Urbana: University of Illinois Press, 1964) chapter 2.
8. The President's Crime Commission found "that police administrators have seldom attempted to develop and articulate clear policies aimed at guiding or governing the way policemen exercise their discretion on the street." See The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice (New York: Avon Books, 1968) pp. 265-67. See also the Crime Commission's Task Force Report: The Police (Washington, D.C.: U.S. Government Printing Office, 1967), chap. 2 and Herman Goldstein, "Police Discretion: The Ideal versus the Real," Public Administration Review 23 (September 1963): 140-148. The latter contains a useful discussion of why police administrators have not formulated policy guidelines for patrolmen.

9. For a typical critique of the university during this period see Carl Davidson, The New Radicals in the Multiversity (SDS Pamphlet, May 1968); for a discussion of the schools see Samuel Bowles and Herbert Gintis, "I.Q. in the U.S. Class Structure," Social Policy 3 (Nov/Dec 1972 and Jan/Feb 1973): 65-96. For a more general orientation to radical critiques of American society touching on these and other matters see Paul Jacobs and Saul Landau, The New Radicals (New York: Vintage Books, 1966); and Theodore Roszak, The Making of a Counter Culture: Reflections on the Technocratic Society and Its Youthful Opposition (Garden City, N.Y.: Anchor Books, 1968).
10. Peter Blau, The Dynamics of Bureaucracy (Chicago: University of Chicago Press, 1955). Two key essays arguing for a shift to the study of everyday institutions are Herbert Jacob and Michael Lipsky, "Outputs, Structure, and Power: An Assessment of Changes in the Study of State and Local Politics," Journal of Politics 30 (May 1968): 510-538; and James Q. Wilson, "Problems in the Study of Urban Politics" in Richard I. Hofferbert and Ira Sharkansky (eds.) State and Urban Politics (Boston: Little, Brown and Co., 1971): 41-54. Wilson summed up the feelings of quite a few political scientists when he suggested that although political scientists know Who Governs they have no idea what difference it makes. Finally, for an argument about the possibilities of combining policy analysis with normative concerns see Kenneth M. Dolbeare, "Public Policy Analysis and the Coming Struggle for the Soul of the Postbehavioral Revolution," in Philip Green and Sanford Levinson (eds.) Power and Community: Dissenting Essays in Political Science (New York: Vintage Books, 1969): 59-84.
11. For examples of studies which emphasize systemic factors such as urbanization and industrialization see Richard E. Dawson, James A. Robinson, "Interparty Competition, Economic Variables, and Welfare Policies in the American States," Journal of Politics 25 (May, 1963): 265-89; Richard I. Hofferbert, "The Relationship Between Public Policy and Some Structural and Environmental Variables in the American States," American Political Science Review 60 (March 1966): 73-82; and Thomas Dye, "Income Inequality and American State Politics," American Political Science Review 63 (March 1969): 157-162. The values and attitudes of local politicians and administrators are emphasized in Robert Eyestone and Heinz Eulau, "City Councils and Policy Outcomes: Developmental Profiles," in

James Q. Wilson (ed.) City Politics and Public Policy (New York: John Wiley and Sons, 1968): 37-66; John A. Gardiner, "Police Enforcement of Traffic Laws: A Comparative Analysis," in J.Q. Wilson (ed.) City Politics and Public Policy, pp. 151-172; and Martha Derthick, "Intercity Differences in Administration of the Public Assistance Program: The Case of Massachusetts," in J.Q. Wilson (ed.) City Politics and Public Policy, pp. 243-266. One of the seminal articles arguing for the importance of political culture is Robert L. Lineberry and Edmund P. Fowler, "Reformism and Public Policies in American Cities," in J.Q. Wilson (ed.) City Politics and Public Policy, pp. 97-124. For a useful collection of policy studies pertaining to the administration of criminal justice see James R. Klonoski and Robert I. Mendelsohn (eds.) The Politics of Local Justice (Boston: Little, Brown and Co., 1970). A critique and analysis of much of this literature is found in John J. Kirlin and Steven P. Erie, "The Study of City Politics and Public Policy Making: A Critical Appraisal," Public Administration Review 32 (March-April, 1972): 173-184.

12. A good discussion of the concepts policy, output, and impact can be found in Ira Sharkansky, "Environment, Policy, Output and Impact: Problems of Theory and Method in the Analysis of Public Policy," in Ira Sharkansky (ed.) Policy Analysis in Political Science (Chicago: Markham, 1970): 61-80. For examples of the evaluation of public policies see James Davis, Jr. and Kenneth M. Dolbeare, "Selective Service and Military Manpower: Induction and Deferment Policies in the 1960's," in Ira Sharkansky (ed.) Policy Analysis in Political Science, pp. 425-466; and the articles in Eli Ginzberg and Robert M. Solow (eds.) "The Great Society: Lessons for the Future" Special Issue of The Public Interest 34 (Winter 1974). More recently analysts have focused on the impact of public policies in terms of citizen's subjective evaluations of government. In this regard see Herbert Jacob, "Black and White Perception of Justice in the City," Law and Society Review 6 (1971): 69-90; Murray Edelman, The Symbolic Uses of Politics (Urbana: University of Illinois Press, 1964); David H. Bayley and Harold Mendelsohn, Minorities and the Police: Confrontation in America (New York: The Free Press, 1968); and Brian Stipak, "Citizen Evaluations of Municipal Services in Los Angeles County," (mimeo) Institute of Government and Public Affairs, University of California, Los Angeles, September 1974.

13. Graham T. Allison, "Conceptual Models and the Cuban Missile Crisis," American Political Science Review 14 (1969): 689-718; John Kirlin, "The Impact of Contract Services Arrangements on the Los Angeles Sheriff's Department and Law Enforcement in Los Angeles County," Public Policy 21 (Fall 1973): 553-583; Donald Schon, "The Blindness System" The Public Interest 18 (Winter 1970): 25-38; Nelson Polsby, "The Institutionalization of the U.S. House of Representatives," American Political Science Review (March 1968): 144-168. See also: Norton Long, "The Administrative Organization as a Political System" in Sidney Mailick and Edward H. Van Ness (eds.) Concepts and Issues in Administrative Behavior (Englewood Cliffs, N.J.: Prentice-Hall, 1962): 110-121; John Kirlin, "The Impact of Increasing Lower-Status Clientele Upon City Governmental Structures: A Model From Organization Theory," Urban Affairs Quarterly 8:3 (March 1973): 317-343; John P. Crecine, Government Problem Solving: A Computer Simulation of Municipal Budgeting (Chicago: Rand McNally, 1968); Rufus P. Browning, "Innovative and Non-Innovative Decision Processes in Government Budgeting," in Ira Sharkansky (ed.) Policy Analysis in Political Science pp. 304-334; Anthony Downs, Inside Bureaucracy (Boston: Little, Brown and Co., 1967). Some of the more important works of organization theory upon which these studies are based are, Hans Gerth and C. Wright Mills, From Max Weber: Essays in Sociology, pp. 196-260; James G. March and Herbert Simon, Organizations, (New York: John Wiley and Sons, 1958); James D. Thompson, Organizations in Action (New York: McGraw-Hill, 1967); and Michael Crozier, The Bureaucratic Phenomenon (Chicago: University of Chicago Press, 1964).
14. By the problem of ideology I mean the use of social research to justify an existing or alternative set of social and political institutions and the fact that one's theoretical preoccupations are inevitably filtered through one's political ideology. The seminal discussion of the problem of ideology is that of Karl Mannheim, Ideology and Utopia (New York: Harvest Books, 1936). See Part II, "The Prospects of Scientific Politics," pp. 109-191. A useful discussion of the evolution of the concept is George Lichtheim, "The Concept of Ideology," in his The Concept of Ideology (New York: Vintage Books, 1967), pp. 3-46. The best discussion of the problem of ideology in political science is found in William Connolly, Political Science and Ideology (New York: Atherton Books, 1967). Connolly discusses the matter

in terms of the theory of pluralism and the community power studies of the 1950's and early 1960's.

15. James Q. Wilson, "The Bureaucracy Problem," The Public Interest 6 (Winter 1967), pg. 3; for left-wing critiques of bureaucracy, especially as it affects the poor, see Paul Jacobs, Prelude to Riot: A View of Urban America From the Bottom (New York: Vintage Books, 1968); and Gideon Sjoberg, Richard A. Brymer and Buford Farris, "Bureaucracy and the Lower Class" in Francis E. Rourke (ed.) Bureaucratic Power in National Politics (Boston: Little, Brown and Co., 1972): 395-407.
16. The classic argument here is that of Edward Banfield, The Unheavenly City (Boston: Little, Brown and Co., 1970). This point of view is reflected in the pages of the policy journal, The Public Interest. See also Daniel P. Moynihan, Maximum Feasible Misunderstanding (New York: The Free Press, 1969). For a sample of conservative critiques of bureaucracy emphasizing the limitations of hierarchical control see Ludwig Von Mises, Bureaucracy (New Rockelle, N.Y.: Arlington House, 1969); Gordon Tullock, The Politics of Bureaucracy (Washington, D.C.: The Public Affairs Press, 1965); and Charles Lindblom, The Intelligence of Democracy (New York: The Free Press, 1965). Lindblom is altogether more sanguine about the bureaucracy problem than the others, but the import of his analysis is to stress the inadequacy of centralized decision-making and hierwarchical control.
17. See, for example, Report of the National Commission on Civil Disorders (New York: Bantam Books, 1968); John C. Bollens and Henry J. Schmandt, The Metropolis: Its People, Politics and Economic Life (New York: Harper and Row, 1970); Task Force Report: The Police, The President's Commission on Law Enforcement and the Administration of Justice, (Washington, D.C.: U.S. Government Printing Office, 1967). This position is reflected in much of the literature of public administration, especially the managerial tradition. For a concise statement of this philosophy see Lyle C. Fitch, "Goals for Urban Development," in Urban America: Goals and Problems, Joint Economic Committee Congress of the United States, August 1967, pp. 19-41, and especially pp. 28-38.
18. There is a large and voluminous literature on PPBS. See, for example, David Novick (ed.) Program Budgeting (Cambridge, Mass.: Harvard University Press, 1965); Fremont J. Lyden and Ernest G. Miller, Planning-

Programming-Budgeting: A Systems Approach to Management (Chicago: Markham Publishing Co., 1967); "A Symposium on Planning-Programming-Budgeting Re-examined: Development, Analysis, and Criticism," Public Administration Review 29:2 (March/April 1969); and Yehezkel Dror, Public Policymaking Re-examined (San Francisco: Chandler Publishing Co., 1968).

19. The case for decentralization and community control has been made in a large number of places. See, for example, Alan Altshuler, Community Control: The Black Demand for Participation in Large American Cities (New York: Pegasus Books, 1970); Jane Jacobs, The Death and Life of Great American Cities (New York: Random House, 1961); S.M. Miller and Martin Rein, "Participation, Poverty and Administration," Public Administration Review (January/February, 1969): 15-25; Milton Kotler, Neighborhood Government (Indianapolis: Bobbs Merrill Co., 1969); Terry N. Clark, "On Decentralization," Polity 2 (December 1970): 508-14; and Vincent Ostrom, The Intellectual Crisis in American Public Administration 2nd Edition, (University of Alabama Press, 1974).
20. Philip Selznick, TVA and the Grass Roots: A Study in the Sociology of Formal Organization (New York: Harper Torchbooks, 1966), pg. 13ff.
21. Ibid., pg. ix. In a new introduction to the Harper Torchbook edition Selznick explicitly acknowledges his debt to Michels. He says, "I had that book (Political Parties) very much on my mind during the years just prior to 1942-43, when this research was done," pg. ix.
22. Ibid., pg. 9.
23. See pg. x and Selznick's critique of Michels work in "The Iron Law of Bureaucracy: Michels' Challenge to the Left," Modern Review (January 1950).
24. For a discussion of the origins of this belief in the 19th century literature on organization see Sheldon S. Wolin, "The Age of Organization and the Sublimation of Politics," in his Politics and Vision (Boston: Little, Brown and Co., 1960), pp. 363-368. One of the ironies of history is that socialists and radicals were as preoccupied with the rationality of organization in the 19th and early 20th century as any of the more articulate defenders of Capitalism. For an idea of

the attitudes of American socialists toward efficiency and Scientific-Management see Samuel Haber, Efficiency and Uplift: Scientific Management in the Progressive Era, 1890-1920 (Chicago: University of Chicago Press, 1964), pp. 134-159.

25. Jerome Skolnick, Justice Without Trial: Law Enforcement in A Democratic Society (New York: John Wiley and Sons, 1966). Skolnick's views of patrolmen are contained in his pamphlet, The Police and the Urban Ghetto (Chicago: American Bar Foundation, 1968) and The Politics of Protest (New York: Simon and Schuster, 1969).
26. Michael Lipsky, "Street-Level Bureaucracy and the Analysis of Urban Reform," Urban Affairs Quarterly 6:4 (June 1971): 391-409; the quote is taken from pg. 405.
27. James Q. Wilson, Varieties of Police Behavior: The Management of Law and Order in Eight Communities (Cambridge, Mass.: Harvard University Press, 1968). Also relevant are Wilson's two articles, "The Police and the Delinquent in Two Cities," in James Q. Wilson (ed.) City Politics and Public Policy, pp. 173-196; and "The Police and Their Problems: A Theory," Public Policy 12 (1963): 189-216.
28. Wilson and Skolnick study different policemen--patrolmen in Wilson's case and vice-cops in Skolnick's--but they generalize broadly. However, there are significant differences between patrolmen and investigators that must be kept in mind, see chapter 1.
29. Jerome Skolnick, Justice Without Trial, pg. 235.
30. Jonathan Rubinstein, City Police (New York: Farrar, Straus and Giroux, 1973): pg. ix.
31. Skolnick, in discussing the development of his research comments, "I soon learned, however, that patrol work is minimally connected with legal processing. To be sure, some street behavior is relevant to the policeman's role as a legal actor....Nevertheless, I thought that the typical activities of a patrolman were not those of a law officer, but rather those of a peace officer," (*italics added*) Justice Without Trial pg. 33. A similar view can be found in Albert Reiss, Jr., The Police and the Public (New Haven: Yale University Press, 1971) which will be discussed in detail in chapter one. This view of patrolmen is not

true of all the research literature, cf. Jonathan Rubinstein, City Police, and Egon Bittner, "The Police on Skid Row: A Study of Peace Keeping," American Sociological Review 32 (October 1967): 699-715. These latter studies, I should add, are based on extensive participant observation.

32. The best statement of this argument is John H. McNamara, "Uncertainties in Police Work: The Relevance of Police Recruits' Backgrounds and Training," in David Bordua (ed.) The Police: Six Sociological Essays (New York: John Wiley and Sons, 1967) pp. 163-252.
33. William Westley, Violence and the Police: A Sociological Study of Law, Custom and Morality (Cambridge, Mass.: The M.I.T. Press, 1970). This study was actually done in the early 1950's but remained unpublished for almost twenty years.
34. This idea is actually the basis of much of Michael Banton's argument, see The Policeman in the Community, chapter one. The idea of a duality in a policeman's role is touched upon but never developed in David Perry and Paula A. Sornoff, Politics at the Street Level: The Select Case of Police Administration and the Community (Beverly Hills, Calif.: Sage Publications, 1973).
35. Wilson calls his study of the police a study of the "bureaucracy problem" but one learns very little about police bureaucracies from him. A similar lacuna is apparent in David J. Bordua and Albert J. Reiss, "Command, Control and Charisma: Reflections of Police Bureaucracy," American Journal of Sociology 72 (July 1966): 68-76; and another article by them, "Environment and Organization: A Perspective on the Police," in David Bordua (ed.) The Police, pp. 25-55.
36. It is a commonplace that an hypothesis cannot be tested with the same data that was used to develop the hypothesis. Strictly speaking, then, the only true test of a hypothesis in this study is the first, that departmental factors weigh heavier than situational factors. The other "hypotheses" were all developed on the basis of data collected during the research.
37. See Elinor Ostrom, "Institutional Arrangements and the Measurement of Policy Consequences," Urban Affairs Quarterly 6:4 (June 1971): 447-476; and Elinor Ostrom and Gordon Whitaker, "Does Local Community Control of

Police Make a Difference? Some Preliminary Findings,"
Political Science 17:1 (February 1973): 48-76.

38. Nicos P. Mouzelis, Organization and Bureaucracy (Chicago: Aldine Publishing Co., 1968), pp. 66-69; the quotation is taken from page 69. See also Michael Crozier, The Bureaucratic Phenomenon (Chicago: University of Chicago Press, 1964) pp. 4-5 for a similar point of view.

CHAPTER ONE

POLICE DISCRETION, PROFESSIONALISM AND DEMOCRATIC CONTROL

HISTORICAL ORIGINS OF THE MODERN POLICE: THE POLITICS OF DISCRETION

Any social order is confronted with the necessity of protecting its members from crime, violence, and disorder--from the vagaries of human passion and desire. Springtime in America is ordinarily accompanied with the annual release of the FBI crime statistics which unfailingly report increases in murder, mayhem, and assorted acts of viciousness across the Nation. The public may no longer be bombarded with the rhetoric of Law and Order but the fear of violence and disorder is still pervasive; and it is still accompanied by debate about the effectiveness of the police, the prosecutors and the courts, and endless proposals for reform.¹ Yet the persistence of these maladies is a far more notable fact than the numerous administrative arrangements devised to cope with them. Take the case of the medieval Tuscan city-state of Siena.² The oligarchy that ruled Siena in the latter part of the thirteenth century had to contend with crime, violence and civil riots, and to cope with these social forces they developed a complex system of

policing which relied upon foreign policemen. At one point the number of foreign police forces in the Siennese commune numbered five. The nature of crime may have been different but the concerns which animated the efforts of the Siennese rulers were similar to those of modern times. These concerns were two-fold: to develop administrative arrangements which could effectively cope with crime and disorder and the maintenance of political control over the police. The oligarchy experimented with various administrative arrangements though poor coordination and the persistent duplication of efforts by the various police forces hampered the ability of local officials to maintain order. Control was centralized, and the police were not allowed to fraternize with the local population; but the most significant efforts were directed toward the choice of personnel for police duty: "The signory wanted more than skilled fighting men as police; the police had to have the correct political persuasions."³

The methods adopted by the Siennese commune are perhaps unique to pre-urban societies, especially when compared with the Anglo-American experience. Prior to the 1830's the police function as we know it was carried out in England and America by the Watch. These were local citizens who in addition to holding a job during the day were paid a nominal fee to keep watch over the streets at night. However, the presumption during these times was

that protection from crime or violence was something that the individual citizen provided for himself, by whatever means could be had if one was poor and by hiring private guards if one was rich. The function of the Watch was rather straightforward: "to be on the lookout for fire and other disturbances while citizens slept."⁴ But Watchmen had severely restricted police powers: they could not make arrests without warrants and they were subject to civil suit if they did arrest an innocent person.⁵ Moreover, the Watch was notoriously ineffective in quelling public disturbances, more often than not they were drunk or asleep. In America the Watch was supplemented by committees of citizens and Constables who had the authority to make legal arrests and had somewhat more latitude than a private citizen in making arrests. The Constables were paid according to a fee system, however, and as might be expected they were inclined to turn their efforts to those areas that were most lucrative. Most often this meant that they devoted their talents to the recovery of stolen property in order to reap the substantial rewards available (it was not uncommon for thieves and Constables to work together and split the reward). Pre-urban America and England were unpoliced in a way that Siena was not.

As mechanisms of formal social control the Watch and the system of private enforcement were inadequate to cope with the turmoil of the nineteenth century. Industrializa-

tion, urbanization, and in America the steady influx of immigrants contributed to an unprecedented set of social and economic conditions: rapid growth facilitated social dislocation and rootlessness; industrialization sharpened class conflicts which in America was exacerbated by the clash between the Nativist and Ethnic (mostly Irish) cultures. The catalyst for initial attempts at creating an organized police force were the violent riots which overtook England in the early nineteenth century and the cities in Northeastern America in the mid-1830's. The riots were only the focal point: professional crime, a product of an urban-industrial civilization, increased greatly during the nineteenth century, arousing the ire of poor and rich alike, and the penchant of puritanical reformers to impose moral regeneration upon the unruly urban masses only added to the vigorous efforts to create an effective, organized police.

Reformers and political leaders in America turned to the only available alternative at the time, the model of the London Metropolitan Police. The London police was based on a bureaucratic form of organization and incorporated two novel innovations in policing: for the first time the police were given the responsibility to prevent crime and disorder by seeking it out, and this function was to be carried out on a territorial basis. Jonathan Rubinstein remarks that, "for the first time the entire city was to be continuously patrolled by men who were assigned specific territories and

whose courses (or beats) were prescribed by their superiors."⁶ Moreover, the inventors of the London Model were well aware of the abuses of authority, the corruption, and laxness which prevailed under the Watch system. They intentionally patterned the London police after the extant model of effective organizations in the nineteenth century, the military. After the Civil War this was the predominate form of police organization in America, and throughout this period numerous refinements were added: discipline was tightened with the addition of supervisors; policemen were required to wear uniforms; functions acquired when the administration of local government was more fluid were eliminated, e.g. control of health problems, and attempts were made to centralize control. But throughout the nineteenth century the primary function of the police remained the same as it had been under the Watch, namely, the control of disorder.

The evolution of the American police during this time was stormy, and many of the fundamental political problems of the nineteenth century were refracted in the battles over the extension of police power. The issues of the effectiveness of the police in containing crime and disorder and political control over the exercise of police power animated the debates over the police. But this debate was more than a matter of administrative efficiency and constitutional principles. In England the demand for a bureaucratized

police force came principally from the bourgeoisie. They benefited by relieving themselves of the responsibility to discharge police functions, and the existence of an organized police force provided an alternative to the use of the military to put down civil disorders. The landed aristocracy in contrast sought to retain the traditional system of protection which insured localized control.⁷

In America not only class conflict--though the importance of this factor is characteristically underestimated in most historical accounts--but the anomosities between the dominant Nativist culture and that of the newly arriving immigrant groups shaped the political debate and the evolution of the American police.⁸ But if these social and economic struggles were the real issues of the debate over the extension of police power, the rhetoric of the argument pivoted upon a long standing controversy in American politics--the viability of localized control of political institutions versus strong centralized control. The development of a centralized police in America was initially fought on grounds of preventing the creation of an alien and ultimately uncontrollable coercive force in the political community. Americans were of the belief that an organized police force constituted a 'standing army,' something that could only be incompatible with a Republican form of government. James Richardson indicates the strength of this view in his study of the New York Police Department in the nine-

teenth century when he remarks that, "New York City established an organized police only when provided with a successful model and when fears of social disintegration were stronger than distaste for a quasi-standing army."⁹

Once legislation to create an organized police had been passed, debate centered on the problem of political control; and one's view of the effectiveness of the police normally depended on where one stood in regard to this issue. Local politicians fought reformers and their cronies in State legislatures in New York and Massachusetts throughout the nineteenth century for control of the police department. The complaint by reformers was that the police were ineffective in enforcing the law and quelling disorder, but patronage (and in New York the fact that the police department was responsible for running local elections) and the desire of reformers to centralize control and impose one standard of law enforcement on the cities were the important issues. The fact that the cities were believed to be rife with drunken immigrants only helped to spur various groups of upper-class reformers in their efforts to take control of the police. Typically, the debate focused on legislation to give the state responsibility for law enforcement. The Metropolitan Police were created in New York in 1857 only to be disbanded by 1870; seven years later in Boston a compromise was reached among the contending forces, and rather than give the State control a state police was

created and given the responsibility of enforcing vice laws. This failed and in 1884 when the Irish had begun to become dominant in Boston politics the Commonwealth of Massachusetts took control of the police.¹⁰

Representative of the arguments in this debate were those of Thomas Coffin Amory and Charles M. Ellis of Boston in February and March of 1863. Arguing for local control Amory said that, "history teaches us that free institutions are only practicable in small communities, or where there exists a subordination of the part to the whole." An aggressive, preventative police force was believed to be inimical to liberty and violated the spirit of the Constitution. Amory said that the problem of drunkenness and the difficulties that had occurred with the abolitionists in Boston were exaggerated, and the police had them under control anyway. Finally, he maintained that the police were not involved in politics and the plan to have the city pay for the police without managing them would constitute 'taxation without representation.'

Ellis, who was on the victorious side this time, lead off with the idea that the purpose of the bill to create a metropolitan police force was, "to save the police from too intimate relations with the populace." Local politics tended to weaken rather than strengthen the police. Their responsibilities were quite unlike any other municipal service: "it was absurd to speak of the men 'as having for

their chief function to sweep the streets, shut shop doors, and remove obstructions from the highways.' They were in fact charged with a long list of statutory responsibilities, and clothed with vast powers by the common law, in order to administer 'the most primitive, lasting, necessary, and intimate relations between state and the citizen.' No other power was so strong, or so ubiquitous. 'With it, the state is safe; without it the state is nothing but an oppression.'¹¹ If the police were subject to local control the laws would not be enforced with the vigor that they ought to be, Ellis contended. He pointed out that the police made very few arrests for vice offenses in comparison to the actual number of illegal drinking establishments and brothels that existed in the city; and he was inclined to regard the use of police power to recover fugitive slaves and break up protests by abolitionists as a transgression against the Constitution. To be effective and to be controlled by political authority the police should be distant from the local community. The proper policy was one which would create, "no direct relation between the police, the city, its government, and its populace; and especially certain classes of its populace--its criminal, its dangerous and perishing classes."¹² The refrain of removing politics from the administration of the police and centralizing control is a familiar one, although in the nineteenth century all that could be realistically expected was some form of

bipartisan administration rather than nonpartisanship.¹³

But this debate defined the contours for any discussion of the problem of the police in modern society: the issues of effectiveness and control of police discretion were inextricably linked to the question of centralized versus localized control. The concept of the reformers was based on the idea of centralized and efficient administration with the police enforcing the laws impersonally and uniformly.

Implicit was the idea of the police as elites, separated from the particularistic influences of the local community who would strive for equal and fair enforcement. In contrast, the local politicians emphasized the need for the use of police power to be tempered to the mores and requirements of a particular community. Control and effectiveness were predicated on the idea that the police had to be part of the community rather than above it.

The evolution of the police in America can be characterized as an effort to 'professionalize' the police along the lines initiated by nineteenth century reformers. Today most observers would no doubt agree that the police are by and large professionalized. Yet despite the fond hopes of legions of reformers, professionalization of the police has neither eradicated crime and disorder nor solved the problem of political control of discretion. Indeed these remain the warp and woof of any discussion of the police in America. The tumultuous years of the late 1960's, a period now con-

sidered unique in American history by some observers, brought to the fore many of the salient issues pertaining to the exercise of police authority, issues which had lain dormant save only for the lack of an appropriate catalyst. The irony is that the debates over the use of police power during this period punctured the rhetoric of professionalism and brought politics--with a vengeance--back into police work. But how could it be otherwise? The police were the focus of many of the controversies: they were variously referred to as either oppressors or as the lone remaining symbols of decency and traditional values in America. The larger public issues which vexed the people during this period--the Vietnam war, racial strife, inequality, the clash of opposing cultural values and life styles--far from being unique simply reopened the enduring problems of the exercise of police power which any free society must face. One need only substitute the Irish for Blacks and Chicanos, the Slavery issue for Vietnam, and intemperance for narcotics to recognize the historical parallel.

Central to the controversies in both eras were questions of police brutality, discrimination on the basis of either race or class in enforcement of the law, the violation of civil liberties and suppression of the rights of a free people to protest the actions of their government, the zealous enforcement of puritanical laws which conflicted with the values of some groups, and the placement of seemingly

arbitrary restrictions on the police in their never-ending (literally) war on crime and disorder. In all of these controversies what has never been questioned is the right of the police to exercise discretion in the enforcement of the laws. Traditionally the courts have refused to acknowledge that the police have discretion but it is tacitly accepted and even welcomed as a necessary attribute of the process of criminal justice. Rather, the problem has always been a question of how the police exercise their discretion, when they exercise it, and according to what standards. Carl Friedrich suggests that discretion involves a choice among several alternatives, and this choice is one that is not made carelessly or arbitrarily but rather according to the requirements of the situation. In other words, the very notion of discretion in the implementation of public policy and public law implies that such choices are made on the basis of reasons which can be justified.¹⁴ Yet it is a rather old adage that one man's reasonableness is simply another man's prejudice. This simply begs the question of what standards the police should employ in exercising their discretion, what are appropriate limits on police authority, and how the wishes of contending groups can be satisfied. Much as the reformers might wish, politics has never really been separated from the administration of police work; rather it has only been submerged under the rhetoric of professionalism. To understand why we must first inquire

into the meaning of discretion in police work.

THE NATURE AND PRIMACY OF POLICE DISCRETION

The most salient fact about the police is that they are the one agency in a democratic society which is legitimately empowered to forcefully apprehend and detain those individuals who violate the laws or otherwise constitute a threat to the social order. But unlike the use of coercion in an unpoliced society the significance of this extends beyond the narrow function of enforcement of the criminal laws. The advent of the policed society as Allan Silver points out represents, "the penetration and continual presence of central political authority throughout daily life."¹⁵ Much of the ambivalence of the American public toward the police derives from the awesome power a policeman holds in the enactment of his role as enforcer of the law, as the legitimate symbol of State authority, and from the subliminal awareness of the pervasiveness of this authority. The public views law enforcement officers, on the one hand, as protectors, as representatives of the one institution on which their safety and well being may depend; on the other hand, the police are, by virtue of their function, in an antagonistic relationship with the public, one which demands that they interfere with people's freedoms. This ambivalence festers in a vacuum of reliable knowledge about the police. Police work is carried out in dark streets, alleys,

bars, homes--in many respects in circumstances which few people ever really experience. Our encounters with the police are a highly selective matter coming usually at times of intense crisis or strife in our lives. Because of this the exercise of police discretion is what Joseph Goldstein called, a 'low visibility decision.'¹⁶

Yet the police have traditionally attempted to project an image of full enforcement, the idea that they simply apply the laws ministerially. The public accepts this image with the tacit understanding that the rules will not always be enforced and that there will be mitigating circumstances that the arresting officer will take into consideration. Most people, for example, anticipate being let off with a warning for a minor traffic violation.¹⁷ The belief that the police are ministerial is held only as a means of symbolic reassurance that the police are fair and impartial in the performance of their functions; privately many members of the public understand that the police derive their power from their ability not to enforce the law.

Contrary to the public image the most notable fact about policemen, as Arthur Woods, a retired New York Police Commissioner, pointed out over fifty years ago, is that before all else policemen are judges. A policeman has to decide, "whether or not a law is violated and therefore whether he should take official action."¹⁸ It is this judgemental aspect of the police role, the fact that the

'cop on the beat' ordinarily makes crucial decisions in ambiguous and often dangerous circumstances--decisions which in a very broad sense are fundamental political decisions---that makes the police function so unique in modern societies, and juxtaposes so clearly the relationship between politics and administration and the attendant problem of democratic control. What is central to the problem of discretion are not the unique decisions, the 'policy decisions,' but rather the everyday routine decisions made by policemen as they ply their craft on the streets of urban America. The pattern of choices made by policemen reflect the values and judgments of a society in regard to the problems of justice and order. It is the choice of the police more than anything else that determines the meaning of law in a political system: to the extent that the police underenforce the law, groups and individuals so affected are not extended the protection of legality; to the extent that procedural safeguards are abused individual liberties are diminished; and to the extent that the police are discriminatory in their choices, some groups are made to bear a disproportionate share of the burden of maintaining order. Policemen are the initiators of the judicial process; they alone decide who shall and who shall not be held accountable at the bar of justice. In other words, it is the police who make the law.

Legal scholars have been aware of this aspect of the

police for some time. Indeed, some of the most cogent analyses of police discretion and its implications for the administration of justice have come from Sanford Kadish, Joseph Goldstein, Wayne LaFave and others.¹⁹ Kadish points out that the American legal system is founded on two principles. The first, nulla poena sine lege, imposes standards for the definition of criminal conduct, for example, specificity and clarity. The second is procedural regularity which requires that the aforementioned legal standard be applied, "to the individual with scrupulous fairness in order to minimize the chances of convicting the innocent, protect against the abuse of official power, and generate an atmosphere of impartial justice."²⁰ The difficulty he argues is that these two principles are subordinate to wide ranging discretion or freedom of choice at two crucial points in the criminal justice system: the police who have the power to decide which laws will be enforced and the judges, parole, and correctional officials who decide how convicted persons will be treated. Yet it is not the fact of discretion that troubles these scholars, indeed this is deemed a necessary attribute of the criminal justice system. Rather their writings are concerned with the question of what objectives are served through the exercise of discretion, and how far these decisions are, and can be made, consistent with the guiding principles of the legal system. However, to understand the nature of the problem posed by

these questions we must inquire why discretion is an intrinsic part of law enforcement and what factors account for this.

The Permanence of Discretion

Discretion is an integral aspect of any process of organized decision-making. Conceptually, the act of discretion is distinguished from other forms of decision-making by the fact that the decision-maker accepts a framework of values and goals but some aspects of the decision-process are unspecified or left contingent on circumstances and thus up to the judgment of the individual. In this sense discretion is analogous to what Sir Geoffrey Vickers has called 'executive decision-making.'²¹ Vickers draws a distinction between this form of decision-making and policy making; the latter entails the setting of objectives or norms which guide the former. Policy making is necessarily innovative and involves unusual or non-routine choices; executive decision-making (discretion) involves routine but adaptive choices. As an example Vickers points out that the decision on what course a ship will take between two points is a policy decision, but the decisions which the ship's steersman makes to keep the ship on course is executive decision-making. The steersman thus monitors the progress of the ship according to a predetermined set of norms (the course) and makes adjustments as necessary. This scheme is obviously applicable to the criminal justice

system: the enactment of a law by the legislature constitutes the definition of the norms while the exercise of discretion by officials in light of those norms represents adaption to the vagaries of human circumstance and changing social conditions.

Vickers is principally concerned with the process of policy making rather than discretion. His formulation, which is based on the idea of decision-making as a process of communication, focuses on the processes by which decision-makers become aware of the need for a policy decision, how the relevant norms are derived, and how these processes result in a change in policy. Insofar as the process of discretion is concerned this formulation leaves out an important aspect.²² Kenneth Culp Davis suggests the limitations of Vicker's formulation when he states that, "a public officer has discretion whenever the effective limits on his power leave him free to make a choice among possible courses of action or inaction." (Italics added).²³ Thus if discretion is choice made in light of a framework of values--although this begs the question of what values--it also implies the idea of control over the process of choice. Davis puts the point rather simply: discretion may be either legal or illegal, and the decision not to act is as much discretion as the decision to act. The analysis of discretion turns on a determination of the relevant standards used in making a decision, and on an understanding of the

constraints--legal, organizational, and societal--on that process. It should also be apparent that discretion is more than the simple application of universal standards to specific circumstances, a rational adjustment of means and ends. It is a process in which these choices are profoundly influenced by the desires, ambitions and idiosyncrasies of the people involved. The implementation of any policy or law connotes action as well as deliberation; discretionary choices will be oriented toward the presumed objectives of the policy or law and the objectives, interests and whims of the actors. In this regard the law may be used to obtain other objectives than the enforcement of criminal sanctions.

It would be literally impossible for the police to adequately perform any of their functions if they were not able to exercise substantial discretion over the enforcement of the laws. Both the necessity and the complexity of discretion in police work arise from three factors which, though they are not really unique to law enforcement, combine in such a way as to present rather special difficulties for the police. The notion of discretion, I have suggested, implies the application of universal rules to specific circumstances, rules which are necessarily general.

Legislatures have been unable and in some cases have not seen fit to specify all the criminal behaviors and circumstances that a police officer should take into account.²⁴

Thus far from meeting Kadish's standards of specificity and

clarity the law as it unfolds to the average street policeman is unarguably ambiguous. What, for example, constitutes disturbing the peace (California Penal Code, sec. 415). When is a man drunk and in violation of the law? The reasons for this ambiguity are rather commonplace. Legislators simply cannot anticipate all of the day to day problems of law enforcement nor can all of the ambiguities be eliminated through successive drafts of laws. Yet much of the ambiguity is a consequence of the legislative process, reflecting either the passions of the legislators and the vagaries of the deliberative process or intentional gambits. The former is an attribute of representative government but the latter presents some interesting problems for law enforcement. Two examples should clarify the matter. Quite often statutes are made all-encompassing in order to preclude the existence of 'loopholes' which would allow offenders to escape. Most gambling statutes are written in such a way that both commercial and social gambling are against the law, though it is normally assumed that the laws were written to prevent the local contingent of the Mafia from running crap games rather than little old ladies giving bingo prizes at the church social. Regardless of the intent of the legislature it is the police who decide what constitutes gambling under the law, and although a case may be dropped by the prosecutor it is nonetheless police action which determines under what circumstances the legal process

is invoked. In this sense, the law really only defines the most outer limits of discretion: it only tells an officer what he may not do, it cannot and does not specify what he should do. An officer may not arrest a juvenile for loitering if no ordinance against loitering exists, but the fact that drunkenness is against the law does not mean that an officer will--or should--arrest every drunk he sees. Thus the police must divine the intent of the legislature in passing a given law and interpret the circumstances under which this law applies. One of the difficulties this poses for the legal system is that these laws lend themselves to harassment.²⁵

The second example has to do with laws which have putative social objectives. These laws are normally intended to accomplish desired social objectives rather than to prevent criminal behavior per se. These include 'non-support' laws which are designed to insure that child support payments are met as well as those laws prohibiting certain forms of sexual conduct and the use of some drugs, which are designed, in the view of the proponents, to uplift the morality of an increasingly debauched citizenry. How far and under what circumstances these objectives are attained is a matter largely decided by the police: are the social objectives better served if every husband who defaults on his child support payments is carted off to jail? Or if these matters are handled either through

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counseling by the policeman or referral? Whatever the answer, the point is that the police presently decide many of these questions.

A second consideration is that police departments are required, like other public organizations, to carry out their functions with limited public resources. Only so many men can be deployed on any given shift, and only so much money is available to allocate to specialized enforcement units and to buy equipment for the control of specific crime problems. Policemen must set priorities and allocate their resources accordingly. The administrator must decide how to deploy his men and how to divide up the annual budget allocation, while the patrolman or detective must decide how to allocate his time and energy. Because of the nature of the task and the fact that police departments are organized on a territorial basis the locus of discretion lies at the bottom of the organization hierarchy rather than near the top as in most organizations.²⁶ Control of the purse strings allows a police administrator to create and nurture specialized units that can direct their efforts to a particular problem. Traffic enforcement is much different in a department that has a specialized traffic unit than one that does not. But many of the most important decisions are made by patrolmen, working the streets, singly or in pairs, at all hours of the day. Here one of the most important questions is how one's free time shall be used.

Thus, many of the most important priorities of a police department are shaped at this level of the organization.

Finally, the police use their powers of discretion in a specific set of historical and social circumstances. The policeman, as Michael Banton has taken great pains to argue, is a member of the society in which he enforces the law, and this means that he must function within the extant moral consensus of a society. Banton is worth quoting at length on this:

Being members of the society themselves, policemen share the same values as the other members. If the society is corrupt the policeman will be to some degree corrupt. If the society sets store by differences of social class, this will affect the police both as an occupational group in the class hierarchy and in their dealings with people of varying class. This means that the police will use their discretion in ways which diverge from the ideal of perfect justice but which conform to the pattern of social control. ²⁷

At its most banal Banton's point might be construed as simply saying that discretion is a necessary attribute of law enforcement because the instruments of enforcement are human. Doubtless the personal values of the policemen and societal prejudices and values influence enforcement. But Banton's point is based on the idea that as instruments of formal social control the police are dependent upon the community for the legitimacy of their authority. Indeed, the rise of the police as a legitimate instrument of coercion is co-terminous with the development of a widespread moral consensus in modern societies.²⁸ The police simply cannot use

coercion as a regular means of enforcing the laws and maintaining order; they must rely upon informal patterns of social control and they must operate within the bounds of prevailing values in order to maintain their moral authority. This has an interesting consequence for the exercise of discretion: it limits the ability of the police to rigorously enforce the laws. For example, some forms of sexual conduct are outlawed in many states--though California recently abolished many of these laws--but the police rarely if ever enforce them.²⁹ Yet the moral consensus, upon which the legitimate authority of the police is based, is rarely as widespread as presumed in an economically dynamic and socially heterogeneous society such as America. Legal rules reflect the outcome of social and political conflict within a society, the momentary victory of a social class or group in achieving its aims and asserting its will. The outcome of such a process will not always be accepted as legitimate as the long history of legislating morality demonstrates; and in times of rapid social change and upheaval, when the basic foundations of the social order are called into question, attempts to vigorously enforce those laws for which there does exist widespread acceptance may be construed as 'oppression.'

The problem of establishing the legitimacy of police authority is complicated by an additional factor. Unlike many enforcement agencies^s, regulatory agencies for example,

which perform a strict enforcement function, the police, due to historical accident as much as anything else, have come to perform two rather disparate functions. They are charged with enforcing the law and they are expected to serve as 'peace officers.' As peace keepers policemen are expected to provide services and to keep order within the community; they are expected to mediate disputes and fights between individuals and groups, to render assistance to people in trouble, to restore order at the scene of traffic accidents and other disasters, and as Elaine Cummings has put it, to act as "philosopher, guide, and friend." Carrying out these activities is often more problematic for the policeman than enforcement of the law: what constitutes order varies from community to community; police assistance in a family dispute may be resented by both parties; and typically the officer faces the most danger in these situations. It is as peace keepers that a policeman's authority is most often called into question, and as a result officers must be able to create and nurture a satisfactory relationship with the community that is being policed.

A policeman's role is thus based upon a duality which sustains a dilemma that all policemen face. As William F. Whyte put it:

there is a contradiction between the policeman's formal obligations and the relationships he needs to build up in a community if he is to keep the peace. The policeman who takes a strictly legalistic view of his duties cuts himself off from the personal relations necessary to enable him to serve

as a mediator of disputes in his area. Yet the policeman who develops close ties with the local people is unable to act against them with the vigor prescribed by law. 30

Because the police must operate within the moral consensus of a society if they are to enforce the laws and maintain order they are inescapably faced with this dilemma. And it is through the exercise of discretion that the police confront and adapt to it. Loyalty to the law and sensitivity to community norms and expectations are two poles on a continuum, both in terms of the evolution of the police in America and in the individual adjustments that every policeman must make.

The Problem of Police Discretion

One of the consequences of this dilemma is that the police underenforce the law. True as this may be, it still begs the question of which laws are underenforced and why. The theoretical problem of police discretion turns on an understanding of the standards that guide discretion and the social and political controls that constrain those choices. What standards inform the exercise of discretion? Are they primarily legal, organizational or societal? And what is the nature of the social and political controls over this process? We can answer these questions by amplifying on Banton's theoretical framework. The most significant implication of the fact that policemen are members of the society in which they enforce the law is, ironically,

double-edged. On the one hand, it means that the police will reflect the mores and prejudices of society in the way they enforce the law. In America this has been most apparent in the way the law has been enforced in Black communities. For a long time, and even presently, the tendency has been for the police to underenforce the law insofar as Blacks were concerned. Violations of the law by a Black man against another Black man were simply not considered a serious matter. As a Southern police detective expressed it to another writer: "In this town there are three classes of homicide. If a nigger kills a white man, that's murder. If a white man kills a nigger, that's justifiable homicide. If a nigger kills a nigger, that's one less nigger."³¹ Things have changed a great deal since that statement was made but its not uncommon to hear policemen in Southern California talk about a 'Watt's Felony,' an offense that is treated less seriously than other kinds. A more contemporary manifestation of this problem is in regard to attitudes toward women. My own observations confirm that a patrolman's attitude toward women influence the way he handles family disputes, especially his inclination to take it seriously (see below). Such patterns of enforcement have spurred efforts to equalize enforcement of the law. Yet the paradox is that if the exercise of discretion must reflect some of a community's worst prejudices, the fact that the police operate within the moral consensus of a

society means that they are subject to the same informal social controls as other members of the society.³² For example, a certain measure of responsiveness is gained by virtue of the fact that the officer is able to understand and appreciate subtleties of behavior. A citizen gains informal control over the actions of police officers precisely to the extent that the two are members of the same community and share the same values; and it is mainly through these informal social controls that the police accomplish the difficult task of adapting universal legal standards to the particularistic values of a community.

These controls are based on the participation of a policeman in the society he polices, and they are stronger in a small, homogeneous community than a large, heterogeneous community. The village policeman can tell the sheep from the goats in a way that his urban brother cannot. Contrast with the village policeman (or the Watch if you prefer) the colonial police. With the colonial police there is (intentionally) minimal participation by the police in the society and a wide divergence between their values and those of the people they are policing. When the effectiveness of informal controls is reduced the necessity for formal (bureaucratic) controls is increased. The sole restraint upon the behavior of the colonial police derives from the force of pressures to adhere to organizational rules and procedures. The consequence though is not

only to remove the police from the "informal control of community expectations /but/ to reduce their moral authority."³³

The nature of the standards that govern police discretion and the kinds of controls that constrain the police depend upon the extent of urbanization and industrialization in a society. As the society industrializes and urbanizes there will be increased separation between police and community. As a result of class and ethnic conflict, the police will be confronted with conflicting expectations of their proper role and the standards which should guide discretion. Thus there will be a greater reliance upon organizational and professional standards to guide discretion and upon formal controls over police action. These formal controls are of two kinds. Legal controls administered through the courts, such as the use of the exclusionary rule, which the U.S. Supreme Court saw partly as a way of controlling police actions. Far more important are professional and organizational controls. Professionalism is increasingly thought to be the method by which police discretion can be held accountable to political authority. However, the significance of this theoretical formulation and its implications for the problem of police discretion can only be further understood by elucidating what is meant by the professionalization of the police and the nature of the historical forces impinging upon the police.

THE RISE AND EVOLUTION OF A
PROFESSIONAL POLICE

If there is a single point on which the police and their critics might agree it is that reform of the police through professionalization is the principle means by which the police can be made more effective in controlling crime and more accountable to political authority. The values of professional policing denote equality, fairness and impersonality in the enforcement of the law. Based on the innovations and thought of men like August Vollmer, Bruce Smith, O.W. Wilson, and the late William H. Parker professionalization has been construed as the 'holy grail' of the police fraternity.³⁴ All of these men have viewed professionalism as the key to a wide gamut of police problems. Through professionalism one could minimize if not eliminate corruption; improve relations between police and community; upgrade the effectiveness and consistency of police work; and above all reduce the incidence of crime. The emphasis has been upon the recruitment of highly qualified personnel, the development of sophisticated training programs and education, the application of science and technology to many phases of police work, and the steady upgrading of the most obvious deficiencies in working conditions. The assumption throughout is that well educated, well trained, and well paid men will do what is necessary

to protect and serve the community. The only real problem that the police face, as Jack Webb used to put it on the television series *Dragnet*, is that, "we must recruit from the human race." Yet, curiously, the problem of discretion has largely been neglected by both police and reformers, even though professionalization was directed at increasing public control over police decisions by making the police function more ministerial. Most police administrators, though they are well aware of the problem, have tended to refrain from openly discussing the issue.³⁵ Ironically, professionalization has served only to maintain and in some cases widen the powers of discretion of the police while further insulating police departments from routine political controls. To understand why we must examine the historical context in which the concept of police professionalism emerged and how it has changed police work.³⁶

Although professionalism as a movement advocating specific programs and methods affected the police somewhat later than other local governmental institutions in the twentieth century, it finds its roots in the Progressive movement at the turn of the century. The struggle to 'reform' police departments was present from their inception in the early nineteenth century, but the impetus and the means for substantial change only occurred during the Progressive era. Widely known as an era of vast changes in the structure of local governmental institu-

tions, namely, the extension of 'direct democracy' and the elimination of corruption and inefficiency in local government, the period was really one of intense social and political change. Led by Lincoln Steffens and other muck-rakers the discourse was regularly punctuated by calls for reform; yet these voices were only the most shrill and not necessarily the most important. The social, economic and political contours of the modern industrial state that is America were shaped during this period. Much more than the elimination of corruption from government was at stake; the rise of vast industrial empires and the consolidation of power by corporate and technological elites signaled the passing of one era in American history and the advent of another. The Populist uprising in the 1890's and the Progressive movement which shortly followed were a direct response to these forces; these were the attempts of disgruntled and alienated farmers and rising middle-class professionals to cope with the impersonalism and complexity of Industrialism.³⁷

If corruption and its bedfellow, politics, were diagnosed as the disease the mechanisms of direct democracy--the initiative, the referendum, and the recall--and efficiency were heralded as the antidote. In the cities, teeming with newly arrived immigrants, where Progressivism caught on early, this meant replacing corruption-ridden political machines, dominated by venal 'Bosses' with strong

executives and efficient non-partisan government. Progressivism implied, ironically, not more politics but less: the model was the efficient and well organized business enterprise rather than the chaos of the political machine with the quick and personal fix by the Boss. In this as in other spheres politics reflected economics.

Despite the moralism of the reformers the proposed remedies were straightforward enough, even if difficult to implement. Government would be run by trained professionals, experts in a specific field of endeavor, while authority and accountability would be centralized to chief executives who would be given wide powers to direct the operations of government. Politics, at least in its present manifestation, would be eliminated: patronage would be replaced with an all-encompassing merit system; areas of representation would be based not on the particularistic influences of the ward but the more encompassing and universalistic view of the whole city; nonpartisanship insured a deliberate and rational approach to city problems rather than 'politics as usual.' Administration rather than politics held the key to the future:

Because the reformers viewed organization quite simply as anti-chaos, they conceived their administrative solutions in terms of broad executive mandates, with a mayor holding full general authority and subordinates enjoying virtual autonomy in their limited areas of expertise. The model of government formed a simple pyramid free from the cross-checks and intersecting lines of divided responsibility.³⁸

Professionals who could systematically apply the fruits of science and technology to the problems of an industrial society, who could adapt to new problems as they arose, were the field hands of the new order. Standing above them and presiding over events was the 'public man,' a unique and indispensable leader who bore more resemblance to one of Plato's philosopher kings than any living politician then or now. These officials were expected to take a broad and expansive view of public problems, and to use their wide discretionary powers to direct the engine of government along suitable paths. Accountability rested on the idea that authority would be exercised publically and checked with the devices of 'direct democracy.' Implicit in this theory of politics was the belief that elected (and appointed) officials could easily direct the machinery of government; the pillar of democratic government in this sense was subordinate compliance to executive authority.³⁹ Besides the idea of a 'frictionless bureaucracy,' this theory of politics--and especially the use of the initiative, referendum, and recall--was predicated, as Richard Hofstadter has observed, upon a particular ideal of citizenship. This was the ideal of the dispassionate but concerned citizen of democracy, presumably the bedrock on which the Republic rested in an earlier era of American history, who thinks and acts in public matters not according to a code which puts the priority on making the best

deal and getting ahead, but one which emphasizes the problems of government and seeks to find the best, the most rational solution.⁴⁰

These ideas formed the core of Progressivism. But what was the genesis of these ideas, what historical forces led to the political theory of Progressivism? One prominent explanation is based on the idea of a status revolt among some segments of the middle-class. The impetus for the reforms of local government, especially in the cities, stems from the conflict between the culture of the Yankee-Protestant reformers and that of the immigrants and the political machines.⁴¹ However, more significant forces than these were at work during this period. The late nineteenth century was a period of oozing disorder: businessmen found that older methods of administration would not suffice, farmers were confronted with new, impersonal economic forces, and everywhere people were faced with dislocation, chaos, and rapid change. The institutions of the small but isolated communities which formed the fulcrum around which politics, economics and social life revolved during most of the nineteenth century became increasingly unable to cope with the social and economic changes taking place. Robert Wiebe has aptly characterized American society at the time as 'distended.' However, the one group which saw the emerging industrial order as an opportunity rather than a threat, according to Wiebe, was a 'new middle-class' com-

promised of professionals in law, medicine, administration and social work and specialists in business, labor and agriculture. Eager to apply their talents these groups organized and rapidly became influential. These professionals were responsible for numerous innovations in public health, law, education and administration. Moreover, as these men and women were brought together in cities and by virtue of a shared set of values and similar experiences, a cohesiveness began to develop. Outwardly, the professional associations that resulted were concerned with the application of technology and reason to public problems; inwardly, they were as much concerned with occupational autonomy as anything else.⁴²

These middle-class professionals were responsible for a 'revolution in values,' and the development of an alternative to prevailing theories of society and politics. Wiebe calls this alternative the bureaucratic theory, a set of ideas particularly adapted to coping with the fluidity and impersonality of an urban-industrial world. The metaphors were mechanical rather than organic; the ebb and flow of social forces required ceaseless adaption through management and the application of science and technology. The use of science, however, was construed as the application of a particular method to problems rather than obtaining a set of results. Not surprisingly urban reformers were influenced by the Scientific-Management

movement, especially by those individuals intent on spreading Frederick Taylor's ideas and methods to local government. Samuel Haber, in a study of the Scientific-Management movement during this period, points out that in the minds of the younger reformers, "the battle was not simply between good and evil. Reform was less a matter of rooting up and destroying than of management, control and regulation. It was not that good and evil did not exist, but rather that, to maximize good and diminish evil, some sort of 'method of intelligence' must be used. Evil, in this complex view, was tied to ignorance and error, while good implied intelligence and fact. Seen from this light, reform became a technical question in which considerations of efficiency were important."⁴³ From this perspective the outcome of the Progressive era was the creation of a new system of administration and political decision-making, an alternative to the loose and decentralized pattern that prevailed for most of the nineteenth century. This alternative was a process of decision-making which derived from the rationality of science and technology and was harnessed to functionally organized bureaucracies based upon a system of rational-legal authority.⁴⁴

If the bureaucratic theory of society and politics, as Wiebe calls it, provided the grist for reformer's mills, it was not the impending horror of Yankee-Protestant reformers at hordes of immigrants that supplied the power to turn the

wheel of reform but rather organized economic interests. It is clear from a number of recent historical studies that business elites exerted considerable influence in implementing reforms, especially at the level of local government. Class politics as much as a pristine desire for efficiency in government provided the impetus for reform. Samuel Hays argues that most of the support for reform came from the upper-class; and James Wienstein has demonstrated the pervasive influence of business elites on the city-manager and commission movement.⁴⁵ Businessmen were interested in more than imposing the idea of government as a business enterprise upon local politicians. While they desired efficiency they also wanted to constrain the scope of government and above all to change the structure of governmental institutions which allowed the domination of local and particularized interests over governmental decisions. Hays concludes that, "the movement for reform in municipal government...constituted an attempt for upper-class, advanced professional, and large business groups to take formal political power from the previously dominant lower and middle-class elements so that they might advance their own conceptions of desirable public policy."⁴⁶ The centralization of political authority, the elimination of the ward system of representation, and the use of nonpartisanship all involved attempts to exclude lower and working class segments of the population from the process of decision-

making. The ideology of the Progressive era proclaimed the extension of democracy; the practice of reformers led to the concentration of political power. As Weber shrewdly pointed out the rationalization of government does not imply the elimination of a class bias.⁴⁷

The Progressive movement thus embodies a paradox: it attempted to revitalize government, to restore democracy by simplifying the ballot and providing appropriate mechanisms of change, but at the same time the effect was to make government more distant from the citizen and to effectively close off access to some groups. Many of the reformers were animated by a fear of the masses, of the turmoil and chaos engendered by the drive to equalize power and wealth in American society. The political theory of the Progressive movement was elitist, and in many respects anti-democratic. Perhaps the most constant refrain to be heard is the disdain for politics, the moralistic but naive assertion that the rough and tumble of the smoke filled room can be transcended to a pristine state of rational discourse. The reforms of the Progressive era may have emerged in the context of jarring social change and aimed to devise ways of coping with the complexity of the modern world but they also sought to transcend political conflict. The key to understanding this aspect of the Progressive attitude toward politics lies in the idea of efficiency. Haber points out that efficiency had three different con-

notations at the time. First, it connoted personal efficiency--thriftiness and rationality in one's personal life. This was tinged with a strict moralism derived from the Protestant Ethic: it was one's duty to be efficient. Second, efficiency embodied the idea of social efficiency. This connoted an emphasis on Christian morality but more important was the idea of social control. Efficiency was a method for controlling social processes, for coping with disorder. Third, efficiency implied a 'harmony of interests' among diverse social groups in society, the transcendence of the conflict between Capital and Labor.⁴⁸ Efficiency was rational and objective, it provided the means to rational and effective intervention in social affairs. If the turmoil of the Progressive era evoked a profound disenchantment with a laissez-faire ideology, efficiency offered the means to control the turmoil of Industrial society. The application of rational, objective knowledge to social and political problems in much the same way Frederick Taylor revolutionized the factory was the path to the future. Social problems were not political; they were technical. Only in a regime which maintained a strict separation between politics and administration and relied upon the strong executive could the drift of Industrial society be mastered.

The concept of professionalism and leadership which emerged from the Progressive era was based on the ideas of

discipline, the development of technical knowledge, autonomy for professionals to apply their skills, the exercise of initiative in coming to grips with social problems, and above all the leadership of the competent.⁴⁹ Professionals were guided by knowledge and standards which transcended the whims of the populace. In this respect professionalism was elitist and seen as a brake on democracy. Through the ideas of professionalism and efficiency reformers attempted to transcend politics by precluding rule from below. This is the context in which the development of police professionalism must be viewed. Aspirations for higher status may be the dominant motivation for the police to acquire professional status, but its meaning and impact can only be understood with reference to the bureaucratization of governmental institutions, the separation between politics and administration, and the emergence of a concept of professional elites during the Progressive era.

The Elements and Implications of Police Professionalism

What has police professionalism meant to individual reformers? The best way to answer this question is to turn to the writings of August Vollmer, the single most influential man to apply the ideas of the Progressive era to police work. Indeed, Vollmer may have been wrong on specific facts but the elements he argued for are now accepted as the prerequisites of professionalism. An indefatigable man, he formed his ideas on police work early

in his career, applied them to the Berkeley California police department, and spent the rest of his life refining and spreading his ideas. The core of his approach is to be found in his book, The Police and Modern Society, published in 1936.⁵⁰ The most striking thing about the book is what Vollmer does not talk about rather than what he says. He had a rather broad view of social problems, and in some ways he was appropriately skeptical of the perfectability of humans insofar as crime was concerned. For example, his views on the role of the police in dealing with vice problems, doubtless colored by the experience of prohibition, would appall most contemporary police administrators. Vollmer firmly believed that the police had no business enforcing laws designed to improve morality; that, he thought, was a job for educators. Nevertheless, one is struck by the narrowness of his approach. In the first few pages Vollmer delineates what he considers to be the major police problems. These include, among other things, a lack of decent communications within departments and between departments, inadequate techniques to identify criminals, jurisdictional problems with other police agencies, a lack of qualified personnel, an excess of political influence on police activities, and a dearth of public support. The rest of the book simply describes the major crime problems the police face and what can be done to make police departments more efficient in coping with them. Nowhere is there a con-

cern for the ambiguities of the police role, the social functions that the police must carry out, nor for the problem of political control over police authority. Vollmer simply believed that once the police were professionalized other difficulties would take care of themselves.

The basis of Vollmer's approach to police professionalism lies in his insistence that the role of the police in modern society is that of "the protection of society against crime and the criminal. It is the field of crime prevention."⁵¹ In a modern urban-industrial society the protection of individuals from crime and disorder is an immensely complicated task. Criminals are mobile, they possess better communications than the police, and they are often times better organized. As crime fighters the police must utilize the most sophisticated methods of science and technology: centralized communications and information systems; specialized units for purposes of identification and analysis (crime labs and finger printing) as well as more traditional methods to deal with specific crime problems, e.g. organized crime. One of Vollmer's more outrageous proposals along these lines was to fingerprint everybody and require every citizen to carry registration papers.

The emphasis on technology and organization that permeates Vollmer's writing simply has no meaning unless one understands that the object of the police is to control crime. Anticipating the comments of later administrators,

Vollmer insists that only the police can control crime, and they can do so only if they have the proper tools. His comments are more veiled than those of William Parker who viewed the police as the thin blue line between order and anarchy, but Vollmer evinces a clear pre-occupation with order.⁵² This pre-occupation with order is linked to the idea that the police are not only required to apprehend felons but to prevent crime. Vollmer never clearly indicates exactly what he means by prevention but it includes the idea that the police must seek out crime and the notion of deterrence. Commenting on traffic enforcement Vollmer said that:

where the force engaged in traffic enforcement is large enough and its activities are unceasing, a better order prevails; but no city can conduct a constant drive of the necessary proportions without drawing very heavily upon its treasury, and any letup whatever in the official vigilance is instantly reflected in a general disobedience of traffic rules. In short, fear of the traffic officer lasts just so long as the police pressure is generously and effectively applied. No sooner does it cease than traffic reverts to--and aggravates--its previous bad driving habits.⁵³

With minor modifications this idea forms the basis of the theory of aggressive (preventative) patrol as a way of coping with crime. Thus an aggressive, competent and professional police is the answer to the problem of crime in modern times.

If the control of crime is the most important objective of the police, the single most deleterious factor which interferes with the performance of this function is politics.

Vollmer and his heirs have insisted on a strict and rigorous separation of police administration and local politics. Initially, this meant protecting the Chief of Police from political influence by insulating him through civil service regulations. If the Chief was not dependent on the Mayor for his job he could pursue law breakers with impunity. And he could begin to root out the corruption which surrounded so much police activity. Yet Vollmer had much more in mind than just this. The separation of politics and police work meant that policemen would no longer be buffeted by the vagaries of local politics; policemen would be insulated from the community and able to act as neutral civil servants as professionals who could enforce the law impartially. The idea was impersonal, dispassionate enforcement of the law: nobody could buy his way out of a ticket. Justice meant enforcing the laws equally. Vollmer's concept of the professional policeman was the detached public servant, standing above the community, utilizing his powers of coercion and expertise in the public interest. The policeman was no different than his counterpart in public health, public works, or social work. As professionals they attempted to manage public problems through the application of a body of knowledge which is constantly refined and changing. The only difference between them is functional: policemen are concerned with crime, doctors with public health. Finally, Vollmer felt that the develop-

ment of professionalism would stem public hostility toward the police rather than exacerbate it. Professionalism led to harmony rather than conflict.

A further element in Vollmer's concept of professionalism was his emphasis on organization. Vollmer might have been thinking of Arthur Wood's laconic comment that, "an unorganized policeman [is] of little value," when he proposed many of his reforms. Also, technology was of little use unless it could be organized. This meant increased specialization in police work and the application of management techniques to planning, record keeping, administration and the job of controlling crime.⁵⁴ The deployment of men, for example, was to be based on administrative considerations, namely, its relevance to combating crime. Information on crimes and criminals had to be centralized, and specialized units such as traffic and juvenile would be created. Besides these rather commonplace administrative innovations, a central aspect of professionalism was the centralization of authority and the strengthening of discipline in police departments. Many police departments in the nineteenth century, such as the New York City department, were run by the Captains in charge of various police districts. Power and authority were radically decentralized. Vollmer and others have attempted to centralize this authority to the level of the Chief of Police and his staff. A concomitant aspect of this development was

the rationalization of methods for controlling and disciplining policemen who worked the streets. The use of radio communications improved the ability of the police to respond to crimes and disorders, but it also enabled administrators to monitor the activities of policemen, and to check whether or not patrolmen actually responded to a call for service and how much time they spent there. The emphasis upon quasi-military discipline extended to training programs which were patterned after basic training in the military, presenting the correct image--that of the polished soldier--and the strict disciplinarian attitude of many Sergeants. Day to day supervision in most police departments has been supplemented by Internal Affairs Units. 'Shoo-flies' or 'head-hunters,' as these policemen are called, are assigned to investigate and prosecute through internal trials officers who have violated departmental regulations or who have incurred complaints from the public. Moreover, the attempt to control policemen often went beyond a man's work to his personal life.⁵⁵ In short, professionalism has meant the increasing bureaucratization of police departments; it has stressed efficiency, the use of management techniques borrowed from industrial organizations, and increased managerial control over the actions of policemen. Accountability in this context means accountability to hierarchical authority.

But many police reformers, especially Vollmer, were

aware that effective administration and greater organizational control over the activities of policemen would not necessarily resolve all of the fundamental problems of control. The analogy between the police department and the factory (or even the military) could only be pushed so far since there were important differences in the tasks that policemen and factory workers performed. The most obvious difficulty is that policemen simply cannot be supervised all of the time. Much of a patrolman's time is spent working alone, out of view of the department and most of the public. A policeman must also be able to respond quickly to situations that are emotionally charged and where a life often hangs in the balance. He obviously doesn't have time to consult the sergeant about every action he should take. Recognizing this difficulty Vollmer and other reformers have concentrated on upgrading the quality and the training of the men who become policemen. Vollmer first stressed the need for psychological tests to screen out men with obvious psychological problems, something that is now routine in most police departments. He also paid attention to the kind of training policemen received, and never lost an opportunity to point out the importance of education. Yet the determination of Vollmer and others to find the right kind of people to become policemen is curiously myopic. Gene Carte is close to the truth when he says that professionalism among the police always comes down to a search

for the 'perfect man.' Vollmer felt that policemen had to be better than other men' the arduous task required men who were above the ordinary, who could respond to great difficulties and great challenges. But more than an attempt to upgrade personnel was involved in this idea. The selection of good personnel obviated the need for other reforms and for other kinds of controls over police activity. Vollmer commented that, "when we have reached a point where the best people in society are selected for police service, there will be little confusion regarding the duties of the members."⁵⁶ What organization and technology cannot solve good men will.

Crime fighting, the insulation of police work from politics, the application of technology and organization to the police task, and the continuous effort to find and develop good policemen form the core of police professionalism. Borne out of the pervasive corruption and ineffectiveness of the early departments and the desire of reformers, especially businessmen, to have consistent and efficient enforcement of the laws--especially those laws designed to protect property--the doctrine of police professionalism and the attendant reforms purport to resolve the dilemmas and conflicts of policing a heterogeneous, urban-industrial society. Yet the model of professionalism adopted by the police, whatever its virtues (and there are some), avoided difficult problems. Most important the

problem of discretion was assumed out of existence; professional policemen were ministers of the court simply executing the letter of the law. However, in times of social strife and conflict this model could not--and did not--survive the challenges to police authority. Reformers did not remove politics from police work; they only moved it out of city hall and into the police department.

If the doctrine of police professionalism has by-passed the problem of discretion, it has, nevertheless, had profound consequences for police work and the exercise of discretion. The most significant consequence is that the police have become isolated from the communities they patrol. Combined with the pariah-like status of policemen in American society, the police have become increasingly isolated from community norms and expectations. The most extreme manifestation of this development, the one which approaches Banton's example of the colonial police, is found in the Black ghettos in major American cities. The events of recent years provide vivid evidence of Banton's point that isolation from community norms can only serve to reduce the moral authority of the police.

But what have been the consequences for the problem of discretion? The theoretical problem of police discretion, as I have argued, turns on the nature of the relationship between the police and the community. Two questions form the basis of the problem: where do the

standards and the priorities that inform police discretion derive; and how are these standards and priorities made accountable to political authority and the desires of the community being policed? The standards and priorities derive from the mores and values of the society, the police bureaucracy and professional ideology, and the legal tradition of the political system. The relative importance of these depends, among other things, on the homogeneity of the society or community, and the extent of urbanization and industrialization. In general, urbanization and industrialization increase the salience of organizational and professional standards, and decrease the importance of community values. Moreover, the nature of controls upon police authority change. In the small, homogeneous community it is the policeman's sensitivity to community values, the pattern of informal social controls, which constrains his discretion; while in the large, heterogeneous community it is the existence of formal social controls--organizational rules, professional norms, legal standards and rules--which constrain discretion. The progressive rationalization of industrial societies (as Weber put it) and the emergence of professionalism among the police suggest the salience of these latter factors. Indeed these structural developments in American society and the concomitant values and ideology form the crucible in which the day to day process of discretion is played out. But if it sets the

stage, the actors do not perform like puppets, propelled willy-nilly along a predetermined course; rather the demands of the role, the constraints of organization and community, and the aspirations and idiosyncrasies of the actors combine to shape the process of discretion in new and old ways. At this point the issue of police discretion, professionalism, and democratic control turns on an empirical question: Just how do the police exercise their discretion and what seems to be the most important factors influencing their judgment?

EMPIRICAL MODELS OF POLICE DISCRETION

A policeman derives his ideas about how to exercise his powers of discretion--the facts and values which influence him--from three sources: the legal system as reflected in the decisions of the courts; the community in which the policeman works; and the police department and professional fraternity. One might include personality characteristics, especially insofar as they influence a policeman's attitudes toward authority, but since I am concerned here with the cognitive factors (the things that shape what a policeman knows or perceives) rather than the affective (or emotional) factors that influence discretion will be largely excluded from the analysis.⁵⁷ In any event I am inclined to believe that far too much emphasis has been placed upon the personality characteristics of policemen; the effects of social-

ization into a police department and the day to day demands of police work--especially the so-called morale problem--have been consistently underestimated by numerous observers of police work.⁵⁸ Finally, the relative importance of these three factors depends, among other things, on the task of a policeman. It makes a difference whether one is a detective (or vice and narcotics officer) or a patrolman. Since we are concerned with patrolmen in this analysis, we will focus on what influences their choices and discuss detectives and vice officers only for purposes of comparison.

The Legal System

The furor over recent decisions by the United States Supreme Court and appellate courts which have placed some limitations on police actions would seem to indicate that the actions of the courts are a significant factor influencing a policeman's decisions. With some notable exceptions to be examined nothing could be further from the truth. A number of recent investigations of the impact of the United States Supreme court decisions show that the impact of the court's decisions in controlling police action--for example, through the exclusionary rule,--that is the degree of compliance, depends on the political culture of the community, the attitudes of policemen, and the actions of prosecutors, defense attorneys and the lower courts rather than the rule of law.⁵⁹ The courts can only indirectly influence the exercise of discretion and, here,

only in some areas. The courts adjudicate; they react to changes in cultural attitudes and social and economic conditions, but they cannot nor were they intended to assume a directive rule in the administration of criminal justice. Perhaps the most decisive indication of this is that the courts have traditionally refused to uphold decisions by the police not to enforce the law, even though judges are well aware of this aspect of police behavior.⁶⁰ Much of the court's influence is directed to one legal problem: the assurance of due process in the enforcement of the laws. Important though this may be it is only one aspect of discretion; and as a result some legal scholars now advocate extra-judicial methods of controlling nonenforcement of the law and the like.

A related difficulty is that the attitudes and rulings of the courts are more likely to be salient to investigators (detectives, vice and narcotics officers) than to patrolmen.⁶¹ Not only are patrolmen less likely to be informed of court decisions in comparison to investigators, but they are less likely to take such rulings into consideration in deciding whether or not to make an arrest. The legal grounds for taking a suspect into custody are much broader than those for detaining and ultimately convicting him. A patrolman need only satisfy the requirement that 'reasonable cause' exists to believe that an individual has committed a felony in order to arrest (to arrest for a mis-

demeanor, on the other hand, he must witness the violation being committed); the courts, on the other hand, require certainty, that is guilty beyond a reasonable doubt. Wayne LaFave concludes that this leads the police to adopt a stricter standard, but this would seem to be more true of investigators than patrolmen. A recent study reported that in 35 percent of adult felony arrests in the State of California in 1968 (about 53,000), the suspects were released by the police prior to court proceedings but after arrest. Moreover, an additional 25 percent of those arrested for felonies were filed on by the prosecutor and charged with a misdemeanor.⁶² Clearly, many of the suspects arrested by patrolmen, who make up the bulk of the felony and misdemeanor arrests in a police department (usually over 60 percent), are released without being charged. This does not include those individuals who may be detained by officers and then released without being arrested.⁶³ Since they work closely with prosecutors, investigators must understand the implications of court decisions and the idiosyncrasies of the judges; for a patrolman the niceties of strategy are largely irrelevant.

The attitudes of local judges will also make very little difference to patrolmen. A patrolman, although he may be aware of how different judges react to particular kinds of violations (and even here the perception may be wrong), cannot anticipate which judge will hear the case.

The disposition of a case and thus the salience of court decisions depends quite often on which judge presides. Since patrolmen don't know who will hear the case, the attitudes of judges are an irrelevant consideration in deciding whether or not to arrest or what charge to prefer. (For detectives the problem is often one of shopping for the "right" judge).

The one instance where judicial decisions might affect police discretion is where specific offenses are not enforced by convention or tradition. No patrolman in his right mind would issue a citation for spitting on the sidewalk, even though it is clearly a misdemeanor in many municipal codes in the State of California. However, for this to be an important factor the convention must be widely accepted. Even where the courts treat offense as trivial by taking little or no action, the police may, if they so desire, exercise their discretion in ways which counter judicial practice. The enforcement of marijuana laws are a case in point. Stanley E. Grupp and Warren C. Lucas reported that adult arrests for the use of marijuana increased about 525 percent between 1960 and 1967. Marijuana arrests made up 24 percent of all drug related arrests in 1960 and 56 percent in 1967. During the same period the percentage of defendants released, dismissed or acquitted increased from 49 percent in 1960 to a high in 1966 of 65 percent (in 1967 the rate dropped back to 56 percent).

Accordingly, the percentage of defendants convicted decreased. In 1960 the conviction rate was 45 percent and in 1967 35 percent.⁶⁴ Clearly, the disposition of the courts to treat an offense leniently may have no effect on the police.

Far more important as an influence on the day to day decisions of patrolmen are the practices of prosecutors. The decision to prosecute is nearly as important as the initial decision to arrest. A prosecutor's decision is somewhat more important for an investigator than a patrolman since he is in a position to bargain over charges, but knowledge of what the prosecutor will tolerate, how he will react to a specific type of case has a bearing on the kinds of charges a patrolman will prefer.⁶⁵ In anticipation of a decision to reduce the charge the typical strategy of most policemen is to up the ante. For example, an assault suspect may be charged with felony assault (California Penal Code, sec. 245) rather than assault and battery, a misdemeanor (California Penal Code, sec. 242), so that if the charge is reduced it will be reduced to assault and battery rather than disturbing the peace. The reason is rather obvious: assault and battery carries a stiffer penalty than disturbing the peace. (Lest the reader draw an unwarranted conclusion about the behavior of the police I should point out that the prosecutorial criteria for issuing felony complaints for assault are rather high: the

victim must suffer a traumatic injury which means he or she must be near death.) However, for other reasons, the police may circumvent or ignore the actions of the prosecutor. For example, in Los Angeles county the unofficial policy of the District Attorney's office is to prosecute persons arrested for possession of marijuana only if they have more than thirty grams in their possession. Nevertheless, in two of the marijuana arrests witnessed by the author the suspects had only two or three grams in their possession (see Chapter Four).

Thus the courts are not a decisive factor in influencing how the police will exercise their discretion. They are important in assuring that the standard of due process is met (though how much is problematic), and they may influence the police by establishing conventions for the treatment of specific types of cases or criteria for the preference of charges. But the police will not always abide by these criteria, and they may act counter to them. This is not at all surprising since the police, the prosecutors, and the judiciary often have different goals in mind--the proverbial conflict between justice and order--and the people serving in these various capacities march to a different drummer. Discretion is only partly a matter--and a minor part I often think--of the logical application of legal rules to specific circumstances. More important will be the ambitions of the actors, the goals and con-

straints imposed by the organizations which make up the criminal justice system, and the context in which those decisions are made.⁶⁶ To these aspects we now turn.

The Community

Doubtless the exercise of discretion by policemen, especially patrolmen, is shaped by the demands of the job and the context in which policemen carry out their tasks. The task of the police is restricted by neither time of day nor location: the police respond to calls for assistance at all hours of the day and in all kinds of circumstances, not all of them tranquil. An old adage has it that the police believe and act the way they do because they confront, on a day to day basis, people who exist on the fringes of society: losers, liars, cheats, psychotics, the poverty stricken, and the violent. Discretion is thus a product of the kinds of situations the police encounter: their choices are a result of the kinds of demands that are made on the police and the way they have to react, given legal constraints, in order to perform their task. The attitudes and predispositions of police and citizen are much less important than the constraints and conflicts of the actual situation as it unfolds on the street. Each situation is unique, with its own plot and cast of characters; policeman and citizen can and do assume a variety of roles which ultimately shape the outcome. Albert Reiss, Jr. puts it succinctly: "variation in police conduct...is

most strongly related to the way situations influence citizen and officer behavior."⁶⁷

This view of police behavior, which I shall call the situational model, rests upon two suppositions: the primacy of some intrinsic characteristics of the police task, for example the need of police officers to establish the legitimacy of their authority in any encounter with citizens; and the notion that the police are large reactive. Accordingly, one would expect the police to have different problems in establishing the legitimacy of their authority and to react differently as the context of police work--the community--varies. Policemen will behave differently in a high-crime, Black neighborhood than they would in an upper-middle-class suburb with no crime problem. The values, expectations, and demeanor of the residents are radically different, and the kinds of demands made upon the police, both mental and physical, differ.

There are two empirical studies of the police which adopt the situational point of view. A brief examination of these arguments will further elucidate this theoretical approach as well as the implications for democratic control of police discretion. The first, Albert Reiss's, The Police and the Public, is based upon a large number of field observations of police action in three American cities, Chicago, Boston, and Washington, D.C.⁶⁸ The observations were conducted by observers, operating with a systematic

schedule, in high-crime White and Black neighborhoods. A sample of shifts was taken in order to randomize encounters between police and citizens. Reiss's analysis of discretion is based on a total of 5,360 encounters between patrolmen and citizens, of which 86 percent originated through calls for service by the public and 14 percent were the result of police initiated activity.

The basic unit of analysis is the encounter which can originate in one of two ways: either as a request for service from a citizen (citizen mobilization) or as an independent action by the policeman (on-view mobilization). The role of the patrolman is different in each of these encounters, and citizens may also assume a variety of roles: as complaintants, suspects, offenders, informants, or observer-bystanders. The effectiveness of the police in handling any situation hinges on the legitimacy of their authority. Upon entering a situation a patrolman must take charge, he must assert his authority in order to control the outcome. His ability to do this is affected by the cooperativeness of the citizens, and whether or not he is required to use force. The thrust of Reiss's argument is that it will be much easier for the police to establish their legitimacy where there is a high degree of social support for the officer; that is, where the reasons for the officer's presence are thought to be legitimate. The legitimacy of their authority will be more easily established

where the presence of the police is based upon a request for assistance than where the police intervene on their own authority. As evidence for this argument Reiss shows that arrests for interfering with a policeman and resistance to arrest (offenses which involve challenges to police authority) are more likely to occur in situations involving minor violations such as drunk driving or drunk in public and when the police initiate the encounter.⁶⁹ One consequence Reiss suggests is that patrolmen, well aware of the dangers and difficulties of an on-view situation, will seek to avoid them.⁷⁰

Police departments are both reactive and proactive but it is the former aspect, Reiss argues, which is vitally important to the exercise of discretion. Among the roles which citizens may assume in the criminal justice system that of enforcer or non-enforcer of the laws is of paramount importance to the police. The effectiveness of the criminal justice system ultimately depends upon the willingness of citizens to report crimes and to press charges (or appear as witnesses) against offenders. Many crimes go unreported (the actual crime rate is estimated to be four times the reported rate), and citizens are often reluctant to prosecute offenders. In this respect citizens have an enormous capacity to subvert the legal process. Reiss concludes that, "citizens exercise considerable control over the policing of everyday life through their discretion-

ary decisions to call or not to call the police."⁷¹

This process of citizen control is most apparent in the kinds of requests for service that the police ordinarily handle. Reiss points out that while about 40 percent of the calls to a police department pertain to non-criminal matters, only 17 percent of all calls are considered as criminal matters by the police. This difference of opinion of what constitutes a criminal offense is a source of conflict between the police and the public, but it does not necessarily mean that the police have wide powers of discretion.⁷² Reiss argues that many people are simply wrong, that what they consider a criminal matter--a landlord-tenant dispute, for example--is really a civil matter and there is very little the police can do. Moreover, simply because the police are the only public organization providing services around the clock, people will call them for trivial and serious reasons. Finally, citizens can exert control over the disposition of incidents by their willingness to prosecute. Since the police must rely quite often on the statements of citizens whether a crime was committed and the identification of a suspect, their discretion is clearly limited by the inclination of citizens to assist the police. Many assaults, for example, are committed by members of the same family or friends of the victim, and there may be a reluctance to either identify the culprit or to press charges against a relative or friend. Moreover,

the police, Reiss suggests, normally accede to citizen preferences in the disposition of a case; the police will not act if the citizen so requests.⁷³

The dependence of the police upon citizens is augmented by limitations on proactive police work by patrolmen. First, Reiss argues that preventative patrol is an extremely unproductive method of crime prevention.⁷⁴ He estimates that in Chicago 14 percent of an officer's time is spent on calls for service, and of the remaining 86 percent only one percent is spent handling either criminal or non-criminal matters. Most of a patrolman's time is simply spent driving around. Second, Reiss correctly notes that most of the arrests for Part I crimes (serious felonies) are made not by investigators but by patrolmen. In Washington, D.C. in 1965 the patrol division made 87 percent of all Part I arrests. These arrests, he insists, arose from citizen requests since the field observers at that time reported almost no arrests in situations where the police intervened on their own authority. Thus, "arrest statistics make evident the fact that citizens dominate law enforcement through their mobilization of patrol division, which, in turn, produces most arrests."⁷⁵

Reiss's argument is based upon the idea that citizens limit the opportunity of the police to exercise discretion. There are systemic limits on police discretion, and while he admits that the police do in some instances have broad

powers of discretion, Reiss argues that these are far narrower than ordinarily thought. These limits derive from the decisions made by citizens to call the police, the reasons for those decisions, their preferences for the disposition of the incident, and their willingness to cooperate with the police and press charges. It is in this sense that Reiss concludes that, "decisions are discretionary for the patrolman only when a suspect is available for arrest in the immediate situation."⁷⁶ These initial limits are sustained and enhanced to the extent that the police are pushed toward a reactive form of policing. The low productivity of preventative patrol--which is a result of a patrolman's limited access to information of when and where crimes are likely to occur more than anything else--and the precariousness of an officer's authority in an on-view situation increase the dependence of the police upon citizens and, thus, a reactive form of policing. Abuses of police authority stem primarily from citizen attitudes and reactions to the police. Thus the implication is that the police would be more productive and more susceptible to citizen controls to the extent that they function as a reactive organization.⁷⁷ But changes in the behavior of the police and ultimately discretion hinge on changes in the attitudes and practices of citizens in their various roles in the criminal justice system.

Reiss's argument that the police are limited by the

demands and decisions of citizens makes a valid, but narrow, point. The analysis is confined to an examination of the encounters between police and citizens, and the view presented is rather one-sided. What is lacking is some indication of how the police see their task and how they interpret the situations they confront. Contrary to Reiss's argument, the limitations on discretion imposed by the law and by citizen demands are not fixed. A patrolman does not always abide by the wishes of the victim; he may ignore these wishes or he may even attempt to influence the victim. Victims, as James Q. Wilson points out, have different degrees of legitimacy.⁷⁸ Some people are not to be trusted: burglary victims may be seeking to make a fraudulent insurance crime; and rape victims invariably asked for it. Another example of the way policemen can manipulate situations is the use a patrolman may make of the citizen arrest provision of the Penal code in family disputes or arguments. An officer may insist that nothing can be done unless the citizen makes an arrest, even though the violation has occurred in his presence and he could legally take action (of course if the violation were a felony he could arrest on probable cause). In this way the officer uses the citizen arrest provision as an escape hatch to extricate himself from a situation that he thinks is either unimportant or a waste of time. Reiss presents ample evidence of a discrepancy between a citizen's definition of a crime and

the policeman's but, curiously, he does not attempt to explore the problem of underenforcement (he does not even provide any comparisons between the three cities or the White and Black neighborhoods, an obvious first step). He cannot since he assumes that police discretion is largely a reaction to the contingencies of the situation and that everything of any importance takes place in the encounter between police and citizen. But if we assume that policemen are influenced by the decisions of citizens (and they are) we ought to be able to assume the converse. Thus many of the limits on a patrolman's discretion are not fixed but are perceived limits which shift with the officer's interpretation of the situation, and depend on his objectives.

A related difficulty is that Reiss underestimates the importance of preventative patrol in police discretion. Reiss may be correct in pointing up the low productivity of this technique but this is irrelevant to the problem of discretion. How a patrolman sees his role and how seriously he takes the idea of crime prevention has an important bearing on the way he exercises his discretion. The reasons a patrolman stops a person on the street for purposes of investigation are both legally and sociologically important. Many of these stops are not recorded; it takes only a few minutes for most patrolmen to ascertain whether or not something is amiss. An aggressive officer will make a large number of these stops on any given tour of duty. Very few

arrests may be made (although we really don't know how many arrests for felonies are made in on-view situations) but the officer may make out a field interrogation card or make notes in his notebook. In either case the status of the individual has changed.

It is difficult to know what to make of Reiss's evidence in this connection. His conclusions about the productivity of preventative patrol is based on rather selective evidence. It is drawn from the files of one department for one year, and the categories of criminal and non-criminal are meaningless since we have no idea what kinds of events are included in each. Even though the amount of time a patrolman is involved in criminal activity while on preventative patrol may be low in comparison to the total time spent on duty, the absolute amount of activity, that is the number of stops, may be quite high. Reiss indicates that this activity will vary between departments (in New Orleans 40 percent of police activity was based on on-view stops) but provides no comparisons. Finally, it is hardly convincing to conclude that since most arrests are made by patrolmen (which is true) that this demonstrates the dependence of the police upon citizen, based on one set of observations in one department at one period of time.⁷⁹

If Reiss's study illustrates the limitations on a policeman's discretion and the importance of citizen decisions, it does not indicate how policemen are influ-

enced by differing community expectations and values, although this conclusion is implicit in his argument. For this perspective we must turn to James Q. Wilson's, Varieties of Police Behavior: The Management of Law and Order in Eight Communities.⁸⁰ Although Wilson's study appeared before Reiss's it combines the situational view of police behavior with a treatment of the problem of the influence of community values and administrative control over discretion. Wilson's study is far broader than Reiss's, and it is based on a somewhat firmer understanding of the police. The question which animates Wilson's study is the link between politics and police discretion, which in Wilson's view is forged at the level of top administrators in police departments. Wilson's study is, as he explains in the first few pages, a study of bureaucracy; but it is really concerned with only one aspect of bureaucracy, the relationship between an organization and its environment. Ultimately, Wilson is more concerned with administrative strategies than the way patrolmen exercise their discretion.

Theoretically, Wilson's view is based on a perspective on the police which is quite similar to that of Reiss. The basic argument is that the constraints that limit a patrolman's discretion arise from the nature of his function, and that there are definite limits to the extent to which organizational directives, rules and commands can modify his behavior.⁸¹ Wilson's argument is built on the dis-

inction between order-maintenance and law enforcement; a patrolman's role, he asserts, is defined by his responsibility for maintaining order rather than enforcing the law. By this Wilson means that the patrolman's essential task is that of resolving conflicts between individuals and groups rather than that of making arrests. Order-maintenance calls form the bulk of a patrolman's work, these are normally more dangerous to a patrolman, and the laws which pertain to these situations are vague and ambiguous.

Wilson concludes that the "order-maintenance function of the patrolman defines his role and that role, which is unlike that of any other occupation, can be described as one in which subprofessionals, working alone, exercise wide discretion in matters of utmost importance (life and death, honor and dishonor) in an environment that is apprehensive and perhaps hostile."⁸²

What does this mean for a patrolman? It means, first of all, in Wilson's view, that patrolmen must perform an arduous task in highly uncertain circumstances: they are catapulted into the ongoing dramas of individual lives, expected to make sense of the people and circumstances, and to restore order. The law is of little help in this task, and the patrolman is primarily oriented to 'handling the situation.' The task of the patrolman is simply to step in, assert his authority and resolve matters in some way. However, in handling this task the patrolman will be

sensitive to community values and expectations; the attitudes of patrolmen and the measures they take, Wilson suggests, will vary depending on whether they are in a lower-class or middle-class neighborhood.

This creates definite, immutable limits on the abilities of administrators to control police discretion. They cannot (nor are they inclined to do so) define standards for handling problems of disorder nor can they tell a patrolman when he should intervene into an altercation or when he should make an arrest. To assert some control, administrators will attempt to emphasize the task of law enforcement (e.g. enforcing traffic laws) rather than order-maintenance, and engage themselves with upgrading performance in those areas over which they have some control (e.g. improving training and equipment).⁸³ Most importantly, though, an administrator will concern himself with how patrolmen behave in a particular set of circumstances (was unnecessary force used? did the officer have legal justification for the arrest?) rather than with the general pattern of action. Consequently, the department has only a minimal effect on the use of discretion by patrolmen.

Yet discretion did differ among the eight communities Wilson studied. These differences are attributed to dominant community values and the structure of the local government--whether it is reform or nonreform. Wilson identified three different 'styles' of policing in the

eight communities: legalistic, watchman, and service. A legalistic department is one in which law enforcement is taken as the primary goal; the Chief enjoins his men to enforce all the laws, and it is presumed that there is but one standard of conduct--the law--which applies to the whole community. It is a professional police department. The police in a legalistic department will be more likely to intervene on their own authority to enforce the laws, and the arrest rates for some offenses (traffic and drunk to mention two) will be higher than in the other types of departments. Overall, the propensity is to treat conduct according to a more formal standard. Juveniles, for example, will be arrested and referred to the juvenile authorities rather than turned over to their parents or given an 'informal' reprimand.⁸⁴

A watchman style department behaves as if the primary goal of police work were order maintenance. The department follows a strategy of "the least possible resistance," and the predisposition of officers is to treat enforcement of the law much more informally. Violations are tolerated so long as they are confined and do not disturb the order of the city. Some kinds of vice, for example, is permitted within certain sections of the city, and juveniles are usually subject to reprimand rather than arrest. The law, therefore, is not seen as an end to be pursued, as it is in a legalistic department, but as a resource which is used to

maintain a minimum level of acceptable order within the community. A person's behavior, Wilson points out, is judged, "less by what the law says about them than by their immediate and personal consequences, which will differ in importance depending on the standards of the relevant group."⁸⁵ Blacks are treated one way; Whites another way. A watchman style department thus is one in which professionalism has not really taken hold; it is dominated by a more traditional set of values.

The third type of department, the service style, is characterized by a legalistic attitude toward the law, but it is predisposed to handle many law enforcement problems without making an arrest. These departments are found in homogeneous communities (usually the suburbs) where there are relatively clear expectations about the role the police should assume and the acceptable level of public disorder. Generally, the community expects the police to avoid interfering in private domestic disputes and to keep the community clear of undesirables. Major crimes like theft and burglary are quickly handled by specialized units; juveniles and drunks, on the other hand, are treated in much the same manner as in the watchman departments--informally. Officers in these departments are very responsive to the concerns of local residents; in fact, a service style department almost seems to resemble a business marketing a product. Policemen, according to Wilson, are

trained to be courteous, even in the face of abuse from a citizen (the customer is always right?).

The three styles distinguished by Wilson are really characterized by differences in the rate at which they intervene for certain offenses and the ways they resolve these situations. Thus, a legalistic department has a high rate of interventions and treats most situations in a formal manner, usually but not always by arrest; a service style department also has a high rate of interventions (indeed service style departments seem to intervene in situations that would be considered trivial by other departments, e.g. young boys ringing doorbells and otherwise harassing the neighbors) but has a tendency to handle many cases in an informal manner; a watchman style department has a low rate of interventions and attempts, insofar as possible, to treat most cases informally.

Police discretion in each of these communities, Wilson argues, is constrained by the political culture of the community. The political culture exerts a discernable but indirect influence upon discretion through the choice of a police administrator and the expectations that are communicated to him by political leaders. Wilson writes that,

the more partisan the political system, the more politicians represent small geographic constituencies, and the more nonprofessional the executive head of the government, the more likely the city will have a political culture favorable to the watchman style. By contrast, cities electing nonpartisan officials at large and vesting executive authority in a highly professional city

manager will more likely have a political culture favoring the legalistic police style. 86

It is the expectations conveyed to the Chief of Police that sets the style of the department. The Chief, in turn, sets the tone and establishes the norms which prevail in the department. What cannot be explained in terms of the political culture is explained by the characteristics of the community: heterogeneity (in terms of class and race); the presence of danger; and the kinds of demands made upon the police. The service style illustrates this most clearly since it combines a reform political culture (normally) with a small, homogeneous community which does not have a crime problem of any consequence and where the police display an extraordinary sensitivity to community values.

In some respects, Wilson's argument is a cogent one. It does raise the question of the impact of professionalization on discretion and Wilson is concerned with the problem of control. The hypothesis that the police have evolved from watchman style departments to more professional legalistic and service departments is a reasonable one, though it ultimately can only be verified through an historical study.⁸⁷ It is also clear that professionalism has resulted in a more formalistic and proactive use of police power. Yet, interestingly enough, in Wilson's study the impact of professionalization and community values is most apparent for select offenses and not for the decisions made by patrolmen. The enforcement of vice laws were

clearly influenced by community values (and political decisions): they were tolerated by watchman departments while legalistic and service departments, with the blessings of the city fathers, adopted aggressive strategies to eliminate or reduce vice activity. Similar patterns were observed with the treatment of juveniles and the enforcement of traffic laws. However, all of these violations are especially amenable to control by administrators through the creation of specialized enforcement units.

But with these exceptions the argument is not very convincing. Although Wilson assumes that, in general, administrators have little control over the actions of their men, he does suggest that under certain circumstances they can establish the norms--the standards--which will influence discretion. Wilson's analysis of discretion is based upon a typology which combines the distinction between order maintenance and law enforcement with the basis of police intervention--whether it is citizen or police initiated.⁸⁸ An administrator's control is greatest in the police-invoked law enforcement situation; here a policeman can be judged by the extent to which he achieves the substantive law enforcement goal (vice and traffic fall into this category). An administrator has the least control in the citizen-invoked order maintenance situations which are more dependent upon the decisions of citizens. A Chief of Police in a legalistic department will act to

emphasize the priority of law enforcement in an attempt to increase his control over discretion. In a legalistic department drunkenness becomes a violation of the law rather than a matter of public order. There are three differences with this model. First, the differences that Wilson portrays between the departments (especially between the legalistic and watchman departments)--with the exceptions noted above--and the evidence he uses to document these differences do not hold up under close scrutiny. The problem, aside from a dearth of data, is with Wilson's use of arrest rates as the only type of evidence. Arrest rates which reflect an officer's judgment of a situation are not necessarily comparable--and this is especially true of offenses like drunkenness and disorderly conduct.⁸⁹

The major problem, however, is with his distinction between order maintenance and law enforcement.. This distinction is really a functional classification; and while it may be an adequate description of the functions performed by patrolmen (though as I suggest below there are some limitations) there is no reason to suppose that patrolmen classify offenses in this manner or that these represent alternative roles at the operational level of the organization. In fact, as in Reiss's study we have no idea how policemen interpret the various kinds of situations they confront. There is no way of knowing how patrolmen classify various situations in lieu of an empirical examination

of the process.

Finally, Wilson does not consider that the size of the department (in terms of the number of levels in the hierarchy and the number of sworn personnel) can be a factor in mitigating the ability of the Chief to set the tone. Generally, we would expect the Chief to have more influence in a small department than a large one (though Wilson does not present enough data on the eight departments for one to draw any inferences in this regard). Moreover, if we assume that the Chief and his deputies do attempt to control the behavior of the men in the street, we ought to ask what patrolmen believe is expected of them: what are the administrative cues that patrolmen respond to? how does the system of control and supervision affect discretion? Wilson overlooks these questions because of the way he defines the patrolman's role; if one assumes that patrolmen merely react to the events that are served up to them, such a line of inquiry is clearly precluded. As a study of bureaucracy, Wilson's study ironically leaves out the guts of the organization.

The nub of my disagreement with the situational model rests on the notion that the actions of patrolmen are largely determined by the kinds of situations they encounter. The view of police behavior that is presented in these studies is a deterministic one.⁹⁰ Their merit is that of emphasizing the dependence of the police on the community

and the difficulties of the police task; their fault is that of a veiled apology for the actions of the police. These studies treat only one side of the duality of the police role, a duality which is enhanced with the advent of professionalism and the bureaucratization of police departments. Curiously, professionalism, especially as a factor which serves to increase the isolation of the police from the community, is largely absent from these two studies. For Reiss professionalism is a means to root out some of the more deplorable practices of the police, the wanton use of force for example; and for Wilson it implies a congruence between the values of the community and the values of the police. To be sure both recognize the isolation between police and community, but this does not present a problem for either discretion or its control since much police behavior is, by definition, not subject to controls--internal or external. Wilson acknowledges that the police operate within a 'zone of indifference,' particularly in the patrol division, which allows them substantial freedom to determine priorities and methods of operation, but he maintains that the police are sensitive to community values--at least the administrators--and thus the community thereby obtains a measure of control over police behavior.⁹¹ In fact, both Wilson and Reiss suggest that the police need a certain amount of autonomy in order to perform their task. And both believe that the abuses of authority that are

subject to control can best be controlled through further professionalization. In this they simply echo the sentiments of Charles M. Ellis of Boston and other nineteenth century reformers: police work is too important to be left to the whims of the public.

Thus far the analysis has indicated the importance of understanding how patrolmen view the task of police work, and the kinds of values and standards they bring to bear in making decisions on the street. Yet what has been missing from our analysis is a consideration of the beliefs and values of the police themselves. The hazards of being a policeman are not always to be found on the street. The police occupation engenders pressures which give policemen a distinctive cast of mind. The police culture has a decisive impact on the beliefs and attitudes of policemen and the way they exercise their discretion. Yet as we have suggested, from an historical point of view, professionalization and the bureaucratization of police departments are the major developments. Thus as we turn to a consideration of the impact of the police culture on discretion, an important question will be to understand how professionalism has modified the police culture.

The Police Culture

One of the defining characteristics of the police occupation--and perhaps the one that most sets the police off from other occupations--is that they are in an adversary

relationship with their clients--the public. They are expected to protect people, to be fair, but they encounter, in the normal course of a day, hate, hostility, perfidy, sniveling fools, liars, maniacs,--in short, the gamut of human emotions and desires. William Westley, in perhaps one of the best studies of the police ever written, generalized from this fact and asserted that, "the major problem for the policeman is to deal with the pressures and expectations of the public."⁹² The morale problem, as it has sometimes been called, is a pervasive and central aspect of police behavior. Westley's theory is built on the idea that in modern societies a man's occupation is both a source of identity and self-esteem; and men will act to protect that identity and their self-esteem in the face of threats. The problem for the police is to find a consistent and justifiable self-conception and to assuage feelings of public hostility and the lack of prestige in a status conscious society. A policeman's subjective impressions toward the public are invariably marked by feelings of rejection, alienation, and cynicism regardless of the social group in question. Many of the men who enter police work have noble, even idealistic conceptions about the nature of the task. This idealism is quickly soured when the rookie confronts the realities of law enforcement--the ambivalence and hostility of the public, the lack of rewards and prestige--and is replaced with a sense of injustice and the feeling

of being a pariah. The role of pariah is tinged with a festering sense of inappreciation: the police believe that they are necessary for the public welfare, they are responsible for protecting property and lives, but not only do people not respect them they are actually against them. The pariah status colors both a policeman's working life and his social life: officers are commonly ostracized at social gatherings of civilians, or, more subtly, they may just be treated differently, as "cops."⁹³

Over twenty years ago, Westley found that the hostility of the police toward the public was directed to the public as a whole, and only occasionally were specific groups singled out as notable for their hostility or the problems they presented toward the police. Even businessmen who were one of the most favorably regarded groups were not exempt; the police Westley studies felt that businessmen looked down upon them and would use them to obtain special favors if they had the chance. Despite evidence that the police have widespread public support, the perception that the public is almost uniformly hostile continues to be one of the salient characteristics of police attitudes.⁹⁴

The consequence of this is to create and sustain a sense of isolation from the larger society, a separateness which can only be relieved and exorcised through mutual support and trust between one another. Westley concluded that, "the particular definitions of the public and of his

conduct that the policeman develops out of this interaction assume a collective and cultural character because the police hold the experiences in common, because of the strong consensual bond developed by the felt hostility of the public."⁹⁵ This is the basis of the police culture. The outward manifestation of the police culture is quite often defensiveness; inwardly it legitimizes norms and values which serve to restore the loss of esteem. It is these values which shape the exercise of police discretion.

The problem which really concerned Westley was how social forces, in this case the sociology of an occupation, shaped the law. He said that, "the customs of the police as an occupational group give rise to a distortion of statutory law, so that the law in force, as it affects the people of the community, can be said to arise in part from the customs of the police."⁹⁶ What did Westley mean by this? Briefly, the task of law enforcement becomes subordinated to the ends of the group, to the necessity of maintaining the self-esteem of the members and protecting them from outside threats. The law is not enforced as a substantive end in itself, rather it is an instrument which is used to further group ends. Maintaining respect for the authority of the police and the pursuit of a 'good pinch,' the one area where the police can decisively demonstrate their competence, are the core occupational norms of the police. Any means at all are legitimized in order to

apprehend a felon. Violence, especially the so-called 'third degree' or the beating of a suspect in order to make him talk, is accepted as a way of making felons confess (in fact Westley indicates that patrolmen who felt themselves to be in competition with the detectives would often resort to violence in order to 'close' a case before the detectives arrived). Violence and arrest are legitimate ways of dealing with disrespect toward the police. The norm of secrecy served to protect members of the group from outsiders or nosey administrators; perjury Westley said was common both as a way of convicting felons and protecting fellow officers charged with misbehavior. Finally, Westley suggested that the police would, if the need arose, withdraw their powers of protection; this is obviously most useful if the police are involved in graft or petty extortion and someone refuses to pay up.

Westley's observations on the police were made in the early 1950's in a department rife with corruption and dominated by a political machine. In many ways it was not unlike one of Wilson's watchman departments. But how accurate are Westley's observations today? How has professionalism changed, or perhaps reinforced, these values, and to what extent is the police culture a salient factor in shaping police discretion? In an article entitled, "The Police and Their Problems: A Theory," Wilson attempted to come to grips with this problem. He argued that while the

basis of the police culture has not changed the values of the police culture have. These values could be classified as the system code and the professional code; professionalism is thus seen partly as a way for the police to cope with the morale problem. The system code corresponds to the values that Westley found; these values are particularistic; authority relationships are personalized and an officer's legitimacy derives from his adherence to group values; the task of law enforcement is treated as instrumental to group ends; and the use of informers, the pursuit of graft and the legitimacy of secrecy and violence prevail. In the professional code values are seen as universalistic; authority relationships are based on rational-legal authority with legitimacy attaching to the office; the law is seen as a substantive end to be pursued and to be enforced impersonally; and there are limitations on the use of informers, the exercise of discretion, the toleration of secrecy, and the use of violence. The system code, Wilson suggests is non-bureaucratic whereas the professional code is bureaucratic. Wilson believes the professional code to be a decided improvement.⁹⁷

Doubtless professionalism has had profound consequences for the values, the outlook, and the actions of the police. But Wilson's typology is much less useful than first appears. It may be rather obvious to point out that Wilson uses his typology as ideal types (in the Weberian sense) and one

would expect to find elements of both codes present in every department; but Wilson's distinction between the system code and professional code rather than clarifying matters simply muddles the water. Unlike Max Weber's typology of authority which clearly delineates three discrete types of authority, Wilson's distinction, on close analysis, really fails to clearly distinguish between different value systems in the police culture. Consider Jerome Skolnick's study of vice officers in Oakland, California--one of Wilson's legalistic departments. Skolnick demonstrates the importance of some rather traditional police values and their ascendance over the rule of law. The most important value in either 'code' is still making a good pinch; and while the system code seems to legitimize any means at all, the professional code, at least in Oakland, is not a great deal more restrictive. To be sure the 'third degree' has been eliminated but the unrestricted use of informers (something that Wilson says is not tolerated in a professional department) and the willful violation of due process--for example, search and seizure rules--is tolerated in the name of the enforcement of substantive laws. The law, then is still used instrumentally, as a way of maintaining the integrity of the group. The attitude test still remains an important criterion in the use of discretion; a person who challenges the authority of the police, regardless of the reason for the intervention, is more likely

to be arrested than one who docilely accepts police authority. Second, Skolnick found the same attitudes toward minority groups that Westley observed twenty years earlier. In addition to outright prejudice, Skolnick suggested that underenforcement of the laws in Black communities was still a prevalent problem.⁹⁸ Third, there is some evidence that the legitimacy of authority in professional departments is based not on the office but on the personal qualities of the supervisor.⁹⁹ Professionalism may have resulted in more legalistic police departments, as Wilson suggests, but it is not clear that it alters in any fundamental way the basic values of the police culture.

Jerome Skolnick's study of vice enforcement, Justice Without Trial: Law Enforcement in Democratic Society, raises in a much more provocative way the question of the meaning of professionalism and the relationship of this to the values of the police culture. Simply put, Skolnick says that the problem of law enforcement in a democratic society arises out of the tension between the values of the police, particularly those of managerial efficiency (which is what professionalism means) and the police culture, and the rule of law in a democratic society. Competing demands are placed upon the police: they are required to maintain order and enforce the law (operational demands) yet they are also expected to uphold the rule of law, the rights of due process (ideal demands). Policemen are depicted as crafts-

men for whom the presence of danger and public hostility and the use of authority form the central elements of an occupational environment, and who attempt to respond to the pressures of a bureaucracy, namely, to efficiency. This is in contrast to legal actors who are depicted as civil servants devoted to the rule of law.¹⁰⁰ The problem that Skolnick is ultimately concerned with is what happens to the law when it is used as an instrument to maintain order (and further group ends) rather than treated as an end in itself. Such a prospect leads in the direction of totalitarianism, something that seems a lot more likely at present than when Skolnick first wrote this book.

Both Westley and Skolnick demonstrate the importance of the occupational environment in shaping police discretion, and both suggest that it becomes important precisely because the police are isolated--both socially and in terms of their working environment--from the influence of external agencies such as the courts and the community. Westley, in fact, in a new preface to Violence and the Police, written in 1969, argues that professionalism has served to accentuate the already existing isolation of the police from the public, and that under conditions of intense strife and public criticism matters will only become worse.¹⁰¹ The pressures of the police occupation which form the basis of the police culture do not abate under the impact of professionalism; if anything they are intensified, partly

because of the new demands which are placed on the police as a result, and the values of the police culture have only been modified rather than altered in a fundamental way. Professionalism, oddly enough, while modifying some of the more repugnant practices of the police has only served to increase the autonomy of the police. At its worst it is a useful facade which provides symbolic reassurance that the police are effective and accountable; at its best it may have been a necessary step in the evolution of the police from which new progress might be made.

But if we can conclude that the police culture and professionalism are key determinants of discretion in modern societies we still have little indication of how these affect patrolmen and under what conditions community values and expectations will become salient factors. Skolnick's study for all of its usefulness is about the enforcement of vice laws rather than the actions of patrolmen. And patrolmen as I have indicated are the most important actors in a police department. Aside from the variety of functions they perform they do make most of the arrests in any department. We now turn to this problem as we attempt to sum the threads of the argument.

PATROLMEN AND THE ANALYSIS OF POLICE DISCRETION

The problem of police discretion as it pertains to patrolmen comes down to an understanding of the duality of

the policeman's role, the fact that he must perform his task of enforcing the laws and maintaining order in a variety of social mileaus which impose unique constraints while adapting to organizational and legal requirements of the job. Empirically, we must understand how the patrolman interprets the situations he encounters: what standards does he bring to bear, what values and what facts are considered important in deciding to intervene on his own authority, in deciding whether or not to make an arrest, and in deciding how to achieve his objectives (that is what tactics to use). None of the empirical studies that we have examined provide answers to these questions, and one approach, as I have argued, suggests they are largely irrelevant as it treats patrolmen as captives of their circumstances. To be sure, patrolmen do operate differently depending upon the community, but the constraints are neither as severe nor as important as either Wilson or Reiss imply.

In contrast, the orienting hypothesis of this study is that the exercise of discretion by patrolmen is largely shaped by the values, incentives, and pressures of the police bureaucracy. The requirements of the bureaucracy for stability and the maintenance of integrity and the need for individuals to adapt to organizational pressures--both those of the peer group and the control system--determine the decision rules, values, and priorities of operational law

enforcement. Patrolmen are less the subprofessionals that Wilson has called them than they are, to use Michael Lipsky's term, 'street-level bureaucrats.' As such they must adapt to the requirements and pressures of working in any bureaucratic organization. The two most important influences are the impact of group norms (the police culture) and the authority and control system of the organization. J.D. Thompson has suggested that individuals in organizations will exercise their powers of discretion in ways that are advantageous to them; discretion will be used to enhance one's position within the organization or to protect one's position.¹⁰² For example, policemen may, like other workers in industrial organizations, set informal quotas for a fair days work and discipline 'rate-busters.' An ambitious patrolman will want to exercise his discretion in ways that are perceived to be compatible with the incentive system of the organization. He may have a tendency to report successes and suppress failures; or he may play the 'numbers game,' viz., make a lot of arrests in order to impress the Sergeant. In short, patrolmen must not only cope with the public on a day to day basis, but they must adapt to the constraints and requirements of the police department; the exercise of discretion is a central way of doing this.

In addition to describing how patrolmen exercise their powers of discretion one must be able to indicate what are

the organizational pressures and cues to which patrolmen respond and the consequences of these. Thus I will attempt to determine what kinds of decisions and actions are rewarded or penalized by the peer group and administrators; what do patrolmen believe is expected of them by departmental administrators and how do they respond; and what are the salient norms of a patrolman's peer group which influence discretion?

From a theoretical perspective much more is at stake than simply a description of how patrolmen use their discretion and the factors which determine this process. Ultimately, the problem of discretion turns on the larger issue of political control over the actions of patrolmen. This issue as I have argued turns on the relationship between the police and the community; and this is affected by the extent of urbanization and industrialization and the concomitant impact of professionalism. In the absence of effective community controls, the only available alternative is the use of professional (organizational) controls. For Wilson and Reiss the problem of control is not serious and not generally amenable to solution. Much of police activity is a result of the kinds of situations the police confront; much police behavior that is subject to criticism will change only as the nature of the community changes, specifically as conditions in the Black, Chicano, and lower-class White communities are ameliorated. Those actions that are

subject to control by police administrators can best be made accountable through the increased professionalization of the police and suitable management controls. Both Wilson and Reiss are committed to the extant model of professionalism; both believe that the police require some autonomy from the public in order to effectively perform their tasks. (Interestingly enough, the quibble that Reiss and Wilson have with professionalism is based on a disagreement about the proper goals of the police and specifically patrolmen: both would advocate a concept of professionalism based upon the task of order-maintenance rather than law enforcement).

For Westley and Skolnick, on the other hand, professionalism is a mixed blessing: it only exacerbates the problem of control by further isolating the police from society and by not modifying the more detrimental values of the police culture. Professionalism only makes the police more efficient and not necessarily more responsive. However, neither one of them know quite what to do. Skolnick does not really abandon professionalism, he merely wants to replace craftsmen with legal actors; Westley is left hoping for some way to bridge the chasm between the police and community.

The basic issues of effectiveness and political control over police discretion animate discussions of the police today as they did over one hundred years ago. The debate is pretty much the same except that the reformers have

changed positions: today it is the critics and reformers who advocate the reintegration of politics and police work. And the air is rife with proposals: separate the order maintenance and law enforcement functions; create external review boards; decentralize operations with police departments; or allow community control of the police. However, its rather difficult to evaluate any of these proposals or arguments in lieu of an empirical examination of the ways patrolmen exercise their discretion and of the impact of professionalism and bureaucratization on police work. The ensuing analysis is largely devoted to this task. The next chapter will be devoted to an analysis of the characteristics of the police task and how these shape the structure and operation of police bureaucracies.

NOTES TO CHAPTER ONE

1. In the first nine months of 1974 the crime rate for Part I crimes (murder, rape, robbery, burglary, aggravated assault, grand theft, and auto theft) for the United States was up 16 percent compared to the same period in 1973. Violent crimes were up 8 percent and property crimes up 17 percent. However, the largest increases over the last few years have been in the suburbs; during the first nine months of 1974 the crime rate was up 21 percent in the suburbs compared to 11 percent in cities over 250,000 population. In the city of Los Angeles the rate was up a scant 1.9 percent. See the Los Angeles Times, December 27, 1974, pg. 1. For a typical reaction see that of U.S. Attorney General, William B. Saxbe, Los Angeles Times, August 28, 1974, pg. 1. The times may be more violent; much of the increase in violent crime is the result of random assaults. See "Murder by Strangers Rises Alarming Across Nation," by Bruce Nelson, Los Angeles Times, January 20, 1975, pg. 1.
2. William M. Bowsky, "The Medieval Commune and Internal Violence: Police Power and Public Safety in Siena, 1287-1355," American Historical Review 73 (October, 1967) pp. 1-17. Reprinted in Arthur Niederhoffer and Abraham S. Blumberg (eds.) The Ambivalent Force: Perspectives on the Police (San Francisco: Rinehart Press, 1973) pp. 32-39.
3. Ibid., pg. 36.
4. James F. Richardson, The New York Police: Colonial Times to 1901 (New York: Oxford University Press, 1970) pg. 11. See also Allan Silver, "The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police, and Riot," in David Bordua (ed.), The Police: Six Sociological Essays (New York: John Wiley & Sons, 1967), pp. 9-10; Roger Lane, Policing the City: Boston, 1822-1885 (Cambridge, Mass.: Harvard University Press, 1967) pp. 8-10; and Jonathan Rubinstein, City Police (New York: Farrar, Straus and Giroux, 1973) pp. 3-9.
5. Richardson, The New York City Police, pp. 18-19.
6. Rubinstein, City Police, pg. 10.

7. Silver, "The Demand for Order in Civil Society," pp. 8-12.
8. Both Richardson and Lane analyze the conflicts over the expansion of police power in New York and Boston in terms of the conflict between the Nativist and Immigrant cultures. See Richardson, The New York City Police, pp. 44-50, and chapter four, passim; and Lane, Policing Boston, chapters 4, 7, 10 & 11, passim. In this they simply adopt the reigning theory of American politics, pluralism, to their purposes. The idea that much of city politics can be explained as the result of conflict between the Yankee-Protestant Reformers and Immigrants was initially argued most forcefully in Richard Hofstadter's The Age of Reform: From Bryan to F.D.R. Chapter 5, passim. All three of these writers by and large ignore the fact of class conflict, though Richardson in his treatment of the draft riots in New York City in 1863 and the use of police power to deal with them admits that class conflict might have been an important issue. More interesting is the fact that after reformers in Massachusetts wrested control of the department from local officials in 1885 one of the first steps they took was to give the police the power to protect private property during strikes, something the Boston police commission and Board of Aldermen had resisted when they had control of the force. See, Lane, pp. 206-207, 224. An analysis of the way class conflict influenced the development of the police and the use of police power has yet to be written. However, there are a number of recent studies which suggest that class conflict was a much more important aspect of 19th and early 20th century politics than many writers have conceded. See, for example, Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," Pacific Northwest Quarterly 55 (October, 1964): 157-169; Steven P. Erie, The Development of Class and Ethnic Politics in San Francisco 1870-1910: A Critique of the Pluralist Interpretation (Unpublished Ph.D. Dissertation, U.C.L.A., 1975); and Michael P. Rogin, The Intellectuals and McCarthy: The Radical Specter (Cambridge, Mass.: The M.I.T. Press, 1967).
9. Richardson, The New York City Police, pg. 22. For a discussion of fear of standing armies and its place in early American political thought see Bernard Bailyn, The Ideological Original of the American Revolution (Cambridge, Mass.: Harvard University Press, 1967), Chap. 3, especially pp. 61-63.

10. Richardson, The New York City Police, chap. 4-7, passim; Lane, Policing Boston, chap. 9-11, passim; for a discussion of reform efforts in the city of Los Angeles in the twentieth century see Joseph G. Woods, The Progressives and the Police in Los Angeles (Unpublished Ph.D. Dissertation, Dept. of History, U.C.L.A., 1973).
11. Lane, Policing Boston, pp. 129-133.
12. Ibid., pg. 132. Commenting on development in New York City, Richardson notes that during the 1850's the police, "were intimately related to the community they served and apparently behaved accordingly; in the 1960's they were regarded as instruments of external control." In light of this Richardson raises the question of whether the fact that the metropolitan police in New York were regarded as an external army had anything to do with the viciousness of the 1863 draft riots in New York City and whether a closer relationship between police and community as existed in New York during the 1850's might not have allowed the police to more easily control the riots. See The New York City Police, pp. 144ff. The parallel to contemporary problems is obvious.
13. Richardson, The New York City Police, pg. 109.
14. Carl J. Friedrich, "Authority, Reason and Discretion," in Carl J. Friedrich (ed.) Authority (Cambridge, Mass.: Harvard University Press, 1958), pg. 40 ff.
15. Allan Silver, "The Demand for Order in Civil Society," pg. 12.
16. Joseph Goldstein first introduced the term. See his "Police Discretion Not To Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," Yale Law Journal 69 (March 1960): 543-589.
17. Murray Edelman, The Symbolic Uses of Politics (Urbana, Ill.: University of Illinois Press, 1964) pp. 44-47.
18. Arthur Woods, Policeman and Public (New Haven: Yale University Press, 1919) pg. 27.
19. See Sanford H. Kadish, "Legal Norms and Discretion in the Police and Sentencing Process," Harvard Law Review 75 (March, 1962): 904-931; Wayne R. LaFave, Arrest: The Decision to Take a Suspect Into Custody (Boston: Little, Brown & Co., 1965); Wayne E. LaFave, "The Police and Non-Enforcement of the Law," Wisconsin Law

- Review (January and March 1962): 104-137 & 179-239; Lawrence P. Tiffany, Donald M. McIntyre Jr. and Daniel L. Rotenberg, Detection of Crime (Boston: Little, Brown and Co., 1967); Caleb Foote, "Vagrancy-Type Law and Its Administration," University of Pennsylvania Law Review 104 (1956): 603-650; and Herman Goldstein, "Police Discretion: The Ideal Versus the Real," Public Administration Review 23 (September 1963): 140-148.
20. Sanford H. Kadish, "Legal Norms and Discretion in the Police and Sentencing Process," pg. 904.
 21. Sir Geoffrey Vickers, The Art of Judgment: A Study of Policy Making (New York: Basic Books, Inc., 1965) pg. 25ff; 36-37. See also his Value Systems and Social Processes (New York: Basic Books, Inc., 1968), passim.
 22. Vickers is primarily concerned with decision-making as a cognitive process, and the way changes in values may change policies or other social processes. He argues that one may adapt to an environmental problem by manipulating the environment or by changing one's values in regard to the problem. He would suggest, for example, that people consume fewer petroleum products rather continually extend drilling operations to all parts of the earth. Of course, what his formulation does not take into account are the institutional relationships and the problem of power in effecting changes in policy.
 23. Kenneth Culp Davis, Discretionary Justice: A Preliminary Inquiry, (Urbana: University of Illinois Press, 1971) pg. 4.
 24. See the discussion by Wayne LaFave, Arrest, pp. 69-72. LaFave argues that the police should have discretion; for an opposing point of view see Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process: Low Visibility Decisions in the Administration of Justice."
 25. These examples are taken from Sanford Kadish, "Legal Norms and Discretion in the Police and Sentencing Process," pp. 910 ff. The enforcement of marijuana laws is a good example of the potential for harassment. This is discussed in greater detail below; see pp. 47-48.
 26. James Q. Wilson, Varieties of Police Behavior: The Management of Law and Order in Eight Communities (Cambridge, Mass.: Harvard University Press, 1968) pp. 7-8.

27. Michael Banton, The Policeman in the Community (New York: Basic Books, Inc., 1964) pg. 154; see also pp. 7-8, 87 & 150.
28. Allan Silver, "The Demand for Order in Civil Society," pp. 13-15.
29. A recent furor in Los Angeles provides a good example of how the moral authority of the police can be affected by the enforcement of minor laws. The Los Angeles Police Department strictly enforced drug laws at a rock concert much to the chagrin of the concert promoters, most of the people who attended, and some city officials. While many people no doubt privately applauded the action, serious questions were raised in the press and by the Mayor and City Attorney about the priorities of the LAPD, viz. whether the LAPD should station 75 officers at the rock concert rather than assigning them to street patrol. See the Los Angeles Times, April 28-29, 1975, May 2, 1975. For a general discussion of the issue see "Policing Rock Concerts: A Question of Priorities," by Bill Hazlett, Los Angeles Times, May 12, 1975.
30. Banton, The Policeman in the Community, pg. 136.
31. Ibid., pp. 172-175; the quote is taken from pg. 173. For further discussions of the problem of underenforcement in Black communities see Kadish, "Legal Norms and Discretion in the Police and Sentencing Process," Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process" and Jerome Skolnick, The Police and the Urban Ghetto (Chicago: The American Bar Foundation, 1968).
32. Banton, The Policeman in the Community, pp. 2-8. For a general discussion of the problem of social control see George Homans, The Human Group (New York: Harcourt, Brace and World, 1950), Chapter 11.
33. Ibid., pg. 150.
34. For discussions of police professionalism see the following: James F. Ahern, Police in Trouble, (New York: Hawthorne Books, 1972); Bruce Smith, Police Systems in the United States, 2nd rev. ed. (New York: Harper & Row, 1960); O.W. Wilson, Police Administration (New York: McGraw-Hill, 1963); August Vollmer, The Police in Modern Society (Berkeley: University of California Press, 1936); "Task Force Report: The Police," The President's Commission on Law Enforcement and Administration of Justice (Washington, D.C.: U.S.

Government Printing Office, 1967); William H. Parker, "The Police Challenge in Our Great Cities," The Annals 291 (January 1954): 5-13; O.W. Wilson (ed.) Parker on Police (Charles Thomas Publishers, 1957); and for critical views of professionalism see Paul Jacobs, Prelude to Riot: A View of Urban America From the Bottom (New York: Random House, 1968) chap. 2; Burton Levy, "Cops in the Ghetto: A Problem of the Police System," American Behavioral Scientist 11:4 (May/June 1968) pp. 31-34; Abraham S. Blumberg and Arthur Niederhoffer, "The Police in Social and Historical Perspective," in their The Ambivalent Force, pp. 1-14.

35. See the discussion by Herman Goldstein, "Police Discretion: The Ideal Versus the Real" Public Administration Review 23 (September 1963): 140-148.
36. The professionalization of the occupational structure is a modern development accompanying the industrialization of a society. Professionalization is associated with the process of bureaucratization but one must be careful to distinguish between these two processes. Professionalism was initially of concern because it emphasized community interests rather than individual interests and thus implied a different moral principle than the crass individualistic motives of capitalism. The ideal of selfless service to the community was presumably exemplified by doctors and lawyers. The corollary of this ideal is that a professional must be trusted by the client who is not the true judge of the services provided. The central feature of a profession, as Everett C. Hughes puts it, is credat emptor rather than caveat emptor which prevails in the market. Everett C. Hughes, "Professions," in Kenneth S. Lynn (ed.) The Professions in America (Boston: Beacon Press, 1965). pp. 2-3. In addition to this orientation to the welfare of the community professionalism has also meant action is based on a body of theoretical knowledge; individual behavior is characterized by a high degree of self-control and allegiance to a code of ethics and a system of rewards based on the end itself and not self interest. See Bernard Barber, "The Sociology of Professions," in Kenneth S. Lynn (ed.) The Professions in America, pp. 15-34, esp. 16-18; and A.M. Carr-Saunders, "Professionalization in Historical Perspective," in Harold Vollmer and Donald L. Mills (eds.) Professionalization (Englewood Cliffs, N.J.: Prentice-Hall, 1966) pp. 2-8. While many of these elements are important in the development of police professionalization, especially the application of scientific knowledge, I wish to suggest that the evolution of professionalism among the police has

really been a matter of bureaucratizing police departments.

37. The literature on the Progressive Era is immense but for general interpretations of aspects relevant to the development of police professionalism see the following: Richard Hofstadter, The Age of Reform; Samuel P. Hays, The Response to Industrialism: 1885-1914 (Chicago: The University of Chicago Press, 1957); Samuel P. Hays, Conservation and the Gospel of Efficiency: The Progressive Conservation Movement 1890-1920 (New York: Atheneum, 1974); Robert Wiebe, The Search for Order: 1877-1920 (New York: Hill and Wang, 1967); Samuel Haber, Efficiency and Uplift: Scientific Management in the Progressive Era (Chicago: University of Chicago Press, 1964); Lincoln Steffens, The Shame of Our Cities (New York, 1904); Andrew M. Scott, "The Progressive Era in Perspective," Journal of Politics 21 (November 1959): 685-701.
38. Wiebe, The Search for Order, pg. 170.
39. Ibid., pp. 160-161. The importance of hierarchical authority for the problem of democratic control over administration is often overlooked. Herbert Kaufman suggests that, "if leaders exert but little influence on the actions of subordinates, then one of the axioms of democratic government ceases to apply. In general terms, democracy in the modern state presupposes that changing a handful of officials in high places will ultimately change the actions of thousands of employees throughout the system...Subordinate compliance is thus a pillar of democratic government." Administrative Feedback: Monitoring Subordinates' Behavior (Washington, D.C.: The Brookings Institution, 1973), pg. 4.
40. Richard Hofstadter, The Age of Reform, pp. 260-261.
41. Ibid., chap. 5 and especially pp. 176-86.
42. Wiebe, The Search for Order, pg. 131 and chap 5, passim.
43. Samuel Haber, Efficiency and Uplift, pp. 54-55.
44. This of course is Max Weber's interpretation of the modern world. For discussions of how this affects politics and science and a general discussion of bureaucracy see From Max Weber: Essays in Sociology (eds.) Hans Gerth and C. Wright Mills (New York: Oxford University Press, 1948) pp. 77-156 and 196-244; Samuel Hays in his study of the conservation movement

during the Progressive era, Conservation and the Gospel of Efficiency, concludes that the reformers "sought to substitute one system of decision-making, that inherent in the spirit of modern science and technology, for another, that inherent in the give-and-take among lesser groupings of influence freely competing within the larger system.", preface to the Atheneum edition. For an analysis of the impact of technology and formal rationality on the American political system as a whole see Henry Kariel, Decline of American Pluralism (Palo Alto, Calif.: Stanford University Press, 1961).

45. Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era" pp. 159-161; James Weinstein, The Corporate Ideal in the Liberal State: 1900-1918 (Boston: Beacon Press, 1968), chap. 4, "The Small Businessman as Big Businessman: The City Commission and Manager Movements" passim; see also Gabriel Kolko, The Triumph of Conservatism (Chicago: Quadrangle Paperbacks, 1967); Robert H. Wiebe, Businessmen and Reform: A Study of the Progressive Movement (Cambridge, Mass.: Harvard University Press, 1962); and for a discussion of how the working class reacted to proposals for reform see J. Joseph Huthmacher, "Urban Liberalism and the Age of R-form," Mississippi Valley Historical Review 49 (1962): 231-241.
46. Samuel P. Hays, "The Politics of Reform in Municipal Government in the Progressive Era," pg. 162.
47. Commenting on the (formal) rationalization of the law in modern societies which posits 'equality before the law' and the demand for 'legal guarantees against arbitrariness,' Weber notes that "the propertyless masses especially are not served by a formal 'equality before the law' and a 'calculable adjudication and administration, as demanded by 'bourgeois' interests." From Max Weber, pp. 220-221.
48. Samuel Haber, Efficiency and Uplift, pp. 56 ff.
49. All of these ideas were reflected in the thought of three leading reformers at the time: Louis Brandeis, Herbert Croly and Walter Lippman. For an analysis of their writings see Samuel Haber, Efficiency and Uplift, pp. 78-98. Haber concludes that all three, "tried to construct reform programs which could be fulfilled without a direct appeal to conscience. They attacked commercialism and acquisitiveness and wished to substitute the non-pecuniary posture of the professional. Acceptance of the age of mass participation in politics was balanced by an attachment to the expert and his

guiding role in an active government. Scientific Management, especially when placed in conditions of industrial democracy, embodied in the factory the regime these progressive thinkers envisioned within society at large." pp. 97-98.

50. In addition to Vollmer's book some of the material here is drawn from Gene E. Carte, "August Vollmer and the Origins of Police Professionalism," (Unpublished Ph.D. Dissertation, School of Criminology, University of California, Berkeley, 1972). Carte also sees the origins of police professionalism in the Progressive era but, interestingly, he argues that the one reason the police came to advocate professionalism was that unionization among policemen was closed off after the Boston police strike in 1919. Professionalism was thus seen as an alternative to unionization. See pp. 41-43.
51. August Vollmer, The Police and Modern Society, pg. 235.
52. For Parker's general views on the problem of order see Donald McDonald, The Police: An Interview with William H. Parker, Chief of Police of Los Angeles, California (Santa Barbara, Calif: Center for the Study of Democratic Institutions, 1962).
53. August Vollmer, The Police in Modern Society, pp. 146-147. Vollmer was against traffic enforcement since he didn't think the police could do much about it unless constant pressure was applied, and he felt that most cities were rather niggardly in financing police services.
54. For a typical statement see William H. Parker, "The Police Challenge in Our Great Cities," The Annals 291 (January 1954): 5-13; see the other works in note 34, supra.
55. For a discussion of this aspect of supervision in police departments see William Westley, Violence and the Police: A Sociological Study of Law, Custom, and Morality (Cambridge, Mass.: The M.I.T. Press, 1970) pp. 27-28; for a general description of supervision in police departments see John H. McNamara, "Uncertainties in Police Work: The Relevance of Recruits' Backgrounds and Training," in David Bordua (ed.) The Police: Six Sociological Essays (New York: John Wiley and Sons, 1967) pp. 178-190; and for an excellent description of the relationships between patrolmen and their supervisors see Jonathan Rubinstein, City Police, pp. 26-123, passim. The problem of organizational control is discussed in much greater detail in chap. 4.

56. Gene E. Carte, August Vollmer and the Origins of Police Professionalism, pg. 111.
57. For the general flavor of this approach see Melany E. Baehar et al. Psychological Assessment of Patrolmen Qualifications in Relation to Field Performance (Washington, D.C.: U.S. Government Printing Office, 1968) and Bernard Cohen and Jan M. Chaiken, Police Background Characteristics and Performance (Santa Monica: The Rand Corp., 1972). Baehar's study is the more meticulous and thorough but both are ultimately unsatisfying. One of the major problems with these studies is that they rely upon performance measures drawn from the departments studied, e.g. supervisory evaluations, and make no attempt to develop independent measures. Moreover, most of these studies accept without qualification the hypothesis of 'working-class authoritarianism,' i.e. since most policemen are working class they are more authoritarian. John H. MacNamara's study, "Uncertainties in Police Work: The Relevance of Recruit's Backgrounds and Training," develops this thesis most forcefully, but his own data tends to undermine his conclusions: he found that officers became more authoritarian as a result of recruit training and their initial experiences on the job. See pp. 211-212. The hypothesis of working class authoritarianism is succinctly stated in Seymour M. Lipset, Political Man: The Social Bases of Politics (Garden City, N.Y.: Anchor Books, 1963), chap. 4. The data in this study suggest that substantial modifications of this hypothesis may be required; see chap. 7.
58. For a spirited argument on this point by an ex-police-man see Arthur Niederhoffer, Behind the Shield: The Police in Urban Society (Garden City, N.Y.: Anchor Books, 1969), chap. 5, passim. Niederhoffer is inclined to the view that authoritarianism develops as a result of the process of socialization, supra.
59. One of the best studies in this regard, and the only one so far as I am aware which discusses the problem of compliance with Supreme court decisions with regard to patrolmen is Michael Ban, Local Compliance with Mapp vs. Ohio: The Power of the Supreme Court, A Case Study (Unpublished Ph.D. Dissertation, Department of Government, Harvard University, 1972), chap. 3-4, passim. Ban studied two cities, Boston and Cincinnati and found compliance higher in Boston than Cincinnati, a difference he attributes to the different political cultures of the two cities. See also Neal Milner, "Comparative Analysis of Patterns of Compliance with Supreme Court Decisions: 'Miranda' and the Police in

Four Communities," Law and Society Review 5:1 (1970): 119-134; and Michael Wald, et al., "Interrogation in New Haven: The Impact of Miranda," Yale Law Journal 76 (1967): 1519.

60. Wayne LaFave, Arrest, pp. 77-79.
61. For a general discussion of these relationships see Jerome Skolnick, Justice Without Trial: Law Enforcement in Democratic Society (New York: John Wiley & Sons, 1966) Chap. 9 & 10, *passim*.
62. Alan E. Krueger, Centrifugal Justice and the Nature and Primacy of Police Discretion (mimeo) U.C.L.A. n.d., pg. 3. Edward Barrett, "Police Practices and the Law--From Arrest to Release or Charge," California Law Review 50 (March 1962): 32-33, reported that in 1960 in the State of California 29 percent (28,142) of all persons arrested were released without charges being filed, and in 22 percent of all cases (21,352) the charges were reduced from a felony to a misdemeanor. Compared to Krueger's 1968 data there has been a slight increase in the percentage of releases after arrest. Barrett also notes that the release rate after arrest is highest in metropolitan areas, e.g. Los Angeles county and San Francisco county. The decision to charge or release a suspect will be made either by the police or prosecutor, and the relative influence of each will vary from place to place and from time to time. In Chicago, however, practically all of the decisions to charge or release are made by the Chicago Police Department. See Dallin Oaks and Warren Lehman, A Criminal Justice System and the Indigent (Chicago: University of Chicago Press, 1968) chap 2 and 3. Finally, it is difficult, as Barrett points out to judge the legality of many of these arrests without litigating the arrest in each case, but it is probably true that some of these arrests constitute harassment or are otherwise illegal.
63. Barrett, "Police Practices and the Law--From Arrest to Release or Charge," pg. 31.
64. Stanley E. Grupp and Warren C. Lucas, "The 'Marihuana Muddle' as Reflected in California Arrest Statistics and Dispositions," Law and Society Review 5:2 (1970): 251-269. Supra, n. 25 & 29 and p. 17. Grupp and Lucas conclude that the discrepancy between arrests and dispositions indicates harassment, and while I would not want to minimize that problem the furor over the enforcement of marihuana laws has overlooked an important aspect. Possession of marihuana in the State of

California is a felony and as such the criteria for arrest are much less stringent than with a misdemeanor. An officer need only have 'probable cause' that a violation has been committed in order to arrest. For a marihuana violation this means, among other things, a furtive movement that suggested the person was smoking marihuana or the blissful aroma of marihuana percolating through the air is all that is required for the officer to legally arrest. It is thus much easier for an officer to find probable cause for violation of marihuana and thus many of these arrests are for other reasons, normally, purposes of investigation. See the further discussion of this matter in chap. 5. I would suggest, then, that the police oppose revision of the marihuana laws, at least in California, not because they find it such a heinous sin but rather because these laws are an extremely useful tool in coping with street crime.

65. For a recent study of the District Attorney's Office in Los Angeles county see Peter Greenwood et al., Prosecution of Adult Felony Defendants in Los Angeles County: A Policy Perspective (Santa Monica: The Rand Corp., 1973).
66. For an interesting discussion of how legal scholars have overlooked these aspects of the criminal justice system see Malcolm M. Feeley, "Two Models of the Criminal Justice System: An Organizational Perspective," Law and Society Review 7:3 (Spring 1973): 407-426.
67. Albert J. Reiss, Jr. and Donald J. Black, "Patterns of Behavior in Police and Citizen Transactions," in Studies in Crime and Law Enforcement in Major Metropolitan Areas Vol. 2 (Washington, D.C.: U.S. Government Printing Office, 1967) pg. 67.
68. Albert J. Reiss, Jr., The Police and the Public (New Haven: Yale University Press, 1971) pp. xi-xiv. These studies were originally undertaken for the President's Commission on Law Enforcement and Administration of Justice in 1965-66 and first reported in Studies in Crime and Law Enforcement in Major Metropolitan Areas, 2 Vols. (Washington, D.C.: U.S. Government Printing Office, 1967) Supra. These three departments were chosen because they purportedly represent three "ideal types of police command structure." pg. xi. Boston is the archetype of the traditional, decentralized police department based upon 'personalized' administration; Chicago is taken as an example of the modern, centralized professional department; and Washington, D.C. is in transition from the traditional to the professional

command structure. No doubt Boston represents a traditional department and is less professionalized than most departments but I have some doubts that Chicago is easily described as a 'professional' department. The city is still run--need I point out?--by a creaking but viable political machine; and there is no reason to doubt that the police department is probably affected by this. However, Reiss nowhere provides any data to demonstrate that the differences in command structure he anticipated had any effect.

69. Ibid., pg. 51-62. Reiss reports that one in every two citizens under arrest will challenge police authority, and only one in five was characterized by the observers as cooperative, pg. 54. Based on data from San Francisco (Reiss never explains why he uses data from San Francisco) almost fifty percent of the arrests for resistance or interfering occurred in public order situations, e.g. drunkenness and disturbing the peace, pg. 56. Also in San Francisco 47 percent of all arrests for interfering or resisting arrest occurred in on-view situations, pg. 59.
70. Ibid. pg. 58.
71. Ibid., pp. 65-70. Reiss cites two reasons why people do not report crimes: because the articles stolen were not insured and the victim does not stand to gain anything by reporting the crime; and because of a negative attitude toward the police. For additional discussions of this problem see Albert J. Reiss, Jr., "Measurement of the Nature and Amount of Crime," in Studies in Crime and Law Enforcement in Major Metropolitan Areas, Vol. 1 (Washington, D.C.: U.S. Government Printing Office, 1967); Albert D. Biderman and Albert J. Reiss Jr., "On Exploring the 'Dark Figure' of Crime," The Annals 374 (1967): 1-15; and for a recent estimate of the actual crime rate based on surveys in five major cities see Crime in the Nation's Five Largest Cities, Advance Report (LEAA, U.S. Department of Justice, April, 1974).
72. Ibid., pp. 70-82.
73. Ibid., pg. 83.
74. Ibid., pg. 94-102. See also the report on a recent experiment conducted by the Kansas City Police Department, "Police Cruisers Called No Deterrent to Crime" by Ronald J. Ostrow, Los Angeles Times, September 30, 1974, Part I, pg. 14; and for a discussion of the relationship between police activity, budget expenditures, and

the incidence of crime see E. Terrence Jones, "Evaluating Everyday Policies: Police Activity and Crime Incidence," Urban Affairs Quarterly 8:3 (March 1973): 267-280. Looking at data for 155 cities over twelve years Jones concludes that there is no relationship between the incidence of crime (which steadily increases) and changes in police activity as measured by increases in manpower, pg. 275.

75. Ibid., pp. 109-110.
76. Reiss, "Patterns of Behavior in Police and Citizen Transactions," pg. 9.
77. Ibid., pp. 10-13. Reiss argues that citizen control over the police will be greater in an encounter initiated by the citizen simply because other citizens (potential witnesses) will be present, and these are more easily monitored by the department. On the other hand, control will theoretically be the least in an on-view situation where there are no by-standers present; but Reiss goes on to argue that even here citizens have control through their ability to disrupt the encounter. This latter point seems rather dubious. I think Reiss characteristically overestimates the degree of citizen control, especially in a situation where there is a considerable gap between the values of the policeman and the citizen, and he underestimates the degree of fear that many people feel in the presence of the police.
78. James Q. Wilson, Varieties of Police Behavior, pg. 27. Wilson notes that in general middle-class victims are more likely to be considered legitimate than lower-class victims.
79. Reiss, The Police and the Public, pg. 104. Overall, there is reason to be disturbed by the way Reiss presents and handles the evidence he uses to document his case. He consistently seems to present and use evidence selectively, in such a way so as to buttress his case without qualification. For example, he cites evidence that the rate of independent interventions in New Orleans is higher than the other departments but he does not indicate if this resulted in more arrests or what. Similarly he provides no indication of whether the observers in Chicago and Boston witnessed many arrests in an on-view situation. Moreover, is it not possible that the police adopted more stringent criteria for making arrests with observers present? Second, he tends to skip around, using data from different departments without explaining why or attempting

to make any comparisons. It may be that he believes that this will enhance the generalizability of his findings, but, if so, it simply argues for the use of comparative data rather than data from selected departments around the country. This lack of comparison is especially curious in light of his rationale for originally choosing Boston, Chicago and Washington, D.C. as research sites. Were there no significant differences between these departments? Third, he accepts data from these police departments without the slightest question. For example, it does not occur to Reiss to consider whether the classification of criminal and non-criminal events (see pp. 95-96) might be systematically biased in some manner. Not only do we not know what these categories mean but the lapse is inexcusable in light of the research that has been done on this problem. The major difficulty is that these data have been collected by the police department for use within the police department and they may therefore be biased in terms of organizational requirements or in terms of the values of the people doing the classifying. On this general problem see Eugene J. Webb, et al., Unobtrusive Measures: Nonreactive Research in the Social Sciences (Chicago: Rand McNally & Co., 1966) chap. 3, esp. pp. 84-87; Harold Garfinkle, "'Good' Organizational Reasons for 'Bad' Clinic Records," in Harold Garfinkle, Studies in Ethnomethodology (Englewood Cliffs: Prentice-Hall, 1967) pp. 186-207; Jack D. Douglas, American Social Order: Social Rules in a Pluralistic Society (New York: The Free Press, 1971) chap. 4, "The Biasing of Official Statistics on Deviance," pp. 79-132; and John Kitsuse and Aaron Cicourel, "A Note on the Use of Official Statistics," Social Problems 11 (Fall 1963): 131-139. Finally, the methodology used in the field observations skews the kind of data obtained. The basic problem here is that Reiss and his colleagues seem to have traded generalizability for contextual accuracy. I have no idea what the raw data looks like but in order to conduct a large number of observations in the field Reiss and his fellow researchers were forced to adopt a systematic schedule which each observer filled out. The observers, in other words, were forced to look for only those things (I presume) which the schedule required. And this was directed--from the beginning--toward encounters between citizen and police. This is like taking a snap shot of a run-down building, say, in Venice, California and forgetting to include the beach. What Reiss's field observations take no account of is the context of the encounter. By context I mean more than just the setting, though that is important. By context I refer to all of those things which occur

before and after the event that ultimately give in its meaning--both for participants and for analysts. We get no impression from Reiss's data about a patrolman's feelings about a particular type of call, his mood during that tour of duty (which any patrolman will tell you is important), what he was doing before the call, and his hopes, ambitions, worries, frustrations and prejudices--in short, what the policeman brings to the encounters and how these affect him. These factors as well as the piece of territory a patrolman is working have an important bearing on the problem of discretion, see chaps. 5 & 6. This dilemma between generalizability and depth is rather common to the social sciences (see Nicos P. Mouzelis, Organization and Bureaucracy, Chicago: Aldine Publishing Co., 1968, pp. 66-70 for a discussion of this problem as it pertains to the research on organizations); but I would feel a great deal more comfortable with Reiss's data if he indicated an awareness of some of these problems.

80. Other studies of Wilson's on the police which are generally relevant are "The Police and Their Problems: A Theory," Public Policy 12 (1963): 189-216; "Generational and Ethnic Difference Among Career Police Officers," American Journal of Sociology 69 (March 1964): 522-528; and "Dilemmas of Police Administration," Public Administration Review 28 (September/October 1968): 407-417.
81. James Q. Wilson, Varieties of Police Behavior, pg. 4.
82. Ibid., pg. 30.
83. Ibid., pp. 64-78, esp. pg. 77.
84. See also James Q. Wilson, "The Police and the Delinquent in Two Cities," in James Q. Wilson (ed.) City Politics and Public Policy (New York: John Wiley & Sons, 1968) pp. 173-196.
85. James Q. Wilson, Varieties of Police Behavior, pg. 141.
86. Ibid., pg. 272.
87. Since Wilson's study is strictly ahistorical in nature it obviously cannot demonstrate that police departments have evolved from a Watchman style to a Professional style. But such a conclusion is certainly implicit. However, the difficulty is that we simply have no idea what this means in lieu of a historical study. I am inclined to believe that that the question

of the impact of professionalism on police work and discretion is one that will ultimately have to be resolved through a historical study of police discretion. The methodological problem here is that a historical empirical research provides a rather shaky basis for empirical and ultimately theoretical generalizations (there is also, I should point out, a philosophical problem here about the nature of inquiry in the social sciences). Without a historical study we simply have no idea of how discretion, as measured by arrest rates, has changed over the last, say, one hundred years. For a rather glaring and disturbing example of the limitations of ahistorical research in the social sciences see Stephan Thernstrom, "Further Reflections on the Yankee City Series: The Pitfalls of Ahistorical Social Science," in his Poverty and Progress: Social Mobility in a Nineteenth Century City (New York: Atheneum, 1972) pp. 22-239. For an excellent discussion of some of the methodological problems in this area see Barrington Moore, Jr., Political Power and Social Theory (New York: Harper Torchbooks, 1965) chap. 3 & 4. Thernstrom discusses some of the possibilities and pitfalls in using quantitative methods in historical research in "Quantitative Methods in History: Some Notes," in Seymour M. Lipset and Richard Hofstadter (eds.) Sociology and History: Methods (New York: Basic Books, Inc., 1968) pp. 59-78. The only historical study of the police which attempts to look at discretion historically is Theodore N. Ferdinand, "Politics, The Police, and Arresting Policies in Salem, Massachusetts Since the Civil War," Social Problems 19 (Spring 1972): 572-588. Ferdinand shows that arrest rates for most offenses have declined in Salem since the Civil War and argues that this was due to political strife in the city. This argues, he suggests, for the necessity of isolating the police from local politics to prevent them from becoming politicized. As a final caveat I should add that since this is an ahistorical study of the police the reader should treat my own conclusions with due caution.

88. James Q. Wilson, Varieties of Police Behavior, pp. 84-89, passim.
89. The problem of the comparability of arrest rates is severe though not unmanageable, and it is discussed at length in the methodological appendix. Suffice it to point out that the arrest rate for a given offense provides no indication of the reasons for arrest. For example, Oakes and Lehman point out that of two drunks fighting over a bottle of wine the victor could be charged with robbery, see A Criminal Justice System and

the Indigent, pg. 20. In other words, the arrest rate provides only a superficial indication of differences in discretion since we have no way of knowing if people charged with, say, disorderly conduct in two cities are actually being charged with the same offense. The degree of comparability varies among offenses, however, and some arrest rates may be more comparable than others, e.g. traffic offenses.

The problem of comparability is more serious where there are differences in legal statutes. Wilson to his credit does try to overcome the problem in places through an independent examination of arrest reports; see pp. 123, 132, but problems remain. One example will illustrate some of the difficulties with Wilson's data. Wilson argues that officers in a Watchman department will be more likely to intervene and arrest in order maintenance situations and less likely to intervene and arrest in law enforcement situations. Just the opposite prevails in a legalistic department. Of the four cities with a high crime rate two are Watchman style (Albany and Newburgh, New York) and two are Legalistic style (Syracuse, N.Y. and Oakland, California). Wilson's data show clear differences which would support his thesis (all arrest rates are per 100,000 population, pg. 159). Albany and Newburgh, for example, are much less likely to arrest Whites and Blacks for gambling than either Oakland or Syracuse (though the differences in the rate for Whites between the departments is much, much smaller than that for Blacks). On the other hand, the two Watchman departments are more likely to arrest Whites and Blacks for disorderly conduct and vagrancy (607 and 1,157 in Albany; 262 and 1,226 in Newburgh, respectively) than the two Legalistic departments (197 and 382 in Oakland; 99 and 736 in Syracuse).

These differences clearly support Wilson's interpretation, though Oakland seems the most legalistic. But I wonder? The first question is what constitutes disorderly conduct in these four cities. There is first a discrepancy in the legal statutes between the states of New York and California. Disorderly conduct in New York refers to a disturbance of the peace, when a person interferes, causes inconvenience or annoyance to others by fighting, making unreasonable noise, using obscene language, disturbing a lawful assembly or "congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse..." (New York Penal Code, sec. 240.20). In California there are two different offenses which are tabulated and reported in the arrest statistics as disorderly conduct (this is the case presently and I am assuming that it was no different in 1965):

Disturbing the Peace (Calif. Penal Code, sec. 415) and Disorderly Conduct (sec. 647). Section 415 of the California Penal Code is similar to that of Sec. 240.20 of the New York Penal Code but Section 647 is not. This section of the California Penal Code includes a number of different offenses; for example, 647b outlaws prostitution; 647c outlaws begging; 647 a & c refer to lewd conduct such as exposing oneself in public or loitering "in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act..."; and 647f is the section under which arrests for drunkenness are made in California. On the whole the offenses in section 647 are more specific than those in the New York Penal code, and perhaps even more important, some of the offenses in section 647 are reported separately in the arrest statistics. 647 f and 647b are normally reported separately and its not uncommon for 647a to be reported under sexual offenses. Thus not only are there differences in the statutes but we have no way of knowing what offenses were included in the category "Disorderly Conduct and Vagrancy" and reported to the FBI by each department. In any event it would seem that the police in New York have somewhat more latitude to arrest for disorderly conduct because the statute is broader and more ambiguous.

It is entirely possible that offenses classified as disorderly conduct in the Watchman departments are classified as drunk arrests in the Legalistic departments. My own observations in the field tend to confirm this (see chap. 6), and some of Wilson's own data lends itself to this interpretation.. We find in Table 8 (pg. 123) that officers in Syracuse and Oakland are more likely to arrest for drunkenness when the person resists, abuses or disobeys the police officer than officers in Albany. And there is very little difference between Oakland and Albany in arrests for 'drunk and disturbing' while officers in Syracuse are much more likely than officers in the other two departments to arrest for drunkenness when a fight or assault is involved.

A second fact which may account for the differences that Wilson reports is that in California arrests for sec. 415, Disturbing the Peace, are invariably made on the basis of a citizen's arrest; this has the consequence of depressing the arrest rate for this offense. My impression (which is documented in chap. 6) is that since the courts in California are wary of arrests for disturbing the peace officers are inclined to use drunk in public, sec. 647f, as the catch-all charge. This, and not a difference in style, may explain the higher arrest rate for drunkenness in

Oakland. Thus the differences which Wilson argues demonstrate differences in 'styles' may really be attributable to differences in the legal statutes, classification and reporting procedures, and the choice by patrolmen of what charges to prefer.

There is another anomaly in Table 11 (pg. 159). For most offenses but especially for disorderly conduct there are substantial differences in the arrest rates for Whites and Blacks. Wilson ignores these differences and his analysis provides no basis for interpreting them. Do we assume that Blacks are more disorderly or what?

These same problems occur when Wilson attempts to test his hypothesis with data gathered from 131 cities (see Table 13, pg. 275). This does prove that there are differences in arrest rates between these departments, but I do not think that Wilson's data demonstrates differences in 'styles.' However, for two examples of studies based on Wilson's model which are based upon better data see Michael Ban, Local Compliance With Mapp vs. Ohio and Thomas A. Reppetto, Changing the System: Models of Municipal Police Organization (Unpublished Ph.D. Dissertation, Department of Government, Harvard University, 1970).

90. In this regard see two papers by Wilson: "The Future Policeman" (A paper prepared for Project Star, November 1971) and "Movie Cops--Romantic vs. Real," New York, August 19, 1968, pp. 39-41; reprinted in A. Niederhoffer and A. Blumberg, The Ambivalent Force, pp. 64-66. In the latter article, Wilson pompously concludes, "It is not money, or organization, or training that defines the policeman's job; it is the job that defines the policeman. The nature of that job does not change, especially in the big city. The kinds of men who can handle it are relatively few, and no kind has all the virtues and none of the vices. Indeed, in considerable measure there are only two kinds of men, and thus two choices--Dan Madigan (the corrupt Eastern cop) or Joe Friday (the Professional Western cop). *Italics added*, pg. 66.
91. James Q. Wilson, Varieties of Police Behavior, pp. 228-233.
92. William A. Westley, Violence and the Police, pg. xiv.
93. Westley found that 73 percent of a sample of officers (N = 85) in the department he studied believed that the public would not support the police, pp. 92-96. More recent studies have confirmed the persistence of this belief. Jerome Skolnick found that when asked to

rank the problems that they believed they faced, policemen in Westville ranked relations with the public first, see Justice Without Trial, pg. 50. In his study of the morale problem in the Chicago Police Department Wilson surveyed sergeants in 1960 and again in 1965, and found that although there were some positive shifts in perceptions of public support (by 1965, 45 percent thought that most people supported the department compared to 33 percent in 1960) over half of those interviewed still believed that public support for the police was low or nonexistent. See James Q. Wilson, "Police Morale, Reform, and Citizen Respect: The Chicago Case," in David Bordua (ed.) The Police: Six Sociological Essays, pp. 137-162. Albert Reiss's Survey of police officers for the President's Commission on Law Enforcement and Administration of Justice in 1967 found that the thing policemen disliked the most about their occupation was 'lack of respect' by the public. See Albert J. Reiss, "Career Orientations, Job Satisfaction, and the Assessment of Law Enforcement Problems by Police Officers," in Studies of Crime and Law Enforcement in Major Metropolitan Areas, Vol. 2 (Washington, D.C.: U.S. Government Printing Office, 1967).

94. Supra. See also David Bayley and Harold Mendelsohn, Minorities and the Police: Confrontation in America (New York: The Free Press, 1968) pp. 48-56. They report, in a survey of Denver police officers, less hostility and isolation than found in some of the other studies. The perception of public hostility continues despite evidence that most Americans have favorable opinions of the police (minorities are the important exception to this). For one report see Task Force Report: The Police, pp. 145-149.
95. Westley, Violence and the Police, pg. 198.
96. Ibid., pg. 10.
97. James Q. Wilson, "The Police and Their Problems: A Theory."
98. Jerome Skolnick, The Police and the Urban Ghetto (Chicago: American Bar Foundation, 1968) pp. 4-8. See also Report of the National Commission on Civil Disorders (New York: Bantam Books, 1968) pg. 308.
99. See Robert L. Peabody, "Perceptions of Organizational Authority: A Comparative Analysis," Administrative Science Quarterly 6 (March 1962): 463-482. In a comparison of school teachers, police officers, and

social workers, Peabody found that 45 percent of school teachers mentioned competence as the basis of authority compared to 15 percent of police officers. Forty-two percent of the police officers, on the other hand, mentioned personal qualities rather than competence or office as the basis of legitimate authority. This is compared to 15 percent of the teachers. For a more thorough discussion of the problem of authority in these three organizations see Robert L. Peabody, Organizational Authority: Superior-Subordinate Relationships in Three Public Service Organizations (New York: Atherton Press, 1964).

100. Jerome Skolnick, Justice Without Trial, chap. 1 and pp. 231-239.
101. William A. Westley, Violence and the Police, pp. xv-xvii. This study, conducted in 1951, was Westley's Ph.D. dissertation at the University of Chicago. It was not published until 1970.
102. James D. Thompson, Organization in Action (New York: McGraw-Hill, 1967) pg. 118.

CHAPTER TWO

THE POLICE TASK

The most important developments in police work over the last century are the rise of professionalism and the systematic rationalization of police departments. Police administrators have dedicated themselves to enhancing the effectiveness and efficiency of police bureaucracies. This has meant the use of sophisticated psychological tests to screen applicants, increasingly long and intensive training programs, the application of technology to police work--first the radio, now the computer--and the development of planning staffs to assist in the deployment of manpower, among other activities. In this respect, police administrators are no different from their counterparts in other municipal bureaucracies. But a police department is not just any other municipal department; it stands apart and it is unique. This is due not only to the unusual aspects of the police function, but to the limitations which stem from the ambiguities of the police task and the social and political environment in which police work is carried out. A brief consideration of the police task and the characteristics of police bureaucracies is a necessary prior step to an analysis of the way the exercise of discretion by patrolmen is shaped by the pressures and constraints of

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the police bureaucracy.

THE CENTRALITY OF COERCION

The first thing to note (as obvious as it is) is that the police are the only institution in modern societies which is based upon the legitimate use of force on a day to day basis. Coercion both defines the role of the police and is the principle means to the accomplishment of most police functions. The use of force is legitimate, as Egon Bittner points out, in two other instances (in self-defense and to maintain custody of persons committed to custodial institutions) but only in the case of the police is it practically unrestricted.¹ Coercion is not incidental to the process of discretion; it is fundamental to it. Coercion is mandated by the authority of the police to legally deprive a person of their liberty and to use force, if need be, to accomplish this task. But the police are not ministerial officers of the court, and they use their powers of coercion selectively. Moreover, it is the use of coercion which unites the otherwise disparate functions of the police. It is present in both in the process of enforcing a law and in the process of keeping the peace. The primary task of the police is to regulate social behavior among the members of society in the interests of the protection of life and the preservation of order. The police function as Egon Bittner puts it is to intervene in

situations which require "remedies that are non-negotiably coercible."²

The police have not--nor perhaps can they ever--pursued the enforcement of the law as a substantive end in and of itself. In they could, if their purpose was to act simply as officers of the court, the problem of discretion would be a great deal less complex than it actually is. The law, at least at the operational level, is almost always viewed instrumentally by policemen; it is simply one tool among many that is available to accomplish a different task. This of course suggests the primacy of crime control among the tasks of the police, but it is also apparent that many of the situations that policemen become involved in--family fights, rowdy youths disturbing the peace of an otherwise quiet neighborhood, a mentally ill man who refuses to go to the hospital--are predicated on the use of coercion as a way of resolving them.

The traditional emphasis upon discretion as a legal problem obscures the centrality of coercion and its application by the police to a wide variety problems. Similarly, an arbitrary though logically elegant distinction between order-maintenance and law enforcement obscures the instrumental aspect of police work, the fact that policemen approach all situations armed with a variety of tools, some legal and some not, and a few tricks, learned from close-hand observations of the perversity of human nature,

with the the objective of regulating human behavior as the situation requires.³ Discretion, when viewed from the perspective of the police task as the use of coercion to mediate social relationships in the interests of broader social objectives, is much broader than simply the enforcement of the laws. The use of the powers of arrest and force can only be based upon a set of objectives, which though they derive from the law, are mandated in the interests of social stability and the control of the pernicious inclinations of humans.

But what do we mean when we define the police task as the regulation of social behavior? Consider the following examples:

A California Highway patrolman working on a section of one of California's freeways is less interested by and large in strict enforcement of the law for its own sake, though they have a reputation for that, than in maintaining a smooth flow of traffic and preventing accidents. He doesn't stop every speeder he sees, only those whose behavior is likely to cause an accident. The law, or more specifically the threat of it, is simply the tool which is used to control traffic.

A patrolman is called to the scene of a violent argument between husband and wife. At the time the patrolman arrives nobody has been hurt, although both participants are drunk and the woman claims the man was earlier

threatening her with a knife. Neither individual will leave the premises for the evening so the patrolman asks the man to step outside for a minute and promptly arrests him for being drunk in public. The officer bases his action on the necessity of removing the man from the premises in order to prevent a crime--an assault on the woman in this case--from occurring. The law is simply instrumental to this end (if the man had refused to go outside the officer could still have arrested him for being drunk and merely claimed that the man was found on the street; this is more dubious from a legal point of view but just as effective).

The police cannot prevent or solve most crimes that occur. Many crimes occur in private places which the police do not have access to, and many are cold (e.g. burglaries), leaving few clues to the identity of the perpetrator. Consequently, the police must resort to other methods of crime control, a strategy such as of aggressive police action to deter the committing of crimes. This may involve some manipulation of the vehicle codes in order to 'legitimately' stop suspicious individuals. The absence of a current registration sticker, a broken tail-light, or worn tires all constitute probable cause to stop and investigate an individual. Again the law is simply instrumental to the attainment of another end.

The police are often aware of crimes that are being committed, such as gambling or prostitution, but they are

unable to obtain the necessary evidence to arrest and convict perpetrators. To control such activities they may resort to a strategy of harassment. The destruction of a betting office or gambling equipment or the arrest of patrons in a homosexual bar on the charge of drunkenness in order to obtain an Alcoholic Beverage Control (A.B.C.) violation which will close the bar are familiar examples of this strategy. The use of these techniques of harassment is often made more palatable to the police by the knowledge that even if convicted the offenders in these cases will receive only minor fines and a few days in jail (the reason for the slight penalties is that most of these offenses are misdemeanors and are not taken seriously by the courts).⁴

The unifying feature of all these examples is that police power is used (selectively) to control social behavior in light of putative social objectives. This of course begs the question of what objectives, and one of the purposes of this analysis is to show what these objectives are and how they are determined. As I suggested above the factors which necessitate discretion in the performance of the police function preclude the use of legal criteria as a guide. Neither an administrator nor a patrolman receive any enlightenment from the Law and its minions about how to use their most precious resources: money in the case of the administrator and time for the patrolman. Rather these

objectives are determined largely by the police themselves, and in this, the decisions of the operative policemen--the patrolmen and the investigators--reign supreme.

The centrality of coercion to the police task sets policemen apart from other functionaries of the State, and from it stems the unique and enduring features of the police occupation and police bureaucracies. Initially, three consequences flow from the centrality of coercion; these represent the structural determinants, as it were, of police work, which influence the cast of police bureaucracies and the policeman's adaption to the task. Since Egon Bittner has abely summarized these I shall simply follow his analysis.⁵

First, police work is a tainted occupation. If police work inspires admiration and even respect on occasion, it also brings forth fear, loathing and resentment. Neither the police nor the public is likely to forget that the police are ultimately adversaries, they are the fire necessary to fight fire, the men delegated to perform a society's most obnoxious tasks. Bittner suggests, and I am inclined to agree, that no amount of public relations or 'improvements' in police work are likely to eliminate this stigma.

Second, police work, since it must rely upon coercion and ordinarily takes place in an emotionally charged atmosphere, has its mysterious and dirty aspects. The

police function amidst deep seated moral conflicts, but the task allows neither the time for reflection on the merits of these nor alternative modes of resolution. The police, as Bittner points out, can, "accomplish something for somebody only by proceeding against someone else." This imparts a certain amount of unscrupulousness and crudity to police work. The police not only proceed forcefully, even belligerently, against perpetrators, but they must peel away the layers of appearance and deceit. Invariably their actions are offensive and frequently unjust.

Finally, the police are divisive, they are often at the fulcrum of class and group conflict in a society. The police are by and large deployed to protect a society from specific groups, namely, the lower classes. The development of the police as I suggested earlier was largely predicated on controlling the 'dangerous classes.'⁶ To say that the police function to control crime is somewhat misleading since the bulk of their resources are directed to controlling only some types of crime in specific areas. White collar crime has never been of much concern to municipal police departments. This bias, as Bittner astutely points out, is generally disavowed and replaced with the rhetoric of 'equal law enforcement' and 'impersonality.' However, it is important to bear in mind that in this the police simply reflect the distribution of power and influence within a community and its more invidious prejudices.

The police are not the only ones to make these distinctions; prosecutors and judges have been known to reflect the same biases.⁷ This bias puts the police on the side of the status quo (whether individual policemen like it or not) in social conflicts. The use of police power to quell or disrupt the activities of unions, to take one example, is a notorious aspect of American labor history; and there is reason to believe that such activities persist even today.⁸

These are the conditions under which the police attempt to control the more pernicious behaviors in a community. They are structural determinants not only in the sense that they are not amenable to change, but because they stem from the use of coercion by the police in the pursuit of their task. And these features of the police occupation interlock and feed upon one another. The stigma attached to the police is rooted in the knowledge that the methods the police use are necessarily crude and the actions they take are taken not in pursuit of the abstract ideal of Justice but rather to preserve the existing social order. To the extent the police do so they are only further stigmatized. If these are the central characteristics of the police task, how have they shaped the structure and organization of police bureaucracies and how have policemen, especially patrolmen, adapted? To these questions we now turn.

THE POLICE BUREAUCRACY: DILEMMAS AND CONSTRAINTS

Formal organization is invariably viewed instrumentally, as the means to the accomplishment of specified tasks. Regardless of the specific approach one takes to the study of organization, the problem set for inquiry is fundamentally the same: how do organizations go about accomplishing a set of tasks or alternatively what are the limitations that interfere or mitigate the achievement of the ends of the organization.⁹ There are perforce two guiding questions which animate the analysis of organization: what are the goals of the organization and by what processes are these determined? and how does the organization control or regulate its various parts in order to achieve its ends? The answers depend on the configuration of three sets of factors: the environmental context of the organization; the social and political behavior of the participants; and the characteristics of the task the organization performs and the available technology. In the remainder of this chapter I want to analyze the goals of police organizations and those characteristics of the police task which define the limitations of the authority system within a police department.

Dilemmas of Organization Goals

The goals of an organization are defined through two

separate but related behavioral processes. On the one hand, an organization's goals develop through a complex social and historical process which defines a set of expectations external to the organization. These expectations, which are held by members of a society, define the role and the task of the organization. I have described this process in the case of the police as a result of class and ethnic group conflict and the rise of professionalism during the Progressive era. On the other hand, specific day to day operational policies and objectives are defined through a process of internal bargaining among influential participants.¹⁰ The outcome of these processes is a set of operational (that is more or less measurable) goals and objectives. These operational goals identify the future (idealistic) aspirations of the organization, the task and the legitimate means to accomplish that task, and those individuals, social groups, and institutions which may be relevant to the accomplishment of the task.

These processes are commonly acknowledged to operate differently in public and private organizations. Because it is presumed that most private economic organizations are under the sway of market forces (a dubious assumption in many cases) the goals of these organizations are more specific (make a profit), less ambiguous, and more easily measured.¹¹ With public organizations the goals are general and ambiguous (reduce poverty, provide for the

national defense), and it is often difficult to know when the goal has in fact been reached. The processes of 'feedback' which operate through the price system of a market, which tell decision-makers the effects of their policies, are attenuated in public organizations. Administrators are often unable to determine the impact of their decisions and programs and unable to measure with any accuracy the efficiency of their programs.¹² Finally, many of the goals pursued by public organizations are in conflict with one another.

These tendencies of public organizations are magnified for a police department. Not only do most of the objectives of a police department defy any and all attempts at measurement, but they are inherently ambiguous and contradictory. This is partly the result of conflicting views about the uses of police power within society, but, ironically, professionalism has merely aggravated the already existing contradictions. Consequently, the police are faced with a unique set of dilemmas in attempting to achieve their goals.

Professionalism has made the goal of crime control preeminent. Besides the fact that crime as such is probably not completely eradicable and the police usually have no idea of how their operations really affect the crime rate this goal poses two dilemmas for police administrators. First, is what might be called the budget dilemma: if the

crime rate goes up, the Chief of Police can request more money to increase the number of patrolmen on the street but it may appear to the public that the police have been negligent in the performance of their duties. A reduction in the crime rate may bring the Chief a pat on the back and a laudatory editorial in the local newspaper but a smaller budget allocation. An ingenious police chief will get around this one through aggressive lobbying of city councilmen and perhaps the manipulation of crime statistics. The goal of crime control, however, poses a more profound dilemma. The police are charged with using their coercive powers to control crime but as professionals they are expected to do this and remain within the bounds of their legitimate (legal) authority. The means it is asserted do not justify the end; the constitutional standards of due process must be maintained at all costs. The police view is that these are often irreconcilable, and in any event felons are not like other people: by committing a crime they have forfeited their rights. The importance of the means the police use to carry out their tasks extends to the enforcement of minor violations. An officer is expected to deter crime and enforce the law but to do so in such a way that the public is not moved to comment on the way he carries out his functions. If a man has broken a speeding law he should be given a ticket but he should leave with a smile on his face. Thus in addition to en-

forcing the laws, a patrolman is required to maintain the confidence of the public, in short to keep people happy. Despite the claims of myopic police administrators to the contrary, these demands are in a continuous state of tension: most patrolmen recognize that they must strike a balance between the demands of their task and the requirement of maintaining public confidence and of complying with procedural safeguards.

These same constraints apply to those situations where the police use their powers of coercion to keep the peace. The difference (and perhaps this is the most important difference between the law enforcement and order-maintenance functions) is that it is not usually clear who caused the disturbance, what legal statutes might apply, what is the best way to resolve it, indeed what if anything the police can legitimately do. The very legitimacy of the police is more likely to be called into question than where a person has committed a clear-cut violation of the law. More importantly, however, is the fact that the police cannot really do anything about the problems in these situations. A family argument which erupts into violence is only the culmination of a long process of gradual deterioration in the relationship between husband and wife. It is not likely that a twenty-two year old patrolman with nothing but fuzz on his upper lip is going to be able to assist an estranged couple in resolving their problems (although some patrolmen

I observed were found to be skillfully and effectively handling such disputes). The most that can perhaps be legitimately expected is that the patrolman do something to prevent violence and quiet people down. (The problem here, however, is that these situations are not always taken very seriously by policemen.) In any event, the patrolman will be expected to handle disputes in a way that precludes a complaint about his behavior.

This dilemma between means and ends is aggravated by the fact that police work is very much affected by the level and nature of political conflict and social change within a society. This has two consequences for the police task. First, as the development of law is bound up with the prevailing morality and values of a society the police are often put in the position of enforcing laws which are at extreme variance with the norms and beliefs of subgroups. The enforcement of laws against homosexuality (which are changing) are an example. What is viewed as legitimate enforcement by one group is construed as harassment by another. Second, in mediating group conflict the police will be caught between contending groups and subject to the charge of favoring one group over another. Impersonal and fair action does not obviate this charge (though it seems that the police can only become neutral arbitrators when the conflicts are institutionalized as in the case of most labor-management disputes, and of course the matter is

quite different when the police are defending the interests of the State and they are participants).

Finally, there are specific goals which are associated with the professionalization of police departments. These include efficiency, impartiality, and a fair and impersonal approach to the enforcement of laws. Similar to the goals of crime control and the mediation of disputes these goals defy measurement; they permit administrators to make only very rough judgments about the extent to which these criterion are met by any given officer. For example, how is the efficiency of a patrolman to be measured? In terms of his response time to calls? by the number of arrests and field stops he makes? or should patrolmen be held responsible for the crime rate in a specific area? These professional goals also conflict with the assumption that a patrolman will exercise his discretion in light of the factors in each situation. A patrolman is thus expected to be fair and impersonal, but he is also expected to consider the unique merits of a given situation, that is to judge each situation independently of others. Such a presumption obviously precludes strict impersonality.

Thus the goals of a police department are ambiguous and contradictory. It is impossible to accurately measure how much specific police operations contribute to the achievement of a goal. The evaluation of the activities of patrolmen cannot be directly assessed, and an administrator

must rely upon indirect methods of evaluation. These may include the extent to which the patrolman obeys organizational rules, whether or not he meets production quotas, whether or not he continually incurs the wrath of the public, and perhaps the opinion of his sergeant. But what, one asks, are the salient goals which guide patrolmen and administrators? How do they resolve the inherent contradictions of police goals? Should a man be judged by his ability to control crime or the extent to which he upholds the Bill of Rights and maintains public confidence? But what does it mean to maintain the confidence and good will of the public if any action can potentially be judged as unjust and harassment? Is a good patrolman one who impersonally makes an arrest or issues a citation every time a violation has been committed? Or is he the officer who considers mitigating circumstances and ignores the violation? I will attempt to provide answers to these questions as the analysis proceeds, but it is worth noting that these dilemmas are never fully resolved in any police department. However they are resolved at the operational level of the organization, the tension between these goals remains.

Further Requirements of the Police Task

The task of regulating social behaviors is conducted amidst great uncertainty and ambiguity. In addition to the conflict and ambiguity of organizational goals this

uncertainty is enhanced by four further requirements of the police task. Combined, these requirements define the unique aspects of the police task--the uncertainties and conflicts--which a patrolman must cope with on a day to day basis.

Police departments are among a select group of public organizations in that their mission is to serve the public at large. Peter Blau and W. Richard Scott have called these organizations commonweal organizations, and distinguished them from organizations which serve more specific clienteles.¹³ The military and the Department of State are similar to police departments in this respect. The putative clients of a police department are the residents of the community they police. O.W. Wilson, one of the foremost police professionals, suggested that the patrolman, "must patrol his beat, and be alert for conditions that may jeopardize the comfort, safety, and welfare of the people; and take action to correct improper conditions."¹⁴ But what does this mean for a policeman on a day to day basis? Who are the people whose comfort, safety, and welfare may be jeopardized by improper conditions? For the Highway patrolman it is presumably those people who could be injured if a speeder loses control of his vehicle. But who is the client in a family dispute? The person who called the police? Perhaps. But it is not uncommon for individuals to call the police to a dispute when they want to

attain retribution against another party. Finally, who are the clients of the police in the enforcement of vice laws?

The police would maintain, I think, that their clients are the victims of a particular crime. For crimes of property or violence this is the person so affected; for 'victimless' crimes this is the State. However, in making a stop for purposes of investigation or in deciding to make an arrest it is not always clear whose interests are being served. The extensive surveillance of a group thought more likely to commit crimes may simply subject numerous innocent persons to an unwarranted intrusion into their lives. The decision to arrest the husband in a family dispute may exacerbate an already tenuous relationship.

It is never clear who the police are serving. Few calls (at least in the three Southern California police departments observed in this study) are screened out, but beyond that the determination of who the victim is--who the client of the police department is--is a matter of some ambiguity and a great deal of discretion. The difficulty is simply magnified where the proactive side of police work is concerned. In this case, Bordua and Reiss point out that, "given the lack of guidelines either from the public as client or from a specific victim or complainant as client, the police can become in effect their own clients."¹⁵

A second factor which affects the police task (and the internal structure of police departments) is the type and patterns of occurrence of crimes.¹⁶ What is significant here is how the police acquire information that a crime has taken place. Arthur Stinchcombe distinguishes between crimes which occur in public and private places, and argues that the norms of privacy preclude police intervention in many crimes until they have been committed. There is really no way that the police can prevent a homicide from taking place, though there is usually a high arrest rate since the overwhelming proportion of homicides are committed by members of the immediate family or friends.¹⁷ Similarly, the police are generally unable to prevent burglaries and robberies, though most patrolmen feel they are better able to prevent a crime against property than a crime of violence.

Stinchcombe suggests that the investigation of any of these crimes is dependent upon the skillful application of technology, especially in the preparation of evidence, and the development of useful sources of information. Actually, the most important piece of information in a robbery is the description of the suspects, and normally the first patrol car to the scene takes a description and broadcasts it to other cars. Patrolmen may then saturate an area and stop likely looking suspects (see chapter five). Burglars are rarely caught in the act but here again potential culprits

may be stopped and questioned, and if a patrolman is lucky enough to discover some stolen property he has a 'good pinch.' The point is that since these crimes occur in private and the police cannot really prevent them they must fall back on other strategies. The most important strategy used thus far by professional police departments is that of aggressive patrol. And in the absence of reliable information that a crime has occurred or who the culprits are patrolmen must fall back on the most superficial and uncertain kind of information: stereotypes, incongruity of person and place, and appearance. Thus the police attempt to locate suspicious people by, as one observer put it, "inferring moral character from appearances."¹⁸ This invariably has its hazards.

Crimes which occur in public--assaults, drunks, public disorders--will evoke a much different response from the police. A policeman usually has somewhat more discretion in deciding whether or not to intervene and in deciding if a crime has been committed. However, the visibility of such incidents depends greatly on the type of neighborhood and the time of day. There is simply more activity on the streets that the police might be concerned with in the downtown area of a major city than in a middle-class suburb. Therefore, the dependence of the police upon the public for information about crimes will vary according to the community. Stinchcombe suggests that this dependence

may be higher in a small, rural community than in an urban area.¹⁹ However, regardless of whether the crime occurs in private or public the police ordinarily have only limited information about the occurrence of crimes and the identity of perpetrators. To compensate they must develop other strategies.

If the use of legitimate coercion is central to the police task the ever present reality of unpredictable danger is its counterpart. A great deal has been written about this aspect of police work, and some policemen would have one believe that the threat of violence is grossly exaggerated. These men are in a distinct minority. While the actual threat of danger may be no greater than some other occupations, its presence is a constant reminder of the coercive aspects of the police role and the thought that violence (or the threat of it) begets violence. More important than the actual threat of violence is the perceived threat, the existence of the 'symbolic assailant' as Skolnick has put it.

The potential for violence is present in three types of situations. First, the 'hot call' where a patrolman rushes to the scene of a robbery or burglary with some certainty that the felon is on the premises and armed. Second, is the routine disturbance call. Some of these are at the breaking point when patrolmen arrive, and it is not uncommon for one of the participants to vent their wrath

on the policeman. A large number of patrolmen are shot and killed each year in such situations. Finally, there are those situations where a policeman is shot down by a random assailant. In the Spring of 1972 a Los Angeles traffic policeman was shot down as he approached a car to issue a routine traffic citation. These situations are arranged roughly in order of predictability of the occurrence of violence. A policeman anticipates violence at a hot call; most know that family disputes are dangerous and are wary, especially if it has been reported that one of the participants has a weapon; most unpredictable are those innocuous circumstances which make up much of the everyday activity of police work.

The expectation that violence will occur varies with the context of police work. Most policemen anticipate it as a matter of course in a high-crime, minority neighborhood.²⁰ But in addition to the socio-economic context of police work the perceived threat of violence is related to the political climate of society. The number of policemen hurt or killed in random assaults has increased in the last 10 years. A number of these cases seem to have been the result of extreme mental disorders in the killer but all have occurred in the context of rising political extremism and polarization. More recently, the threat of politically motivated violence directed specifically at police officers has assumed new dimensions. The crucial point here is that

the threat of danger assumes a new dimension under these circumstances: violence is no longer entirely contingent on the socio-economic characteristics of a particular community and therefore predictable; it is perforce more unpredictable, and policemen are thus more likely to approach any situation expecting violence.²¹

Besides the quality of men and materials, the success of any organizational endeavor depends upon the kind of technology available to accomplish a task. Technology, until recently a much neglected aspects of the study of formal organizations, may be defined as the "actions that an individual performs upon an object, with or without the aid of tools or mechanical devices, in order to make some change in that object."²² The central idea in the concept of technology is that of transformation, the utilization of a set of skills and/or tools to transform some material or process in light of specified objectives. It may seem unseemly to bring up the subject of technology in a discussion of the police but it is an aspect of police work that has hitherto been neglected much too often. It only seems correct after discussing the police task and the constraints that the police face in carrying out this task that we discuss the tools they have at hand to do the job. There are two aspects of technology that are pertinent here. First, a technology may be judged by its (presumed) effectiveness in achieving a set of objectives. The police,

as ought to be apparent, work with the crudest of tools. It is not farfetched or unduly critical to say that they use blunt instruments where a scalpel is required. We may distinguish between those technologies that are based on scientific knowledge and are highly rationalized (that is calculable) such as engineering and medical technology and those that are based largely upon experience and intuition and consequently have a low degree of rationalization such as crafts.²³ Assuming that a problem is not beyond the capabilities of the technology, those technologies that are rationalized are normally more certain; that is one can predict with a high degree of certainty the outcome of a given technological process. For example, the effects of most drugs used to treat diseases can be gauged with a high degree of accuracy. This kind of certainty does not obtain with a craft technology where the individual must rely upon his experience and best guess of what the outcome will be.

Police work is based, by and large, upon a craft technology and it relies heavily upon experience and intuition. Most of the basic techniques of police work are learned on the street (policemen frequently told the author that at least five years experience on the street was required for an officer to be any good, a striking comment in view of the fact that turnover is greatest among patrolmen).²⁴ The elements of this craft technology--the kind of information a patrolman relies upon and the various

strategies and tricks they use to work the street and control people--are handed down in the privacy of the patrol car. Most policemen the author observed tended to be pragmatic, attempting to adapt to the unique requirements of each situation. But since much of a policeman's knowledge is tenuously based on social stereotypes and the result of emotionally laden encounters with individuals it is often fragmentary and distorted, and thus unreliable. The unreliability of a policeman's tools are obviously enhanced when he is working in a community whose members portray values and practices at sharp variance with his own. This is not to say that some policemen do not develop effective techniques for working the street or managing family disputes; rather that in general the police are often required to use crude implements whose effects are often unpredictable.

The difficulty, however, is only partly a problem with a policeman's choice of instruments; the second problem stems from the intractable nature of the problems the police confront and the objectives they have set for themselves. James Q. Wilson has compared policemen to the practitioners of mental health. Both he suggests face problems for which there are few solutions. It is becoming increasingly apparent that there is very little the police can do about crime. Besides shifting the locus of criminal activity about, the police are able to do very little.²⁵

To be sure, much of the difficulty is that crime is simply not amenable to a police solution. The courts, the prisons and political institutions surely bear as much if not more of the burden for the 'solution' of the crime problem than the police. Moreover, it is not clear that police activity greatly affects other maladies of urban-industrial civilization. The greatest reduction in traffic fatalities in recent years occurred not as the result of increased police activity but from a decision by political authorities to lower the speed limit and an increase in the price of gasoline. The police can also do very little in the way of solving the causes of the disturbances they ordinarily encounter. They are at best a stopgap measure to prevent violence. Policemen are not therapists and there is not much reason to believe they should be. (The Broader problem here is to what extent political authority can take the responsibility to resolve the personal difficulties and traumas of individuals. In many respects the police are simply surrogate therapists and social workers for the lower classes--a needed function in lieu of alternatives--but increasingly they are expected to handle problems which should not ordinarily involve the police, e.g. to make a neighbor turn down his stereo.)

The police task as I have argued rests on the use of legitimate coercion to control social behaviors in a wide variety of situations. A patrolman's decisions to intervene

or not, to arrest or not, and to use force if need be, are viewed as instrumental to the attainment of a set of broader social objectives--the control of crime and disorder. These objectives which are the result of social and political conflict have been augmented by the emergence of police professionalism. The result is not only to confront the police with a set of ambiguous and impossible goals, but to create an existential conflict between these ends and the use of the means to attain them--coercion. The uncertainty surrounding the question of who the police serve; the patterns and demands of the occurrence of crime and disorder; the presence of unpredictable violence; and the unreliability of a craft technology are further requirements which complicate the attainment of police objectives. The police task is thus carried out under conditions of ambiguity, uncertainty and no small amount of complexity.

THE STRUCTURE OF POLICE BUREAUCRACIES

How have police organizations and policemen coped with these dilemmas and constraints? If one side of the organizational equation are the goals and requirements of the task, the other side is that of structure. If it is to cope with the uncertainties of the environment and the task, and coordinate and control the complex of men and materials which make up an organization, an organization must develop structure. Structure as we have traditionally thought about

it has referred almost always to the set of boxes on an organizational chart. Actually, the problem of structure in an organization is bound up with the matter of routine. Consider, for a moment, the activities of a formal organization from the perspective of the kinds of decisions that are made. One can distinguish between routine and non-routine decisions. The latter are responses to novel situations, policy decisions which may redefine organizational goals and change the course of organizational activities. The former, however, are the patterned responses of decision-makers to similar kinds of situations. A postal clerk receives letters and packages of different sizes and weights each day, and the decision of how much to charge a customer for stamps depends on the weight, whether it is to go airmail or regular mail, and whether the destination is the continental United States or overseas. The clerk considers these aspects and calculates the rate according to a pre-determined set of rules. Similarly, a social worker in a welfare office determines the amount of assistance and the kinds of services to be provided for a client in accordance with a set of guidelines. In both of these instances the process of making decisions is stabilized and made orderly through the development of procedures which constrain the decision-maker. A completely routinized decision has a stimulus-response quality to it: if a youth is over 18 years of age he can register to vote; if he is

not, he cannot vote. The development of structure in an organization is thus predicated on the requirement of ordering and stabilizing the activities of an organization. The attainment of organizational goals with a modicum of effectiveness necessitates predictability and stability in the activities and relationships among the members of the organization. From this point of view structure more accurately refers to the pattern of mutual expectations, some of which are formalized in rules and procedures and some of which exist on the basis of shared understandings and values, among the members of an organization.²⁶

If administration requires that an organization stabilize its processes in order to attain control over the activities of the organization, most administrators rely upon a combination of three methods. These are impersonal rules supplemented by a system of rational-legal authority and a division of labor. Rules define the standard operating procedures of an organization; they obviate the need for close, watchful supervision over operatives. Rules define what actions should be taken and what actions should not be taken; these procedures constitute, as one author has put it, the 'working memory of the organization.' Rules are supplemented with a system of control and authority. While compliance must generally be based on legitimate authority, as Weber astutely pointed out, most administrators supplement this with a variety of incentives and sanctions.²⁷

Finally, organizations are based on specialization which is reflected in a division of labor. An industrial firm, for example, may divide into production and marketing divisions so that each may concentrate on a discrete aspect of the organizational task.

These three features of organizational structure--impersonal rules, a system of hierarchical authority and control, and a division of labor--are the core elements of bureaucratic organization.²⁸ They characterize, to one degree or another, all organizations--public and private--in an industrial society. Now the interesting thing is that this model of bureaucracy was adapted from the extant form of administration in Germany at the turn of the century and from industrial organizations, and as such it has acquired an aura of universality.²⁹ But the success of an organization in achieving its ends is partly contingent on adapting the structure of the organization to the task at hand. In other words, depending on the task, it is possible for there to be an incompatibility between the structure of the organization and the requirements of the task. This can be clarified if we distinguish between two meanings of the word routine. The idea of routine refers, on the one hand, to the formal rationalization of organizational activities through rules, a control system and division of labor--that is through structure; on the other hand it refers to the extent to which the task of the organization is

capable of being routinized or subjected to a systematic technological process. Whether or not this is possible depends on the specific requirements of the task itself and on the available technology. Obviously, it is easier to routinize the production of automobiles than scientific research. Generally, most observers are presently inclined to the view that Max Weber's archetype, the rational-legal bureaucracy, is most effective when the task is capable of being highly routinized. It turns out to be a very effective form of organization when the task is to produce automobiles; it is less useful in a research organization. Organizations which must accomplish an unusual and complex set of tasks require an alternative form of structure.³⁰ The compatibility between structure and task has profound consequences not only for the overall effectiveness (in terms of accomplishing the task) of the organization but for the problem of administrative control.

Ambiguities of a Quasi-Military Organization

Many observers of the police are fond of citing the quasi-military aspects of the police bureaucracy as its most notable feature.³¹ And many police administrators frequently attest to the superiority of this particular form of organization. Yet the analogy, despite its intrinsic appeal, is quite misleading. Historically, the military was turned to as a model for police departments

for two reasons: to provide the police with the capacity to act in unison in the face of riots and other large-scale public disorders; and to provide for a system of control and discipline which would eliminate the most egregious abuses of authority and misbehaviors by policemen.³² It stood to reason that a group of men who were presumably trained and under the command of a police captain would have more success in quelling the periodic outbursts of violence that characterized nineteenth century America than the loosely organized Watch. And the instilling of discipline and obedience seemed to be the answer to the laxness and corruption of the men engaged in police work.

But a quasi-military form of organization was never quite suited to the requirements of the police task nor has it been completely descriptive of the actual structure of a police department. Police work is organized on a territorial basis, with men either singly or in pairs working alone to carry out the task of the organization. Only rarely are most policemen required to function as an organized unit during a public disorder or other 'critical event' (and increasingly this function has been taken over by tactical units and specially trained squads, e.g. Special Weapons and Assault Teams). Nor has specialization which has more space in professional police departments greatly altered this. Investigative units, juvenile units (which are actually similar to the detectives), and traffic have

been organized to handle specialized problems, but the bulk of police activity is still the result of the decisions and actions of patrolmen. The patrol division of any police department operates as a more or less autonomous subsystem within the police bureaucracy. Communications are routed directly to patrolmen, and while they can be monitored from time to time by supervisors they normally are not. Most administrators work during the day, and they are not usually in a position either to speak with or observe patrolmen unless they make a special effort to do so. Patrolmen consequently have considerable freedom in deciding how the coercive powers of the police will be utilized.

What has often been considered distinctive about the quasi-military form of organization (and any rational-legal bureaucracy I should point out), however, is the emphasis on command and control. While police departments do exhibit a preoccupation with command and control--in fact one observer has characterized police departments as 'punishment-centered bureaucracies'--the actual structure of the control system is far more complex than normally imagined. Indeed, there are definite limits on the controls that administrators have over patrolmen. The emphasis on a quasi-military form of control in police departments must be considered in light of its historical roots. For the most part, the development of bureaucratic rules and the enforcement of these rules have been directed toward those elements

of police work which were considered significant obstacles to professionalization and not to the control of an officer's discretion. Corruption, drinking and sleeping on duty, marital infidelity, the destruction and abuse of city property, an officer's appearance and the like are the central focus of bureaucratic rules and regulations in a police department. However, this focus on personal discipline was not completely the result of muddled minds at work. Discipline in the tradition of the military can, and was traditionally viewed as a substitute for the formulation of policy. The implicit assumption underlying the use of a system of formal and rigid controls is that reliability as demonstrated by adherence to departmental rules signifies adherence to the relevant norms of police work. Simply put, an officer who violates petty rules--who doesn't shine his shoes, doesn't keep his hair and sideburns cut to regulation length, writes unreadable reports, and is regularly three or four minutes late to work--is presumed to be an officer who cannot exercise his powers of discretion in a responsible fashion. Even so it is clear that the problem of discretion is avoided rather than confronted.

A similar emphasis can be discussed in the formal training programs of the police. Most training programs are designed to acquaint rookies with the law, departmental rules, and to develop competence in certain basic and

required skills such as shooting, self-defense, and driving. But more important than these is the attempt to mold the recruits to the discipline of the organization. Arthur Neiderhoffer, a policeman turned scholar, has argued that the defining characteristic of recruit training is that it is a total and inclusive process which seeks to strip away the recruit's previous identity and values and replace them with those appropriate to the police role. To this extent formal training is largely a matter of socializing the recruit into the dominant ethos of the organization (this may differ considerably, however, from what the rookie learns on the street).³³

Finally, in a professionalized police department, discipline is supplemented by an array of administrative controls designed to ensure that patrolmen are working. The most obvious example of this is the reliance upon impersonal measures of performance. These include, among others, arrest rates and daily work records (the log) which records field interrogations, calls for service and other activities. Aggressive supervision is also regarded as a mainstay of the control system. Not only are supervisors expected to periodically evaluate their men but to patrol the 'field' observing their activities. In addition, some departments require supervisory approval of felony arrests.

The Limits of Formal Control

Though the control system is highly rationalized in many police departments it has only an indirect effect on the exercise of discretion. The brunt of the control system is negative; it defines the limits of action rather than directing action. One might view the control system of a police bureaucracy as a vast crucible, a shell, which sets outer limits on the use of police power and in which the day to day process of decision-making is played out free of restraint. Behavior in a police department tends to be extensively regulated by normative controls.³⁴ It is the norms of the police culture which guide the exercise of discretion by patrolmen. The limits of the formal control system and the establishment of norms which legitimize the autonomy of patrolmen is the result of the ambiguities and uncertainties of the police task. There are two factors of some importance here. First, a police administrator faces the same difficulties as a legislator: it is impossible to specify in advance all of the contingencies that a patrolman will confront, and policy directives will never be entirely unambiguous to a patrolman. However, police administrators, until recently, have generally refrained from defining explicit guidelines for the exercise of discretion. The reluctance of administrators to do this stems from the need to maintain the appearance of full and impartial enforcement and the need

to avoid defending criteria used to make discretionary decisions.³⁵ Yet police administrators, because of their views on discipline, have not felt that such guidelines really need to be specified. Consider the views of O.W. Wilson, the reform police chief of Chicago:

Discipline is a function of command...The answer to the problem of police conduct and corruption is not the creation of an outside disciplinary agency. The answer is the creation of men to know and understand police work, to protect the innocent and punish the guilty.³⁶

Well-chosen, well-trained, and well-disciplined men simply obviate the need for explicit guidelines for the use of police power. This is not to say that police administrators and supervisors do not have ideas about what kinds of decisions patrolmen should make. They do. But normally these are simply reflections of broader goals: an arrest is the best deterrent to future misbehavior; the laws should be enforced equally and impersonally; the use of profanity and insults is not a permissible means to convince a victim or suspect of the correctness of one's point etc. These admonitions reflect the values of professionalism and the police culture, and while they constitute informal understandings about how a situation should be handled, they are still sufficiently vague as to leave an enterprising patrolman enormous latitude.

The second factor stems from the nature of the police task. The centrality of coercion to the police task in a heterogeneous and divisive society creates pressures which

stigmatize the police and set them apart. This has two important consequences. The pressures of the police occupation and professionalism serve to bind policemen together, to create--indeed to demand--group solidarity and loyalty. Intensified public criticism of the police simply magnifies the 'we-they' aspects of the police-public relationship. Under these circumstances, police administrators are caught between demands of loyalty and demands from the public that police power be used in a specific way or perhaps curtailed. The acceptance of organizational authority and compliance to rules by patrolmen will be contingent upon the belief that supervisors and administrators will defend patrolmen and grant them sufficient leeway to do their job as they see fit. An administrator who attempts to directly control discretion in ways that counter deeply held beliefs and values is subject to the charge of not "backing up the men."

These pressures for loyalty and solidarity to important norms are refracted throughout the police bureaucracy. The difficulty and complexity of the police task--the fact that decisions affecting the lives of people are regularly made under ambiguous and uncertain circumstances--legitimizes the autonomy of patrolmen and increases their feelings of solidarity and loyalty toward one another. The basis of the police culture and professionalism is to protect policemen against public hostility and unwarranted scrutiny of police decisions. Many policemen feel, with some

justification, that the decisions they make have to be made under the worst possible conditions, and that no matter what they do they will be subject to criticism. As a consequence not only will patrolmen (all policemen I should say) attempt to protect one another if the need arises but one of the strongest norms in a police department is the norm against 'second guessing' another officer's decisions. The belief is that the officer was at the scene and he alone knows the complexity of the situation and is in the best position to make a decision.³⁷ And whatever the decision, the obligation is to back up the officer. The animosity that some patrolmen display toward a supervisor who attempts to closely observe their actions and the reluctance of many supervisors to interfere with patrolmen stems partly from the force of this norm. The autonomy of patrolmen is further legitimized through a norm which allows them to pursue their task as they see fit.³⁸ Both of these norms serve as limitations on the system of hierarchical controls and limit the freedom of administrators to directly control an officer's discretion.

These normative limitations are further augmented by the relationship between the police task and power within the police bureaucracy. Because of the requirements of the task and the fact that it is largely carried out in isolation, patrolmen have considerable power within a police department. Power within an organization is related to the predict-

ability of behavior. It accrues to those individuals and groups whose behavior cannot be predicted; whose behavior, by virtue of their function or expertise, cannot be completely stabilized through rules or a rationalized technological process. Power is thus intimately related to the routinization of activities within an organization. If an activity or process in an organization cannot be routinized and therefore made subject to administrative controls, and if it is important to the continued success of the organization, those groups or individuals who control the outcomes of that process obtain considerable power. In his study, The Bureaucratic Phenomenon, Michel Crozier uses the example of machinists in an industrial organization, who were able, through their ability to monopolize and control the repair of production machines on which the success of the organization depended, to wield extensive power. Both the top executives and the women who operated the machines were dependent on the machinists in the event of a breakdown.³⁹ Similarly, patrolmen control, through their day to day decisions, a process of immense importance to a police department, the outcome of which can affect the department for good or ill. The use of either excessive ticketing or a complete slow down of police activity as a lever in wage negotiations with municipal governments in recent years amply testifies to the power patrolmen, if they so desire, can wield. However, this is

perhaps the least important reflection of the power of patrolmen. Administrators are dependent upon patrolmen to perform their duties in a reasonably satisfactory way, and to avoid embroiling the department in a conflict with segments of the public. Police administrators and supervisors are sensitive to the vicissitudes of public opinion, especially where 'nonprofessional' behavior such as rudeness is concerned. Yet because of the demands of group solidarity and loyalty and the dependence of administrators on the actions of patrolmen, their ability to control an officer's behavior is sharply curtailed.⁴⁰

The Contradictions of Organizational Structure

If police professionalism has led to the bureaucratization of police departments, it has also imposed a set of normative requirements upon policemen. The ethos of professionalism demands impartial law enforcement, fairness, a humane approach to the problems of law enforcement and sensitivity to public opinion. But professionalism by emphasizing these normative requirements has served to heighten the conflict between ends and means that is intrinsic to police work. And this conflict imposes a profound dilemma upon members of the police profession. Consider the problem of control from the vantage point of the police administrator. A professional police administrator, however much as he is dedicated to the goal of crime fighting

and is bound by loyalty to his fellow officers, also subscribes to the values of police professionalism which emphasize the idealistic aspects of police work. The role of an administrator or supervisor is fraught with the tension between the demands for loyalty to policemen and the norms of the police culture and the demands to live up to the normative requirements of professionalism. This dilemma is more or less resolved by individual administrators in different ways at different levels of hierarchy. Some, sergeants normally, continue to identify with patrolmen; others attempt to become stern disciplinarians.⁴¹

However, what is important for our purposes is to understand how this dilemma between the requirements of the police task (and the corresponding limitations on formal control) and the normative requirements of professionalism is resolved for the police bureaucracy as a whole. The structure of a police department is an admixture of bureaucratic and professional characteristics: it combines a system of control based on the legitimacy of hierarchical authority and impersonal rules with a system of control based on the regulation of an individual's behavior through the enforcement of group norms. The dilemma is resolved, structurally, by directing these systems of control to different types of behavior. The system of hierarchical controls are directed toward the extrinsic requirements of police work: those indulgences by policemen which are

perceived to detract from the professionalism (in the narrow sense) of the department. The system of controls based on the police culture is directed to those behaviors which are of immediate concern to the performance of the police task. It is these group norms which guide and inform the exercise of discretion by patrolmen.

This structural characteristic of police bureaucracies has a rather important consequence for the behavior of patrolmen. The development of hierarchical controls in police departments were predicated on the assumption that they were an alternative to external (political) controls.⁴² They were initially, and perhaps justifiably, directed at those actions of policemen which were of most concern to the public, viz. corruption, sloth etc. What this did was allow the police to pursue their task in relative isolation, and as long as the police were not subjected to extreme criticism and pressure the two systems of control could co-exist without detrimental consequences. However, it is clear that there are points where these two systems of control come into conflict, for example in the case of police brutality or a shooting. Charges of excessive force by citizens require that police administrators attempt to punish the policeman and 'tighten the screws' in the department; at the same time administrators are confronted by demands for loyalty, demands to back-up and support patrolmen. The drive for professional status has augmented

the reliance upon hierarchical controls and the insistence that policemen toe the mark, that they abide by all of the petty rules and regulations of the department. While these controls are directed toward trivial matters, enforcement becomes increasingly coercive. The result has been the creation of a dialectic in the operation of the control system in police departments. External pressures upon a police department reinforce the need for strict hierarchical controls; this in turn reinforces the emphasis on negative discipline; which in turn increases the group solidarity and loyalty among patrolmen.⁴³ The emphasis upon strict and punitive hierarchical controls strengthens the normative controls among policemen, and heightens the conflict between administrators and patrolmen. But since these hierarchical controls are by and large directed at the extrinsic aspects of police behavior they do not fundamentally alter the values of the police culture. Rather, they simply increase the uncertainty and tension with which a patrolman must cope. This serves to increase the dependence of a patrolman upon his immediate work group and to increase cohesion among patrolmen.⁴⁴ In a curious way, the conflict which animates the relationship between the police and the public is reproduced between patrolmen and administrators. This conflict results in a widespread feeling among patrolmen that the way to survive is to stay low and "protect your ass." It also sets up a conflict

between the way the patrolman is expected to act on the street and the way he is treated by the department. As one officer put it, "they hire you to do a man's job and then treat you like a boy scout."

The bureaucratic controls of police organizations are more appropriate in an organization with a highly routinized technological process, one in which the rules governing behavior can be minutely specified. Because police work requires task delegation and is governed by group norms, the imposition of bureaucratic controls creates major tensions and uncertainties for police officers in the lower ranks of the organization without substantially affecting the kinds of decisions they make. The public, for their part, are given the illusion of control while patrolmen are granted substantial autonomy.

Not only must a patrolman successfully grapple with an arduous task, but he must adapt to the constraints and uncertainties of the police bureaucracy. These set the opportunities and the limitations of the job of policemen. How patrolmen adapt to these requirements is the matter to which we now turn.

THE PATROLMAN AND THE BUREAUCRACY:
THE VIEW FROM THE BOTTOM

Police work is a craft. The techniques, the lore, the body of knowledge that makes up the expertise of a

policeman is learned through an apprenticeship and an extended process of socialization. All policemen go through this process; a police department is perhaps unique in that administrators and operatives have all been socialized through the same set of experiences. Unlike many organizations one of the key requirements for an administrator of a police department is that he have served his stint on the street (in the Los Angeles Police Department street experience is mandatory for a promotion above the rank of Sergeant). The normative controls which regulate discretion derive from this process of socialization. Shared expectations about the propriety of various actions, attitudes toward police work and various groups in society are refined through mutual experiences on the street and handed down to countless generations of police officers. Out of this experience evolves the cast of mind and group solidarity which enables a policeman to cope with the rigors of his occupation.

As a mental process decision-making in any endeavor is always based on a partial and selective view of reality. A discrete set of values and facts, closely woven together, form the net which guide an individual's decisions. An individual can only consider a limited number of facts and thus alternatives at any given time; information to determine the consequences of those alternatives is usually sparse and incomplete; and the values by which a decision

is judged may conflict. Consequently, decision-making is, for most purposes, simply an effort to get by, to make the best possible decision under the circumstances.

There are two aspects of decision-making which are of concern here. The first is that as an organized process individual decision-making will ever be the same, but individuals will abstract out of a particular set of experiences, criteria, principles, and rules, which will serve as signposts in future but similar situations. No matter how chaotic, how unique a situation, people approach them on the basis of their experience, specifically on the basis of their learned responses to reasonably similar situations. Despite their proclivity to treat each situation de nouveau, patrolmen rely, as they must, upon the values, facts, and the meanings of these acquired in the past. A patrolmen thus develops a view of what that particular situation means and what action he should take. The sociological word for this is frame of reference; in this analysis I will refer to a patrolman's operational style.⁴⁵

The second aspect concerns the derivation of the frame of reference. Decision-making is selective in that it is based upon a coherent frame of reference which directs the individual's attention to selected elements of any situation. In a formal organization these selective perceptions are the result of organizational and departmental goals, group

norms and values, communication processes within the organization, and the incentives and constraints of the authority system. Consider the flow of information and the goals of various departments in an organization for a moment. The division of labor within an organization can be thought of as a way of specifying the subgoals (the means) which are necessary in order to attain the central goals of the organization. Particular values and attitudes become associated with the roles in a subunit over time; and these are in turn reinforced by the selective nature of the information and events which come to the attention of decision-makers occupying these roles. A marketing executive in an automobile company, for example, is more concerned with the performance of the company's salesmen than with the manufacturing process. Indeed, he is likely to be rather insensitive to the problems of manufacturing, and to believe that company problems are inevitably marketing problems. In this sense, the values, attitudes and perceptions that become associated with a role are the salient cues in organizational decision-making.

Any organizational role will be a combination of both structured and discretionary elements. The structured element refers to the rules and expectations--the decision premises--that become associated with various organizational activities over time; the discretionary element refers to the range of variation within these limits. Actually, for

many organizational roles, the discretionary element may be largely implicit, and the individual may see himself as merely carrying out the demands of the job rather than as exercising discretion.⁴⁶

How far an organizational role is structured depends on the nature of the task and the goals. In general, a role will be more structured if the task is capable of being routinized and the goals can be operationalized. It should be apparent that the role of a patrolman is not generally susceptible to being routinized in the way, say, the role of an assembly line worker or a postal clerk can be. The consequence of this for a patrolman is that there is a much greater reliance on precedent, on habit, and on peer group norms in making decisions. A further consequence is that decisions are more easily based on consideration of internal politics. To take the most mundane example, an ambitious patrolman will take care to see that his decisions are calculated either to keep him out of trouble or to please the right Sergeant.⁴⁷ The basic elements of a patrolman's frame of reference derive from the process of socialization into the police craft. Because the hierarchical controls only have an indirect and constraining effect and because the nature of the police precludes the extensive rationalization of police work, it is the values and perceptions gained through this experience that will be most salient in the exercise of discretion.

On Being Socialized

The process of socialization begins with the formal, recruit training program. It serves to isolate the recruit from the civilian population, to acquaint him with the traditional police lore--'war stories' mainly--, and to bind him to the police group. John Van Maanen, who studied the process of socialization in a large urban police department, comments: "by such mechanisms as degradation, submission, and substitution, the recruit school serves to detach a newcomer from his old attitudes and acquaintances. The long hours, new friends and the ordeal aspects of the academy gradually impress upon the recruit that he must now identify with a new group--the police.⁴⁸ Recruits normally hate the academy; it is a dulling experience. As a result, Van Maanen argues recruits learn two key lessons: the importance of group dependence--the mutual obligation to support one another--and the difficulties of dealing with punitively oriented supervisors. A recruit learns to stay low, avoid trouble, and keep his mouth shut.

It is during the first months on the street that the rookie begins to learn the fundamentals of the police craft. During this period the rookie is firmly under the tutelage of an older officer, euphemistically called the Field Training Officer (FTO). He is much more than that. In one sense, he is the guardian of the police fraternity; it is his evaluations, his comments that will establish the

credibility and the reputation of the rookie. He is the master craftsman who imparts the lore of police work to the apprentice. For a year, a rookie is under the firm direction of one or more FTO's, who will watch his every move, instruct him to the finer points of police work, and assist him in interpreting his experiences.

For the rookie this is normally an exciting if difficult year. Once he recovers from the initial shock of working the street, he settles as comfortably as possible into the role of policeman. These initial experiences change attitudes; the rookie begins to think and talk like his FTO. He acquires the values and beliefs central to the police fraternity: duty, honor, courage, dedication, and above all loyalty. Not all experiences are satisfactory. A rookie may get placed with an FTO whose concept of police work is the antithesis of his own; and he may be subjected to what he considers an undue amount of harassment. Moreover, the status of rookie is an uncertain one: he is being judged, being tested in light of the values of the police culture. During this time he is not privy to much information about crime and other gossip which permeates the department, and he is always aware that he has not yet been accepted.

For the FTO's the experience is more mixed. Some senior officers observed in this study were inclined to feel that "rookies can be a pain in the ass." It is somewhat more

risky working with a rookie (the main threat is their driving), and, as one officer put it, most of them want to set the world on fire. According to this patrolman, a man with eight years experience, the biggest problem a training officer faces is trying to slow the rookies down and keep them out of trouble. Besides acquainting the rookie with the intricacies of departmental regulations--proper procedure in making out crime reports, handling evidence and the like--the FTO must watch and judge his performance as a policeman. The supreme test comes when things get sticky, at a hot call (an armed robbery in progress), or when a fight erupts during a family dispute. It is at these times that 'real police work' is called for, and a rookie must show that he can meet the challenge. A rookies' response under fire establishes his reputation in the department, it becomes part of the rubric by which he will be known from then on. Van Maanen, after observing FTO's and rookies work on the street, concluded that although there were varying definitions of appropriate behavior in a given situation, the most important criteria for judging a rookie was the willingness to put himself in a risky position and back up his fellow officers.⁴⁹ An equally important test is the rookies' first felony arrest, an action that normally occurs at the discretion of the FTO. Most rookies await this with eager anticipation; the FTO, for his part, watches and judges. The rookies' per-

formance, here again, will become part of his reputation.

More important than the 'tricks of the trade' or the police lore that a rookie learns is the process of becoming part of the police fraternity and of accepting the values and beliefs of one's fellow policemen. A rookie is expected to unite with his fellow officers in the pursuit of a difficult task, and he is expected to display, above all, loyalty and dedication. It is loyalty to the group more than anything else that allows a rookie to be accepted and to advance. Hostility toward the public and increased solidarity are facts of the police occupation which have been extensively documented over the years.⁵⁰ What seems to have been of somewhat less concern are the values and the beliefs that a policeman acquires in the process of socialization. What, for example, does loyalty to one's fellow officers mean? What are the limits on loyalty? First, as one can see from Table II-1 the demand for loyalty is a demand to defend and assist one's fellow officers. Eighty-three percent of the patrolmen in this sample agreed with the statement that, "the most important obligation that a patrolman has is to back up and support his fellow officers." These data also confirm the code of conduct that unites policemen; and, perhaps more interesting, they show that forty percent feel that officers who violate the code of conduct should be closely watched.

Leonard Savitz has undertaken a somewhat more precise

Table II-1

PATROLMAN ATTITUDES TOWARD POLICE WORK AND POLICEMEN

| | TOTAL | RBPD | IPD | NELAPD | RAMPLAPD | LAPD |
|------------|-----------|----------|----------|----------|----------|----------|
| AGREE | 82% (162) | 82% (27) | 89% (55) | 72% (36) | 82% (42) | 77% (78) |
| DISAGREE | 10% (19) | 6% (2) | 3% (2) | 18% (9) | 12% (6) | 15% (15) |
| NO OPINION | 8% (9) | 12% (4) | 8% (5) | 10% (5) | 6% (3) | 8% (8) |
| N = | 196 | 33 | 62 | 50 | 51 | 101 |

Patrolmen have well understood but unwritten rules concerning the conduct of fellow officers.

| | | | | | | |
|------------|----------|----------|----------|----------|----------|----------|
| AGREE | 42% (84) | 50% (17) | 42% (26) | 43% (22) | 37% (19) | 40% (41) |
| DISAGREE | 43% (86) | 35% (12) | 45% (28) | 41% (21) | 49% (25) | 45% (46) |
| NO OPINION | 14% (28) | 15% (5) | 13% (8) | 16% (8) | 14% (7) | 15% (15) |
| N = | 198 | 34 | 62 | 51 | 51 | 102 |

Patrolmen who violate important but unwritten rules of conduct cannot be depended on and should be closely watched.

| | | | | | | |
|------------|-----------|----------|----------|----------|----------|----------|
| AGREE | 82% (161) | 65% (22) | 89% (55) | 80% (41) | 86% (43) | 83% (84) |
| DISAGREE | 17% (33) | 32% (11) | 10% (6) | 18% (9) | 14% (7) | 16% (16) |
| NO OPINION | 1% (3) | 3% (1) | 1% (1) | 2% (1) | -- | 1% (1) |
| N = | 197 | 34 | 62 | 51 | 50 | 101 |

The most important obligation that a patrolman has is to back up and support his fellow officers.

Table II-1 (con't)

| | TOTAL | RBPD | IPD | NELAPD | RAMPLAPD | LAPD |
|------------|-----------|----------|----------|----------|----------|----------|
| AGREE | 48½% (96) | 68% (23) | 55% (34) | 37% (19) | 39% (20) | 38% (39) |
| DISAGREE | 48½% (96) | 29% (10) | 42% (26) | 63% (32) | 55% (28) | 59% (60) |
| NO OPINION | 3% (6) | 3% (1) | 3% (2) | -- | 6% (3) | 3% (3) |
| N = | 198 | 34 | 62 | 51 | 51 | 102 |

One of the most important unwritten rules among patrolmen is that each officer should be allowed to make his own decisions and enforce the law as he sees fit.

| | | | | | | |
|------------|-----------|----------|----------|----------|----------|----------|
| AGREE | 61% (120) | 42% (14) | 77% (48) | 63% (32) | 51% (26) | 57% (58) |
| DISAGREE | 37% (73) | 55% (18) | 23% (14) | 33% (17) | 47% (24) | 41% (41) |
| NO OPINION | 2% (4) | 3% (1) | -- | 4% (2) | 2% (1) | 2% (3) |
| N = | 197 | 33 | 62 | 51 | 51 | 102 |

A good patrolman is one who aggressively patrols his beat, stopping lots of cars, checking out people, running warrant checks on vehicles that look suspicious and so forth.

look at the dimensions of loyalty among policemen. He found that the most important meaning of loyalty for policemen in Philadelphia was in terms of mutual assistance. In a survey, he offered his respondents the choice between making a good pinch (for murder, child molesting, or robbery) and coming to the assistance of a policeman in various degrees of trouble (falling and breaking his leg, being pushed around by a group of toughs, or being shot at). He concludes that the, "only situation when most policemen will not automatically assist a fellow officer is when an extremely serious felony (murder) has just taken place and the officer is in relatively little jeopardy."⁵¹ But if mutual assistance when a policeman is in trouble constitutes the most important meaning of loyalty, Savitz found that in other areas there are limitations on the demand of loyalty. For example, a large percentage of recruits, detectives and patrolmen all said that they would inform supervisors if an officer was excessively brutal in making arrests. Thus loyalty, insofar as these survey responses are accurate, does not mean the maintenance of excessive secrecy when confronted with officer misbehavior. However, Savitz's results consistently show that experienced patrolmen and rookies who had been in the field for six months were more tolerant of misbehavior, especially corruption, than either new recruits or detectives.⁵²

Besides loyalty a number of other beliefs and values

are conveyed to a rookie. The policeman's ideal is that of the inner-directed, aggressive policeman. When it comes to the job policemen are action-oriented. One does not crush crime by standing on a street corner drinking coffee. The world is a place in which problems are solved by taking action. A good officer is pragmatic and resourceful, one who can get the job done. Initially, this is a very idealistic stance; many policemen view themselves as lonely crusaders coming to the rescue of those who are victimized by a ruthless society. There is something of Don Quixote in every policeman. In some, the idealism turns to a shrill moralism; for others, cynicism, nurtured by countless frustrations--real and imagined. Yet the initial idealism never completely sours; there is always a residue, and no policeman ever quite believes that action is fruitless.

The inner-directed, aggressive policeman thrives on the chases, where it is clear where everyone stands, and the job is simply that of catching the bad guys. The real lure of police work is that it can be exciting, that it is a refuge from the dull, gray world of office work. No matter how dull or routine the job may seem at times, the possibility that something will happen, that an armed robbery or burglary will take place, is always present. What is thrilling is the unpredictability of it all. Joseph Wambaugh has expressed this better than anyone I know:

Hollywood Division was a good place for police work. It was busy and exciting in the way that

is unique to police experience--the unpredictable lurked. Ian Campbell believed that what most policemen shared was an abhorrence of the predictable, a distaste for the foreseeable experiences of working life...No, policemen /were/ not danger lovers, they were seekers of the awesome, the incredible, even the unspeakable in human experience. Never mind whether they could interpret, never mind if it was potentially hazardous to the soul. To be there was the thing. 53

This feeling about police work is one that was expressed to the author over and over, in interviews and in the intimacy of the patrol car. It contrasts sharply with the image of men motivated by the need for a secure job choosing police work as their profession.⁵⁴ Doubtless, some do prefer the security of the police occupation, but security is just as easily obtainable in other civil service positions. Although I have no precise data available, the recurrent impression obtained from talking with many patrolmen is that a good number of them left secure and high paying white collar jobs for the unpredictability of the street.

The ideal of the inner-directed police officer is relatively widespread among policemen. Van Maanen noted a shift toward this ideal by recruits after some experience on the street. And 88 percent of those officers with five years experience choose the inner-directed policeman as their ideal. Table II-1 shows that 57 percent of the patrolmen interviewed accept this ideal, though there are some differences between the three departments. Finally, Jesse Rubin in a study of policemen in Miami concluded that, "policemen are highly energetic, aggressive people," and

that most become preoccupied with the aggressive, crime fighting role by the end of their first year of street experience.⁵⁵

The preoccupation with the inner-directed policeman as crime fighter leads to a view of police work as a game, a game of cops and robbers. Those situations that involve 'real police work' are actively sought, for they allow a policeman to discharge his energy and to validate the role of the policeman as crime fighter. The hot call, the pursuit of a felon, even skulking through alleys and backstreets, become part of the role. This not only requires developing the ability to closely observe behavior on the street and understand when something is amiss and action should be taken, but it necessitates a constant monitoring of the radio for the all too infrequent 'hot calls.' A call that an armed robbery or burglary is in progress brings not only the assigned unit but any unit that is not otherwise occupied and can make it to the location in time. For example, a call that a fight was taking place between an unknown number of persons brought six patrol cars to the scene. However, when it was discovered that the fight was a drunk passed out in the alley responsibility was quickly turned over to the assigned unit. Some policemen, who are perhaps excessively preoccupied with this role, will respond to hot calls and if nothing develops, get back in their car and begin the chase elsewhere. Much of the personal

satisfaction as well as the lure of police work thus derives from the aggressive pursuit of felons, the opportunity to make a good pinch.

But one of the most difficult aspects of the job that a policeman must learn to cope with is the boredom. The image of police work as the chase is only true very infrequently. Much of an officer's time is simply spent driving around, looking and listening, and waiting for something to happen. And many of the things that do happen quickly become full and deadening: the daily litany of crime reports that need to be taken, the minor squabbles between people, and always the same uneventful streets. Morning watch, especially after 3:00 a.m. is the worst time of day. Day Watch is better only in the sense that there are usually calls to be answered, though most are trivial and petty. Night Watch, from the late afternoon until midnight, is usually the busiest, the time when a good officer can ply his craft.

Coping with the boredom of the job is especially difficult for the policeman who takes the role of crime fighter seriously. The need to validate the image leads to an intensive, hyperactive style of police work for many officers. It requires that one dig and scramble to 'come up with something.' What an officer comes up with, though, is not always as good as he would like. The conflict between boredom and the ideal of the inner-directed policeman

has important consequences for the exercise of discretion. In some cases it leads to a frenzied search for activity of any kind. In such situations the patrolman's sense of propriety and his interpretation of the law is perhaps looser than normal. Violations which might normally entail only a warning or some other informal action will be subject to arrest or citation. It may also lead to the abuse of authority in minor but, to the people involved, important ways. For example, two highly aggressive young officers who were having trouble coping with a rather uneventful evening decided to go to the park and 'check out the lovers.' This game, which was rationalized as looking for would-be rapists or muggers, involved pulling along side a parked car in which a couple was necking or otherwise engaged, jumping out of the car and getting both occupants out in order to check their identification. The officers checked four parked cars and broke up four couples, one of which was homosexual. More than the possibility of a crime, it seemed that the officers were concerned with catching the couple engaged in sexual intercourse. This night the officers were successful in one case, and the couple were made to get out of the car, show their identification, and then told them that it was against the law to show your public area in a public park. Both officers thought the incident rather hilarious, and one ribbed the other for not being able to see anything. Much of the reprehensible

behavior of policemen is due less to a predisposition to be authoritarian than to boredom. Every policeman has to deal with it in his own way.

If the ideal of police work is the inner-directed crime fighter, the police culture does not require that every officer live up to this standard or work the street in precisely the same way. The norms of the police culture derive from the hazards of the occupation, and seek to minimize these hazards and protect group members. As long as a policeman accepts these norms and meets his mutual obligations to the group, he is free to exercise his powers of discretion as he sees fit. The same beliefs that lead policemen to attempt to minimize external control over their actions, work within the police department to minimize second guessing and to allow each officer to exercise his independent judgment in each situation. Most situations can be acceptably handled in a number of different ways, and there are many ways of working the street. If an officer makes a particularly bad decision, he may receive some ribbing about it, but he will be supported at the scene. Moreover, an officer can establish his own priorities and adapt his work habits to these. For some this means a pattern of selective enforcement: the enforcement of traffic laws or narcotics laws or the pursuit of burglars. The norm of individualism allows each officer to pick and choose as opportunities arise. If an officer chooses to

ignore a violation, his partner will normally acquiesce. On the other hand, if an officer decides to make an especially "shaky" arrest his partner will probably go along (officers who sharply disagree about how to enforce the law simply don't work together). Thus each patrolman has the opportunity to develop his own set of priorities and work accordingly, and in the absence of hierarchical control the priorities of the police department are established at the operational level.⁵⁶

The norm of individualism has several important consequences for discretion. First, it fosters a number of different styles of police work. These range from officers who are extremely aggressive and formalistic to officers who are not aggressive and who stress the service aspects of the police role in addition to crime fighting. Not every officer accepts the ideal of the inner-directed policeman, and of those who do, it may be followed to a greater or lesser degree. Policemen as they ply their craft on the streets are far more different from one another than many observers have indicated.⁵⁷

A concomitant aspect of the propensity to develop different operational styles is that a pattern of informal specialization is fostered. Since patrolmen have great latitude in deciding what they want to do and since they have different kinds of skills, there is a tendency to specialize. Most often this amounts to working those

violations or crime problems which are deemed most important and most interesting. The two most important areas of specialization observed were in traffic enforcement and narcotics. Some also concentrated on burglaries or juvenile gangs. In narcotics enforcement, patrolmen developed informants and copious notes on violators, and used their spare time to look for addicts walking the streets. The development of a particular specialization most often depends on whether the patrolman's training officer specialized in a particular area. This seemed to be true of those officers specializing in narcotics; invariably they said that they first got interested in narcotics through their FTO. It also is likely that the development of an operational style depends on the kind of styles the patrolman was exposed to as a rookie. When asked how a policeman learns to make decisions, a patrolman responded, "you just watch your training officer and do what he does."

A second consequence of the norm of individualism is that it represents an important normative limitation on the hierarchical control of the department. One of the more obvious manifestations of this is the often extreme resentment patrolmen have toward supervisors who either make a habit of observing them or actually interfering when they are handling a call. A good supervisor is one who keeps his distance. When asked what he would do if a supervisor told him to handle a particular situation differently, one officer

said that he would listen patiently to the supervisor and agree, but when he was alone he would do things his own way. This is not to say that supervisors do not influence the men under them; rather that their influence is limited in specific ways. A supervisor can legitimately order a patrolman to work harder; he cannot order him to arrest every drunk he sees, though he may attempt to persuade the patrolman that this is normally the better course of action.

Table II-1 provides some evidence for the norm of individualism. In response to the question, "one of the most important unwritten rules among patrolmen is that each officer should be allowed to make his own decisions and enforce the law as he sees fit," 48.5 percent agreed and 48.5 percent disagreed. This feeling was much stronger in the two small police departments. Sixty-eight percent in Redondo Beach and 55 percent in Inglewood agreed with the statement compared to 38 percent in the Los Angeles Police Department. It would appear that the norm is much stronger in the two small departments than in LAPD. LAPD does have a reputation for 'going by the book,' and while I would not want to minimize the importance of these differences they are partly contradicted by the field observations. More independence and more specialization was observed in the LAPD than in the small departments, and thus a greater variety of operational styles were represented among the patrolmen observed. On the other hand, there was more of a

uniform opinion about the way most situations should be handled; in particular, patrolmen in LAPD were more likely to say that in most cases an arrest should be made. However, the important point is that in all three departments a rather large percentage accept the legitimacy of individualism in enforcement of the law.

The rookie also learns a great number of specific techniques during his first year. These include learning what to observe on the street, that is specific indicators of suspicious behavior; the way to conduct oneself during a hot or at least a potentially dangerous call; and most important how to effectively handle the variety of situations a patrolman must resolve. What is required is that the rookie be able to maintain control of any situation; as one officer put it "we are not paid to lose." This means that the rookie has got to come to terms with his role as a user of coercive authority; he has to recognize the limitations as well as the range of powers he possesses. Much of what a rookie learns here has to do with manipulating people. One officer explained that what a patrolman has to learn is how to deal with people on the street; one has to know, "when to be firm, when not to be firm; when to take action, when not to take action; when to con people and act a little, and when not to..." All that's really required is that a technique be successful.

Because of the emphasis upon control many policemen

will use a person's attitude toward his authority as an indicator of what kind of action he should take. The 'attitude test,' as it is called, is a pervasive decision criterion among law enforcement personnel (its effect and use will be discussed at greater length in Chapter Five). The attitude test requires complete submission to police authority; policemen will generally brook no interference with their authority, even to the point of occasionally refusing to entertain legitimate questions. But here again there are profound differences among officers. Some are able to cope with challenges to their authority simply by ignoring them, and getting on with the business at hand. Others fly off the handle at the slightest insult. There is hardly a policeman who has not lost his temper at one time or another (and often for very good reasons), but the task requires that a rookie learn to use his authority constructively. Actually, the authoritarian character of supervisor-subordinate relationships in a police department probably have a deleterious impact upon a rookies' attitude toward and eventual use of authority. That is to say, there is reason to believe that the attitudes of supervisors and their use of authority provides the dominant role model for rookies, and they reproduce this pattern in their dealings with the public. Unfortunately, there is a dearth of empirical evidence on this issue.⁵⁸

So far we have discussed the things directly relevant

to performing the task that a rookie policeman learns. Not only does he have to learn how to deal with the people he encounters on the street, but he must learn how to deal with the expectations and actions of his superiors in the police department. The few studies that have closely examined the socialization process in a police department all show that the typical experience for a young policeman is one of progressive disillusionment with the department and increasing frustration. Van Maanen studied the relationship between motivation and work satisfaction among officers from the time they were in the police academy to the end of their first year on the street. Over this period there was a steady decrease in the motivation to act, in the belief that action will lead to various outcomes. The most pervasive feeling among the patrolmen Van Maanen studied was frustration. Much of this was directed, of course, at the courts and the public; but much was also centered on the practices of supervisors and administrators. The rookie learns that he will receive few rewards for any actions that he might take; the only reinforcement that an officer can expect is that which he can derive from his immediate peers or supply himself.⁵⁹ After having worked hard to make an arrest of a heroin pusher, two patrolman said that although the arrest was a 'good pinch' it was primarily a morale booster for them. The arrest would make them feel good for a few days, but the department would not give them any

commendations and it was just as likely that somebody would find something wrong with it. MacNamara in his study of recruits in the New York Police Department presents some similar findings, although the recruits he studied were not as negative as those in Van Maanen's study.⁶⁰

The lack of positive reinforcement by supervision is combined with a disjuncture between rewards and performance in a police department. Since most promotions are based on civil service examinations the kinds of decisions that a patrolman makes may have little bearing on his chances for promotion. What may affect his chances is the compilation of a 'bad package,' that is a personnel record which contains a lot of complaints about a patrolman's behavior. A young patrolman thus learns that the way to survive in the police bureaucracy is to stay low and avoid trouble, a somewhat difficult task given the requirements of the job. Van Maanen argues that this fosters a work attitude of complacency, a belief that action will only get one into trouble. The reaction is to tailor one's decisions and actions to this aspect of the police bureaucracy, to adopt a low profile in working the street. But this conflicts with the ideal of the inner-directed policemen and the emphasis placed on crime control in a professional department. This conflict--the need to take action yet maintain a low profile in the department--heightens the individual patrolman's commitment to his peer group. From them he derives not only protection

but support and recognition; the only consistent reward for a patrolman is the fellowship with a group of equally dedicated men.

During his first few years a rookie learns the ropes: what he has to do in order to cope with the problems of crime and disorder; and what he must do in order to be accepted by his peers and to succeed in the department. The values of loyalty and dedication and the sense of mutual obligation between peers is one of the most important lessons the rookie learns. But if the group demands loyalty and support it nevertheless allows the development of an individual approach to law enforcement. Every officer learns specific techniques: what to look for on the street, how to handle a family dispute, how to judge a drunk driver, how to handle oneself in a potentially dangerous situation, and all of the stereotypes, beliefs and values that are part of the police craft. But once he has passed the crucial tests, once he is accepted he is granted the freedom to develop and refine his own style. An officer is deeply influenced by his peers and his training officer, but the attitudes and predispositions that he brings to each situation represent his own unique adaption to the pressures and requirements of the task. Situations are not to be handled according to a set of prescribed rules, rather each officer must develop and apply his own.

The individualism allowed each officer is both an

advantage and a detriment. It facilitates adaption to a difficult task by allowing each officer to treat each case as unique and then supporting his decision. Without such support it is unlikely that many policemen could function at all; decisiveness is a necessary attribute of the job. Moreover, it allows each patrolman to find his opportunities, calculate his risks, and act if he is so inclined. Many patrolmen, especially those that live up to the aggressive, inner-directed ideal resemble in both their attitudes and actions small capitalist entrepreneurs. One gets ahead by digging things up, by taking risks, and building a reputation.

But for most patrolmen the sense of autonomy is illusory. If he is granted autonomy, on the one hand, he is restricted in many ways on the other. A patrolman has to come to terms with a series of conflicts, some of which derive from the task and some of which derive from the department. The ideal of the inner-directed policeman, the crime-fighter, seriously conflicts with much of the day to day routine of a policeman's job. The boredom and the sense of futility at being unable to resolve most disputes leads to frustration and disillusionment. An equally severe requirement stems from the inability to meet the demands of an action oriented role and meet the demands of a punitive control system in the department. The incompatibility of the goals and demands of a professional police department,

the disjuncture between rewards and performance, and the expectation that any action will be greeted with a reprimand may lead to a cautious approach. Or it may mean that one just has to be, as one patrolman put it, a little bit 'slicker.'

COPING WITH THE POLICE TASK AND THE POLICE BUREAUCRACY

The preceding discussion has attempted to draw out those characteristics of the police task, the bureaucracy, and patrolmen which are most salient to the exercise of discretion. The purpose has been to set forth a theory of the police, and as such it is somewhat overdrawn. I would not expect every police department to be characterized by as much frustration and disillusionment by patrolmen as I have implied nor would we expect to find the disciplinary system as harsh as described. But the conflicts and tensions that have been portrayed exist in every police department to a greater or lesser extent, and a patrolman's discretion will be tailored to the requirements of this organizational system.

The police bureaucracy, as I have argued, is an admixture of bureaucratic and professional characteristics. It combines a rigid, and punitively oriented control system with an internal control system based on the regulation of behavior through group norms. These characteristics are a

result of the difficulties and consequences of the police task; their combination reflects the peculiar compromise exacted by police professionalism. This compromise allows the existence of strict hierarchical control while maintaining the basic norms of the police culture--the norms of loyalty, individualism, and the emphasis on the role of the police as crime-fighter. To be sure, professionalism has modified some of the more deleterious values of the police, especially those of secrecy and the obligation to protect a fellow officer at any cost. But the overall tendency has been to simply preserve and even widen the autonomy of the police.

This increases the importance of the basic socialization process in a police department and the salience of group beliefs and values as the determinants of discretion. In addition to many of the beliefs and values that a patrolman acquire--the shared elements of their frame of reference--each patrolman is allowed substantial latitude by his peers to develop and pursue his own personal style of law enforcement. This facilitates specialization among patrolmen and acts as a normative limitation on hierarchical controls. These styles range from very aggressive and formalistic officers to officers who are much less aggressive and combine the crime-fighting and service roles of the police.

The tensions in a police bureaucracy arise from the

conflicts between the values and aspirations of the police culture and the normative demands of professionalism and the attempt to maintain strict hierarchical control. The former stresses individualism and crime-fighting among policemen; the latter requires conformity and serves to reinforce contradictory goals. A policeman is expected to be aggressive but not so aggressive that he causes undue hostility between the department and the public or so that he violates important constitutional restrictions. Many patrolmen believe that this is an impossible task, and that some rules must (and will) be violated. But the pressure for conformity, which derives from the norms of professionalism and the fact that hierarchical control is seen as an alternative to some form of external control, results in an excessively punitive control system, one which is always alert for errors and rarely for effort. What is important to realize is that this system of hierarchical controls derives its force not just from the actions of supervisors but from the combined effects of police professionalism and public pressure.

The effect of this conflict is twofold. First, it does not really restrict the exercise of discretion by patrolmen. The norms of the police culture, especially those of loyalty and individualism, and the power of patrolmen preclude extensive hierarchical control over discretion. This is not to say that Sergeants and Watch

Commanders do not influence the way a patrolman uses his discretion; they do. They have at their disposal a variety of tools: measures of activity; periodic evaluations; and the authority to reprimand. But it is at this level of the hierarchy that the force of the hierarchical controls over discretion are most likely to be diluted. A strong overbearing supervisor risks the enmity of the men working under him. A supervisor does not casually breach the compromise between the police culture and hierarchical controls.

The second effect stems from the impact of hierarchical controls on patrolmen. Since strong supervisory control is legitimized and required, supervisors turn their attention to those matters that they can control--enforcement of specific organizational rules and the requirement that each man work and carry his share of the load. But here, as among patrolmen, the norm of individualism holds sway. Some supervisors act only to assist and work with patrolmen, using their authority to control only the most egregious errors; others, particularly those that are ambitious, may attempt to enforce the rules literally. A patrolman is confronted by a punitive control system where he is more likely to be punished than rewarded. Aggressive but effective action may get him a nod from the Sergeant; a mistake may get him a reprimand. The negative impact of the control system is augmented by a more general disjuncture between rewards and performance in police departments. The overall

impact is to encourage a stay-low, protect-your-ass ethos among patrolmen, and to decrease a man's motivation to work hard and take risks. The net result is most often increased frustration and reliance upon one's peers.

This organizational system has enormous consequences for the problem of discretion. It provides the illusion of strict control while granting virtual autonomy to patrolmen. Yet a patrolman cannot ignore the effect of these controls nor the wishes of his supervisors, especially if he is ambitious. He will attempt to tailor his actions to the whims of individual supervisors if need be, and he will pursue a strategy of enforcement which is calculated to avoid trouble and validate where possible the central mission of the organization: crime fighting. But this task is fraught with uncertainty; ultimately what counts is loyalty to the police group and the department.

NOTES TO CHAPTER TWO

1. Egon Bittner, The Functions of the Police in Modern Society, (Rockville, Maryland: National Institute of Mental Health, Center for Studies of Crime and Delinquency, 1972) pp. 37-38. Bittner argues that there are only three formal limitations on the use of deadly force by the police: policy (and legal) limitations; the fact that deadly force may only be used in the performance of their duties; and that such force may not be used "maliciously or frivolously." Outside of these there are no practical limitations on the use of deadly force by the police. In this sense, Bittner concludes--and I concur--that the use of force is 'essentially unrestricted.'
2. Ibid., pp. 41-47. Some of these points were developed in an earlier analysis of the police task that I undertook several years ago. See my "A Socio-Technical Analysis of the Police" (mimeo, November 23, 1971). See also Albert J. Reiss, Jr. and David Bordua, "Environment and Organization: A Perspective on the Police," in David Bordua (ed.) The Police: Six Sociological Essays, pp. 25-55.
3. Cf. Wilson, Varieties of Police Behavior, chap. 2. Wilson's emphasis on order-maintenance as the basis of the police function reflects something of a normative bias: he would prefer that the police role be restructured around order-maintenance. This point of view is most forcefully argued in his "Dilemmas of Police Administration" Public Administration Review, 28, 407-417. The analysis of discretion will be hindered until this functional distinction is transcended; in this regard my own views are similar to Bittner's.
4. These examples are drawn from the field observations and numerous conversations with police officers. The use of techniques of harassment to control vice problems has been confirmed in conversations with James Fisk. During the field observations I did witness, on two occasions, the arrest of patrols in a bar for purposes of closing the bar.
5. Egon Bittner, The Functions of the Police in Modern Society, pp. 6-14.

6. Alan Silver, "The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot," pp. 1-7; and Bittner, Functions of the Police in Modern Society, p. 10.
7. See the fascinating study by Donald L. Barlett and James B. Steele, "Crime and Injustice," in the Philadelphia Inquirer, 1973. These two reporters followed the progress of 1,034 cases of individuals indicted for violent crimes in the Philadelphia courts. The findings show widespread discrimination in the practices of the police, the prosecutors and the courts.
8. The use of the police to protect property interests has been most apparent in the strife over the attempt to unionize the farmworkers in California. For an engrossing account of the Texas Rangers and their ties with big business and the landowners of that state see J. Anthony Lukas, "The Last Will and Testament of Frontier Justice," Rolling Stone Magazine, October 24, 1974, pp. 61 ff.
9. Broadly, the study of formal organization has traveled on one of two paths: the rational and the 'natural system' approaches. The former views organization instrumentally, as a rationally conceived means to group ends. The latter views organization as a total social system, in which the ends of the organization are only one among a set of needs and goals. Despite the difference in approach the ends of inquiry are similar viz., to understand what does or does not enhance organizational effectiveness and efficiency. The distinction was originally made explicit by Alvin Gouldner; see "The 'Rational' and the 'Natural System' Models of Organizational Analysis," in Robert K. Merton et al., (eds.) Sociology Today: Problems and Prospects (New York: Basic Books, 1959) pp. 404-407. For the rational approach see Herbert Simon, Administrative Behavior, 2nd Edition (Glencoe: The Free Press, 1957) and James G. March and Herbert Simon, Organizations (New York: John Wiley & Sons, 1958). For the natural system approach see Philip Selznick, "Foundations of the Theory of Organizations," American Sociological Review 8 (1948): 25-35; and his TVA and the Grassroots (New York: Harper Torchbooks, 1965). See also the following: Max Weber, The Theory of Social and Economic Organization, trans. A.M. Henderson and Talcott Parsons, (Glencoe: The Free Press, 1947); James G. March (ed.) Handbook of Organizations (Chicago: Rand McNally & Co., 1965); Peter Blau and W. Richard Scott, Formal Organizations

(San Francisco: Chandler Publications, 1962); Mason Haire (ed.) Modern Organization Theory (New York: John Wiley & Sons, 1959); and Sidney Mailick and E.H. Van Ness (eds.) Concepts and Issues in Administrative Behavior (1962).

10. Excellent empirical and theoretical discussions of this process can be found in James D. Thompson, Organizations in Action (New York: McGraw-Hill, 1967) chaps. 3 & 10; Richard M. Cyert and James G. March, A Behavioral Theory of the Firm (Englewood Cliffs: Prentice-Hall, 1963) chap. 3; and Norton Long, "The Administrative Organization as a Political System," in S. Mailick and E.H. Van Ness (eds.) Concepts and Issues in Administrative Behavior, pp. 110-121.
11. For discussions of decision-making in Monopolistic or oligopolistic firms see R. Cyert and James March, A Behavioral Theory of the Firm and John Kenneth Galbraith, The New Industrial State, 2nd Edition, (New York: Mentor Books, 1970).
12. There is a large and developing literature on the issue of decision-making in non-market organizations. See, for example, Gordon Tullock, The Politics of Bureaucracy (Washington, D.C.: The Public Affairs Press, 1965); William Niskanen, Bureaucracy and Representative Government (Chicago: Aldine, 1971); and Anthony Downs, Inside Bureaucracy (Boston: Little Brown & Co., 1967).
13. Peter Blau and W. Richard Scott, Formal Organizations, pp. 54-58. The others are Mutual-Benefit organizations such as unions, business concerns, and service organizations.
14. Orlando W. Wilson, Police Administration, 2nd Edition (New York: McGraw-Hill, 1963) pp. 39-40. See also James G. Fisk, The Police Officer's Exercise of Discretion in the Decision to Arrest: Relationship to Organizational Goals and Societal Values, (Los Angeles: Institute of Government and Public Affairs, UCLA Research Memorandum #188) pp. 18-20.
15. Albert J. Reiss and David Bordua, "Environment and Organization: A Perspective on the Police," pg. 30.
16. Arthur L. Stinchcombe, "Institutions of Privacy in the Determination of Police Administrative Practices," American Journal of Sociology 69 (September, 1963): 150-160.

17. This is less true now than ten years ago. The reason is that random murders by strangers are on the increase, see chap. II, n. 1.
18. Carl Werthman and Irving Piliavin, "Gang Members and the Police," in David Bordua, The Police: Six Sociological Essays, pg. 75. This process will be discussed in detail in chap. 5.
19. Arthur Stinchcombe, "Institutions of Privacy in the Determination of Police Administrative Practices," pg. 152.
20. See David H. Bayley and Harold Mendelsohn, Minorities and the Police (New York: The Free Press, 1968) pp. 89-99. See also Jerome Skolnick, Justice Without Trial, chap. 3, passim.
21. I observed a striking example of this tendency during the field observations. Two patrolmen were dispatched to a routine dispute call at a large apartment building in an older section of Los Angeles. After they arrived they mentioned that it would be a good place for an ambush, and when they were unable to locate the party that called the police their suspicions were heightened. Later, they received another call from the same apartment building but this time they took extra precautions in approaching and questioning occupants.
22. Charles Perrow, "A Framework for the Comparative Analysis of Organization," American Sociological Review 32 (April 1967): pp. 195-96. See also Organizational Analysis: A Sociological View (Belmont, Calif.: Wadsworth Publishing Co., 1970), chap. 3; F.E. Emery and E.L. Trist, "Socio-Technical Systems," in Fred E. Emery (ed.) Systems Thinking (Middlesex, England: Penguin Book, 1969) pp. 281-296; Joan Woodward Industrial Organization: Theory and Practice (Cambridge: Oxford University Press, 1965) for discussions of organization and technology.
23. Perrow distinguishes between technologies on the basis of the nature of the search process, that is the kind of procedures that are used to solve a problem. The first is that conducted on a "logical, analytical basis"; and the second involves drawing upon "the residue of unanalyzed experience or intuition." See Charles Perrow, "A Framework for the Comparative Analysis of Organization," pg. 196. The term rationalization is used in the Weberian sense, that is as the (formal) rationalization of an activity in order to make it increasingly calculable.

24. A number of studies have concluded that formal recruit training is largely irrelevant to learning the techniques of police work. Far more important is an officer's initial experience on the street. In this regard see Arthur Neiderhoffer, Behind the Shield: The Police in Urban Society (Garden City, New Jersey: Anchor Books, 1969); John McNamara, "Uncertainties in Police Work: The Relevance of Police Recruits' Backgrounds and Training," in David Bordua (ed.) The Police: Six Sociological Essays, pp. 163-252; and John Van Maanen, Pledging the Police: A Study of Selected Aspects of Recruit Socialization in a Large, Urban Police Department (Unpublished Ph.D. Dissertation, School of Administration, University of California, Irvine, 1972).
25. For one study of the effect of police practices on crime see S. James Press, Some Effects of an Increase in Police Manpower in the 20th Precinct of New York City (New York: The New York City Rand Institute, 1971). Press found that increased police activity simply displaced crime to other precincts. See also chap. 1, pg. 73.
26. See James March and Herbert Simon, Organizations, chap. 6; John C. Ries, Executives in the American Political System (Belmont, Calif.: Dickenson Publishing Co., 1969), pp. 25-28; Daniel Katz and Robert Kahn, The Social Psychology of Organizations (New York: John Wiley & Sons, 1966) chaps. 4 and 7.
27. Max Weber, The Theory of Social and Economic Organization, 324-341; and Hans Gerth and C. Wright Mills, trans., From Max Weber: Essays in Sociology (New York: Oxford University Press, 1947) pp. 253-264. For a critique and elaboration of Weber's views see Peter M. Blau, "Critical Remarks on Weber's Theory of Authority," American Political Science Review (June, 1963): 305-316; and for an experimental study of compliance to authority see Stanley Milgram, Obedience To Authority (New York: Harper and Row, 1974).
28. These are the elements that analysts usually focus on in the study of organization. All of these characteristics are present in Weber's rational-legal bureaucracy though he included some additional elements, e.g. recruitment on the basis of ability and technical knowledge and the separation of private and official income etc.
29. Weber's analysis of bureaucracy was drawn from the model he had closest at hand, the 19th century Prussian

bureaucracy and he drew heavily from the work of Gustav Schmoller, a contemporary. See Martin Albrow, Bureaucracy (New York: Praeger, 1970), pg. 53.

30. This is the general conclusion of Joan Woodward's research; see Industrial Organization. For an elaboration of these ideas and the specification of an alternative to the Weberian rational-legal bureaucracy see Tom Burns, "Mechanistic and Organismic Structures," in D.S. Pugh (ed.) Organization Theory (Middlesex, England: Penguin Books, 1971), pp. 43-55.
31. For one such point of view see Paul Jacobs, Prelude to Riot: A View of Urban America (New York: Vintage Books, 1968), chap. 2.
32. Jonathan Rubinstein, City Police, chap. 1; Roger Lane, Policing the City; and James F. Richardson, The New York City Police, *supra*.
33. Arthur Niederhoffer, Behind the Shield, pp. 51-75; and John Van Maanen, Pledging the Police, *passim*.
34. For a discussion of normative controls in organizations see Jay Jackson, "The Normative Regulation of Authoritative Behavior," in William J. Gore and J.W. Dyson (eds.) The Making of Decisions (New York: The Free Press, 1964) pp. 213-239; and Egon Bittner, The Functions of the Police in Modern Society, pp. 63-71.
35. Herman Goldstein, "Police Discretion: The Ideal Versus the Real," Public Administration Review 23 (September 1963), pp. 143-145.
36. Wilson's attitude is typical of many police administrators. The quote is to be found in George Berkley, The Democratic Policeman (Boston: Beacon Press, 1969) pp. 146-47. Administrators are changing their minds, however, and there is increasingly an effort to specify rules to guide police discretion. Along these lines see Carl McGowan, "Rule-Making and the Police," Michigan Law Review 70 (March 1972): 659-694; and Standards Relating to the Urban Police Function, Tentative Draft, (American Bar Association Project on Standards for Criminal Justice, March 1972), esp. chap. 4.
37. For a fascinating discussion of this norm and its implications for police administration see Joseph Wambaugh, The Onion Field (New York: Delacorte Press, 1973) pp. 223-233. The question raised by Wambaugh is whether administrators have the right to ask policemen to resist at all costs when they are cornered by

gunmen as Karl Hettinger and Ian Campbell, the policemen of Wambaugh's book, were cornered. Wambaugh, and most policemen, believe that all decisions like this one should be made by the officer at the scene and no one else, and if he chooses to put down his weapon so be it.

38. This is discussed at greater length below, see pp. 48-50.
39. Michael Crozier, The Bureaucratic Phenomenon (Chicago: The University of Chicago Press, 1964), pp. 145-174, esp. 153-54. The concept of power as a dependent relationship is developed in Richard Emerson, "Power-Dependence Relations" American Sociological Review 27 (1962): 31-41; and see C.R. Hinings et al. Administrative Science Quarterly 19:1 (March 1974): 22-44.
40. Many administrators go out of their way to cultivate the troops and they are always careful when dealing with sensitive issues such as personnel complaints. Consider the following anecdote. At a briefing a sergeant rose to discuss the 181 (personnel complaint) problem in the department. He said they were increasing and that the previous night all five night watch sergeants were investigating personnel complaints. Now, he said, 99 percent of all personnel complaints are false (at this point he digressed to suggest that perhaps the rise in personnel complaints was part of a radical conspiracy to harass the police). He went on to say that charges of brutality, hitting and kicking, were always false, but that the charges of bad mouthing were true. Verbal harassment, as he put it, was the major problem and it had to stop. There were some chuckles from the patrolmen about this, and one patrolman loudly said, "But what constitutes bad mouthing an asshole?" The sergeant replied that it was against the rules to bad mouth an asshole, and turned to a discussion of the possibilities of suing people who abuse policemen. It was better received.
41. I did obtain data on the attitudes and behavior of field supervisors and watch commanders as part of this study, and some of this will be discussed in chap. 4. But the bulk of the data on supervisors has not been analyzed yet, and will not be included.
42. In addition to O.W. Wilson's statement, pg. 30, consider the following statement by the present Chief of the Los Angeles Police Department, Edward M. Davis: "The right to discipline carries with it the power to control the conduct, actions and attitudes of the

employees of an organization. When the right to discipline is vested with management, management has the essential tool with which to attain desired behavior from employees...when employees are subject to disciplinary action from outside the organization, a fundamental rule of organization has been breeched and the employee becomes confused, diffident and inefficient." This quote will also be found in George Berkley, The Democratic Policeman, pp. 146-47.

43. The dynamics here of course are similar to those described by Robert Merton in "Bureaucratic Structure and Personality"; See Robert K. Merton, et al. Reader in Bureaucracy (New York: The Free Press, 1951) pp. 361-371. For an elaboration of this model see James G. March and Herbert Simon, Organizations, pp. 37-40.
44. For a discussion of the factors contributing to group cohesion see James G. March and Herbert Simon, Organizations pp. 59-61. It should be clear that cohesion among the members of a police departments, and especially among patrolmen, is necessary for the police to be able to function effectively. The classic discussion of the importance of the primary group cohesion in maintaining the morale and effectiveness of a work group under considerable stress is to be found in Edward A. Shils and Morris Janowitz, "Cohesion and Disintegration in the Wehrmacht in World War II," Public Opinion Quarterly 12 (Summer 1948): 280-315. The police I might add are not really unique in this respect; coal miners, for example, develop the same kind of reliance upon the primary group. See E.L. Trist and K.W. Bamforth, "Some Social and Psychological Consequences of the Longwall Method of Coal-Getting," Human Relations 4 (1951): 3-38; and Alvin W. Gouldner, Patterns of Industrial Bureaucracy (New York: The Free Press, 1954): chaps. 6-8, passim. Both of these latter two studies demonstrate the conflict between group norms and the imposition of strict hierarchical controls by management.
45. Various operational styles will be discussed in detail in chapter seven. The idea of operational styles was originally formulated by Alexander George in his work on political elites. See his "The 'Operational Code': A Neglected Approach to the Study of Political Leaders and Decision-Making," (Santa Monica: The Rand Corporation, September, 1967). The concept of frame of reference is discussed in detail in Daniel Katz and Robert Kahn, The Social Psychology of Organizations, chap. seven. For an application of role theory to executives in the American political system see

John C. Ries, Executives in the American Political System, chap. six.

46. Elliot Jacques, The Measurement of Responsibility (London: Tavistock Publications, 1956), pg. 34.
47. The best treatment of the consequences of ambition for decision-making in bureaucratic organizations is to be found in Gordon Tullock, The Politics of Bureaucracy (Washington, D.C.: The Public Affairs Press, 1965).
48. John Van Maanen, Pledging the Police, pg. 268. In preparing this account of the socialization process I have relied extensively upon Van Maanen's account and my own observations. Van Maanen's study is the only in-depth account that we have of the process of socialization in a police department.
49. Ibid., pg. 272.
50. William Westley, Violence and the Police, supra, chap. two.
51. Leonard Savitz, "The Dimensions of Police Loyalty," American Behavioral Scientist 13 (May/June and July/August, 1970), pp. 693-704; the quote is taken from pg. 703.
52. Ibid., pp. 696-699 and Table I. Savitz certainly presents evidence that secrecy and the need to protect fellow officers who engage in misbehavior is less strong than most people would believe. In a professional police department, one of the first priorities is to break up the code of secrecy among policemen. Commenting on a spate of police burglaries which had taken place in Denver, Colorado (in the early 1960's) William H. Parker told Donald McDonald that the first thing "we have done is to break down a false sense of fraternal obligation," see Donald McDonald, The Police: An Anterview with William H. Parker, Chief of Police of Los Angeles (Santa Barbara: Center for the Study of Democratic Institutions, 1962), pg. 10. But one doesn't know how serious to take survey data in a matter such as this; it would seem that there is probably a rather high propensity of lies or at least distorted responses to the kind of questions that Savitz was asking. It may be that policemen are less likely to protect one another than they were twenty-five years ago but it hasn't been proven and I am skeptical that there has been that much change. There certainly wasn't much incentive for police officers to inform on policemen engaged in corruption in the New York Police

Department. See The Knapp Commission Report on Police Corruption (New York: George Braziller, 1972).

53. Joseph Wambaugh, The Onion Field, pp. 3-4.
54. The idea the men motivated primarily by the need for security in employment become policeman is rather long standing and based on very little evidence. Most people want security in their occupations. But of course the emphasis on job security is tied to the argument of working class authoritarianism among policemen, i.e. working class men become policemen because they have more job security than in a factory. But it would seem as I point out in the text there are other civil service jobs that would suffice to meet this need. The evidence that is available indicates that the non-routine aspects of the job are more important than security, see Van Maanen, Pledging the Police, pg. 252.
55. Jesse Rubin, "Police Identity and the Police Role," in Robert F. Steadman (ed.) The Police and the Community (Baltimore: The Johns Hopkins Press, 1972), pg. 20; Van Maanen, Pledging the Police, pp. 191-195.
56. While patrolmen do have freedom to exercise their discretion in ways they see fit there is strong pressure to conform to a wide range of political and social beliefs. It is important in this regard not to overstate the degree of freedom that patrolmen have; a man who challenged important norms or beliefs would be suspect. For some evidence of the homogeneity of political beliefs of policemen see David H. Bayley and Harold Mendelsohn, Minorities and the Police (New York: The Free Press, 1968), pp. 18-30.
57. My observations on this matter are confirmed in two other instances. See Egon Bittner, The Function of the Police in Modern Society, pg. 65; and David M. Petersen, "Police Disposition of the Petty Offender," Sociology and Social Research (April, 1972): 320-330.
58. McNamara presents some rather interesting data in this connection which he really doesn't follow up. He found that the mean score for a group of recruits in the New York City Police Department increased from 4.15 just before they began recruit training to a mean of 4.31 at the end of their first year of experience. And a group of patrolmen with two years experience had a mean score of 4.46. It would seem that policemen become more authoritarian as they gain experience. See John H. McNamara, "Uncertainties in Police Work: The Relevance of Police Recruits' Backgrounds and Training," pg. 212.

59. J. Van Maanen, Pledging the Police, pg. 203, chap. seven, passim.
60. John McNamara, "Uncertainties in Police Work," pp. 230-249, passim.

CHAPTER THREE

WORKING THE STREET: THE CONTEXT OF DISCRETION

The patrolman is the central link forged between the residents of a community and its police department. He occupies a different relationship to each. From the community's point of view, the most notable aspect of the relationship is that the patrolman is an intruder. He is the symbol of an abnormal occurrence, of danger and of crisis. Whether he is called to the scene of a crime or disturbance, whether he intervenes, or merely cruises his beat, he is the symbol of the often unwanted intrusion of the State into one's personal life. From the department's point of view, the patrolman is both the central instrument in the war on crime and an operative to be controlled. His behavior and his decisions can affect the fortunes of the department for good or ill. The patrolman is both professional and bureaucrat, and he is to be supported as well as coerced by supervisors.

From the patrolman's point of view, his relationship to the community and the department is best described in terms of isolation. When a patrolman leaves the confines of the station he is alone and must depend on his wits and know-how to cope with the unpredictability of the street. As regards the community a patrolman is very much aware of the way his

presence can affect the behavior of people on the street. A rather common occurrence is the phenomenon of 'Black and White Fever,' normally manifested by a driver proceeding at least 10 miles below the speed limit in the presence of a patrol car. This may be irritating at times, especially when a patrolman is in a hurry to get to an interesting call and his progress is blocked by a law-abiding citizen, but it is demonstrable proof that their presence can have meaningful results. This is necessary reassurance since patrolmen depend on their presence in an area to deter crime.

The isolation of a patrolman also poses problems of safety. His only continuous contact with the department is the radio, the 'life line.' Most patrolmen take care to inform the dispatcher of their whereabouts when a situation is serious. If they stop a suspicious looking vehicle, a patrolman will routinely give the dispatcher the location and license number. The dispatchers, for their part, attempt to keep track of the various patrol cars in the field. If an officer is out of his car for a questionable amount of time, the dispatcher may send another patrol to the location to determine what has happened. For their part, most patrolmen learn to closely monitor the radio, partly to catch hot calls and partly in recognition of the obligation to back up the other men in the field. Yet patrolmen are still isolated, and they must be able to resolve most situations on their own. An officer who re-

quired continual assistance would soon acquire the reputation of an incompetent.

Yet if isolation poses problems of safety for patrolmen, it also grants considerable autonomy. The first decision on leaving the station is most often a response to the question, "what shall we do tonight?" Once he is settled in his patrol car and out from under the baleful eye of the Sergeant or Watch Commander, the patrolman has wide freedom to go where he wants and, in general, do what he wants. It may be true that patrolmen have less freedom now than when they were walking the beat and their only contact with the station was a periodic call, but they still have a great deal of latitude in exercising their powers of discretion. Professionalism has served to insulate the police from the whims of community prejudice and politics, but it has not necessarily resulted in increased control over police discretion.

The freedom of action that patrolmen have is considerable but not absolute. Limitations are imposed by the community and the department. The social structure and politics of a community as well as the pattern and occurrence of crime will influence and limit a patrolman's discretion. The attitudes of the Chief of Police and the actions of various supervisors will also impose limitations. While administrators may be able to influence the exercise of discretion by patrolmen there are severe constraints on their powers,

and the key factor influencing discretion are the norms of the police culture. Further, one of the most important consequences of professionalism has been to create a conflict between the demand for hierarchical control and the need for aggressive action in controlling crime. The purpose of this chapter is to specify the impact of these limitations on patrolmen in Redondo Beach, Inglewood, and Los Angeles. How do patrolmen view the communities they police? What do supervisors demand of them; are there salient differences among the three departments; and how do patrolmen react to these demands? This analysis will provide a basis for evaluating the salient factors which influence the exercise of discretion by patrolmen.

THE COMMUNITY CONTEXT

Police work is carried out in the street, in circumstances that are familiar to most of us but unique to the patrolman. The job of policing a community is profoundly affected by the character of a community. A patrolman partakes, in an intimate way, of the flavor, the style and the ethos of a community; and this in turn influences the way he goes about his work. Most patrolmen acknowledge the relevance of the community setting; a patrolman is expected to behave differently in the raw, turbulent environment of Watts than the rather placid setting of parts of the San Fernando Valley because, well, the people are different.

There is more danger to a patrolman, more crime to cope with, and more hostility toward the police. But the matter, insofar as discretion is concerned is more complex than first appears. No context uniquely determines the way a patrolman exercises his discretion. Rather it merely sets limits to his freedom of action by imposing different opportunities and constraints. Within these limits there is room for a considerable range of variation.

Most analysts who resort to a contextual (i.e. situational) explanation of police behavior overstate its importance. And while I do not want to minimize the relevance of the community context, there are two common difficulties with this type of analysis. First, the use of a contextual model does not really permit one to say very much that is meaningful about discretion. The fact that arrest rates for serious, and some minor, crimes are likely to be higher in a high-crime than a low-crime community is really not very helpful in understanding the process of discretion except to conclude that the police will make more arrests for serious crimes when they have more opportunity for such arrests.¹ A more provocative line of analysis would be to attempt to determine if the police were more likely not to enforce particular violations in a high-crime than a low-crime community or in two high-crime communities. For example, when is a patrolman more likely to make an arrest in a family dispute? One might reason that in a community

like Watts, where there is a propensity for violence, the prudent patrolman will be more likely to make an arrest, even if he has to invent a pretext for arrest and even if he knows that no legal action will be taken. On the other hand, he may reason that since most family disputes are trivial matters and since no legal action will be taken, he should ignore the matter and devote his attention to crimes that command a higher priority, street robberies for example. How should a patrolman utilize his spare time? Do the strategies differ in various communities? Or are they basically the same? Are patrolmen more aggressive in a high-crime area than a low-crime area? Because of the crime problem one might expect patrolmen to be more aggressive, to make numerous traffic stops for purposes of interrogation and to break up gangs of juveniles milling around street corners. On the other hand, some analysts suggest that aggressive patrol is less likely because patrolmen are fearful of becoming embroiled in a fight or a shoot-out.² It is not immediately clear how one would answer these questions from an analysis which stresses the importance of the community setting.

Far more serious, however, is the implicit assumption entailed by this explanation, the assumption that a policeman's behavior is determined by the problems and the demeanor of the people in a community. If the people are hostile and aggressive toward the police, one would expect

the police to return the favor. If the police use abusive language and resort to exceptional force, they do so in order to control potentially dangerous situations. In a community where these demands do not confront the police, they will be less aggressive and less abusive. Thus the police are reactive; they act the way they do because they have to. Though the constraints imposed on an officer in a particular set of circumstances can be narrow as well as broad, the limitations are never so confining so as to eliminate choice. One of the most confining situations that one can imagine is one where the policeman is confronted by a person wielding a weapon of some sort. It is not clear that the best alternative is to retaliate with deadly force. Most people might be surprised to realize that there are times when policemen in such situations have resorted to other alternatives than the use of the billy stick or gun.³ The circumstances are never so limiting that a variety of interpretations are precluded nor a variety of alternatives are not available.

Any community setting, thus, imposes a set of limitations on a patrolman's discretion. These may enhance some alternatives and reduce others, emphasize particular crime problems rather than others, and pose questions of personal safety. But whatever the environmental setting of police work, it is the patrolman's experiences on the street and his interpretation of these that determine how he will

exercise his discretion. And the demands of the police department and the patrolman's peer group will be most important in influencing these interpretations. The question is what does a patrolman learn about the community he polices?

All too often analyses of patrolmen focus on the interpersonal relationships that characterize a patrolman's activity. What is lost sight of is the character of a patrolman's relationship to the community. Police work is organized on a territorial basis; it is organized to allow patrolmen to respond to calls for service and to take action independently. For a patrolman, the most important relationship is to the piece of territory he works and for which he is responsible. More salient than the specific encounters or even particular people is the character of the territory he works. As Jonathan Rubinstein astutely points out, "the patrolman's conception of his city is different from that of the people he is paid to police."⁴ Streets, buildings, parks, landmarks, and the habits of the people are all regarded differently than the casual passer-by might regard them. These define the problems and opportunities for a patrolman, and, perhaps, the aids that he might rely upon in performing his job. The way the community setting shapes a patrolman's discretion depends upon the actual problems of that community and the way he learns about them. In order to describe the kinds of limitations imposed by the

community we will, first, examine the process by which the patrolman acquires knowledge of the territory he works, and, second, we shall describe, from the point of view of the patrolman, the community settings of this study.

A Patrolman's Knowledge of the Community

A patrolman learns about the community he polices through the simple and obvious method of performing his task. By responding to calls for assistance, making traffic stops, arresting drunks, breaking up fights, or by simply driving around and occasionally talking to people he acquires an intimate but selective knowledge of the community. One of the characteristics of a competent patrolman is the adequacy of his knowledge about the area he works. It should be obvious, though, that the kind of knowledge a modern patrolman acquires is much different from his predecessor, the beat cop. In many ways it is less intimate and thus less reliable. A patrolman, reflecting upon the difficulties of the job, commented that, "a cop needs information; you need to know who is good and who is bad, and who are your friends and enemies. This is easier for a beat cop since he is in closer touch with the people." The use of patrol cars places more responsibility on the policeman to learn about his area. Unlike the beat cop he will not normally be stopped by passersby; his contact with the community, unless he takes the initiative, is fragmented and arbitrary. The adequacy of a patrolman's knowledge may also be affected

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by departmental policy in regard to the deployment of manpower. A policy which requires regular rotation among beats inhibits the development of intimate knowledge of the area, especially knowledge of 'trouble spots,' 'local bad guys,' and 'informants.'⁵

The most important characteristic of the knowledge that a policeman learns about a community is that it is highly selective. Policemen deal with the seamy side of life: suicides, the mentally deranged, family fights, drunks, narcotics addicts, indeed the whole panorama of afflictions and maladies that make up life in urban America. They thus acquire an intimacy with a community that few other people do; they are often in a position to know the difference between the appearance and the reality of a person's life. But more than this, their task requires that they obtain selective knowledge of a community. People and places in a city have a different meaning to a patrolman. To many people, two men arguing in a park, an older Black man and a younger Black man, may mean nothing more than an argument; to the two patrolmen who observed this it was potentially more serious, it could mean a robbery or an assault. A particular traffic intersection may be notorious for accidents or particular violations. A street corner which appears to be simply a bus stop where people congregate may be seen as a drop off point for narcotics. Bars are either ignored or viewed as trouble spots. Patrolmen

learn to look for the deviant in innocuous behavior. A car driving slowly down an alley may attract no attention; to a patrolman it may indicate a potential burglar.

A patrolman's knowledge of an area derives from his initial experiences on the street and his selective exposure to the life of that community. What develops is a set of shared perceptions of the police-related problems endemic to a particular area of the city. Experiences on the street are passed back and forth in the locker room or after work. Through this process a shared perception of the community and the people in it emerges, and these define in a general way specific problems and the habits of the people. This social process which refines a policeman's understanding of the area is crucial for two reasons. First, the view from the patrol car is often a highly fragmented and arbitrary one. The police are not so much in contact with people as they observe them from a distance. What is observed is not only a product of what the patrolman sees but the way it is interpreted within the confines of the patrol car. Second differences in the ability to discriminate among various kinds of behaviors and the knowledge of what to look for are traceable to the kind of training officer the patrolman had and where he spent the formative first year of his career. For example, a patrolman who spent his first few years in one of the Los Angeles Police Department's South Central Divisions (Watts), works the street in a much

different manner than an officer teained in the upper-middle class environs of West Los Angeles. He is more attuned, normally, to the meaning of various kinds of behaviors on the street, and if he wants to seek out a burglar or narcotics addict he knows where to look. Individual differences in ability are also relevant. One patrolman lamented that he was presently concentraing on arresting drunk drivers since he had concluded that he had neither the ability nor knowledge to catch burglars.

The patrolman's perceptions and judgments of the people and problems in an area are of three kinds. First, is knowledge of the people. This reflects not only experiences but more general social stereotypes. For example, patrolmen in Northeast Division frequently pointed out that one had to be ready since "all the Mexicans get drunk every Saturday night." Patrolmen working narcotics said that it was a waste of time to develop informants among Mexican-Americans since they were a very tight-knit group of people. This was typically contrasted with Blacks of whom it was said that they would inform on anybody, even their kin. There was a tinge of respect toward Mexican-Americans because they wouldn't inform on one another; the behavior of Black's on the other hand, was interpreted by policemen as just one more indication of their pathological and disgusting character. Most of the patrolmen observed in this study exhibited considerable racial prejudice, but perhaps

no more than the bulk of the American population. Blacks were more likely to receive disparagement than Mexican-Americans. But despite these attitudes one cannot automatically conclude that discretion will necessarily be racist; in fact, as I will show, racial attitudes are of differential importance. Far more interesting are the attitudes toward class status and women. Some patrolmen said that they disliked giving tickets to an upper-middle class person since these people normally expected to be let off. They would much prefer to deal with a docile and powerless member of the lower or working classes who refrained from challenging the idea of equal enforcement. The attitude toward women reflects a curious ambivalence. Most policemen regard rape as a heinous crime and believe that women should be protected to the extent possible; on the other hand, some could be rather callous when confronted with a family dispute where the women had been, or could potentially be, assaulted. Women are to be protected from everyone but their own husbands. (These matters as they affect discretion will be discussed in greater detail in chapters 5 and 6.)

The second type of knowledge that a policeman learns is about problems. Most important here is the knowledge of crime in an area, the kinds of crime and the patterns of occurrence. Narcotics, burglary, robbery and juvenile gangs are the most frequently mentioned crime problems.

Patrolmen develop knowledge of when such crimes are likely to occur and where they might occur. Every rookie learns that one patrols for burglaries during the day in residential areas and in commercial areas at night. Some parks are regarded as havens for narcotics addicts or as the site of potential muggings. The general knowledge of crime problems is related to a patrolman's knowledge of the people in the area. Two patrolmen in Northeast Division explained that they only made stops for purposes of investigation in the Mexican-American section of the division since it was more likely that one would "come up with guns or narcotics."

Many patrolmen develop only a very general knowledge of the crime problems and the people in an area. This is partly a matter of administrative policy to rotate patrolment on different beats and partly personal preference. Those patrolmen that are more aggressive and more preoccupied with the objective of crime control will seek out detailed information, either through developing informants or by making other kinds of contacts in the area. Some of these patrolmen keep rather detailed notes on people and problems: the individuals they have stopped for investigation and the reasons; the kinds of crimes these individuals are suspected of; and their record. This is not the kind of information that is shared with other patrolmen; but it may be given to a partner or an investigator.

The third kind of knowledge deals with places in the

community. Streets, parks, buildings, bars, and businesses will be known either as problems or aids for the patrolman. The topography of the community may affect his ability to get to a call quickly; bars, bowling alleys, or theaters may be potential trouble spots; some places may pose particular risks or hazards; and any patrolman worth a salt knows where the cheap restaurants are and which ones pick up the tab.

The Four Communities

Patrolmen were observed at work in four different communities in the Los Angeles Metropolitan area. Two of these, Redondo Beach and Inglewood, are independent cities, governed by the council-city manager form of government. The other two, Northeast (Highland Park) and Rampart, are divisions of the Los Angeles Police Department, and while their boundaries reflect administrative considerations these two divisions do represent different areas of the city. Each of these four communities may be described in terms of three dimensions relevant to the problem of police discretion. These are the crime rate, the degree of variance between the values of the police and the community, and the kinds of demands that are placed upon the police. These dimensions provide an objective measure of the contextual factors which influence discretion, and thus the kinds of constraints facing patrolmen. These factors are not randomly distributed, and they may be combined to yield a typology

of contextual variables. For example, at one extreme one could imagine a community with a high crime rate, a high degree of variance in values between the police and the populace, and with a large variety of demands for service; and at the other extreme just the opposite. Theoretically, one could study a range of communities in terms of this typology.

An attempt was made in this study to select two types of communities and three departments for purposes of comparison. I wanted to compare two communities with a low crime rate, a low degree of variance between the police and the populace, and a narrow range of demands with two communities of the opposite type. Further, I wanted to compare two divisions of a large police department with two small departments. I choose a high-crime and a low-crime division in LAPD (Rampart and Northeast, respectively) and a high-crime small community (Inglewood) and a low-crime small community (Redondo Beach). With the exception of the crime rate none of the factors defined by the typology exists in pure form. None of the communities are completely homogeneous in terms of population characteristics, and there is not a great deal of difference in the kinds of demands that are made upon the police.⁶ However, the communities do represent broad differences in types, and, more important, these differences were reflected in the attitudes of patrolmen. In order to illustrate the differences between

these four communities we will turn to a brief discussion of each factor.

Crime Rate and Danger. The existence of the types of crime and the frequency of occurrence is an important determinant of the range of situations patrolmen will encounter and the relative presence of danger. Rampart Division and Inglewood may be classified as areas with a moderately high crime rate; and Redondo Beach and Northeast Division as areas with a moderately low crime rate. The five year means for felony crimes, 1969 to 1973, and the incidence of Park I crimes reported to the police per 10,000 population are presented in Tables III-1A and III-1B. The incidence of felony crimes in 77th Division (Watts) and Devonshire Division (San Fernando Valley) are presented for purposes of comparison.

With the exception of the rate for aggravated assault the five year rate for felony crimes in Redondo Beach and Northeast Division is almost identical. There is very little difference between the two for Murder, Rape, Robbery, Burglary, Grand Theft and Auto Theft. The crime rate for these two communities is only slightly higher than the rate for Devonshire Division, a low crime area. The higher rate of assaults in Northeast Division is partly explained by the presence of numerous juvenile gangs and the frequent occurrence of gang fights. These gangs are not new to Northeast Division; many have twenty and thirty year histories.

Table III-1A

MEAN FELONY CRIMES PER 10,000 POPULATION, 1969-73

| OFFENSES | HIGH-CRIME | | LOW-CRIME | |
|---------------------------|------------|----------|-----------|--------|
| | IPD | RAMPLAPD | RBPd | NELAPD |
| HOMICIDE | .93 | 1.81 | .74 | .84 |
| FORCIBLE RAPE | 5.08 | 9.10 | 2.90 | 3.60 |
| ARMED ROBBERY | 72.2 | 49.0 | 18.7 | 16.6 |
| AGGRAV. ASSAULT | 19.0 | 52.0 | 16.9 | 35.8 |
| BURGLARY | 243.7 | 277.6 | 204.8 | 190.4 |
| GRAND THEFT ^{a/} | 178.9 | 277.9 | 191.8 | 205.8 |
| AUTO THEFT | 152.7 | 125.7 | 83.6 | 84.1 |

^{a/} Larceny greater than \$50.00; figures are 1969-72 means.

Table III-1B

FELONY CRIMES PER 10,000 POPULATION, 1973

| OFFENSES | HIGH-CRIME | | LOW-CRIME | | 77th DIV. | DEVON- SHIRE |
|---------------------------|------------|----------|-----------|--------|--------------|-----------------|
| | IPD | RAMPLAPD | RBPd | NELAPD | | |
| HOMICIDE | 1.55 | 2.33 | .71 | 1.04 | 5.30 | .13 |
| FORCIBLE RAPE | 9.66 | 7.71 | 2.32 | 3.46 | 19.2 | 2.55 |
| ARMED ROBBERY | 98.0 | 48.0 | 19.3 | 13.5 | 113.1 | 11.1 |
| AGRAV. ASSAULT | 28.1 | 51.8 | 15.4 | 35.7 | 142.8 | 14.3 |
| BURGLARY | 302.3 | 245.5 | 225.2 | 179.8 | 435.0 | 147.3 |
| GRAND THEFT ^{a/} | 136.9 | 278.2 | 268.0 | 184.0 | 282.8 | 336.4 |
| AUTO THEFT | 167.6 | 128.2 | 86.1 | 80.6 | 175.6 | 50.3 |

^{a/} Larceny greater than \$50.00; figures are from 1972

SOURCE: Los Angeles Police Department, Statistical Digest, 1969-73
 Crime & Delinquency, 1969-73, Bureau of Criminal Statistics
 State of California
 Redondo Beach Police Department
 Inglewood Police Department

The comparison between Inglewood and Rampart Division is not as clear-cut, reflecting--more than anything else--the transitional character of Inglewood. Inglewood is undergoing change from an all while, middle-class suburb, once a bastion of racism, to an integrated community. However, the crime rate only partly reflects this change. Far more important is that the occurrence of crime in the suburbs has increased in recent years, and Inglewood, because of its location in the Southwestern and Central area of Los Angeles, is in an ideal location for quick crimes, such as the robbery of a liquor store, by individuals who live in other areas.⁷ Finally, Inglewood increasingly attracts a wide variety of transients because of the Hollywood Race Track and the Forum, a Los Angeles sports center. The five year rate shows a fairly close correspondence between Inglewood and Rampart Division for Rape, Robbery, Burglary, and Auto Theft. (Auto Theft and Murder, incidentally, are the most accurate of reported crime rates.) But there are large differences for murder, aggravated assault, and grand theft. However, the figures for 1973 show a somewhat closer correspondence for murder and aggravated assault (aggravated assault in 1973 was 28.1 compared to a rate of 16.7 in 1972). And the incidence of rape is slightly higher in Inglewood than in Rampart in 1973. Finally, the most interesting comparison in Table III-1B is between the robbery rates in Inglewood and 77th Division. There is very

little difference in the reported rates. Robbery is considered by many policemen as the key indicator of a community's crime problem, and judging from this comparison one would conclude that Inglewood does indeed have a crime problem. (A cautionary note, however: it is possible that the high robbery rate in Inglewood reflects differences in criteria for classifying an offense as a robbery between Inglewood and LAPD. The most ambiguous situation occurs with street robberies and purse snatches. A robbery is legally defined as a theft "accomplished by means of force or fear." I suspect, but do not know, that many purse snatches are classified as armed robbery in Inglewood but not so classified in LAPD. However, there is no way of knowing how much this would reduce Inglewood's robbery rate. Differences in classification are not as important between Redondo Beach and LAPD since the Chief of Police at the time of the study was an ex-LAPD captain.)⁸

On the basis of these data on crime one might legitimately classify Inglewood and Rampart as 'hot area,' to use the argot of policemen; Northeast and Redondo Beach, on the other hand, are known as 'sleepy hollow.'

Heterogeneity and Variance in Cultural Values. All four communities are rather heterogeneous in terms of racial and ethnic groups and income distributions. Two dimensions indicate this. First, all four have a sizable minority populations, although it is much higher in the two divisions

of LAPD than in either small department. In Northeast and Rampart, 44 percent of the population is either Mexican-American or Black compared to 24 percent in Inglewood and 14 percent in Redondo Beach. The patrolmen, needless to point out, are largely white, middle and working-class men. However, it is worth noting that the minority populations are concentrated in specific areas of each community, with the exception of Rampart. Rampart, more than the other three communities, is characterized by considerable differences between the policemen and the populace. In the other three communities the degree of variance depends on the area of the community a patrolman is working. These differences are described in greater detail in Table III-2.

The second dimension, occupation and income distribution, provide rough measures of the class divisions within an area. Here the data show roughly two things. First, there is very little difference in any of these four areas in the distribution of occupations. Second, Rampart and to a lesser extent Northeast Divisions have a greater proportion of families with an annual family income of less than \$4,000 dollars. The figures are 21 percent and 14 percent for Rampart and Northeast compared to 10 percent for Inglewood and 9 percent for Redondo Beach. However, with the exception of Rampart none of these areas could be classified as exceptionally poor, although each have substantial sections of poor people. On the whole they are

Table III-2
SELECTED CENSUS DATA - 1970

| | Inglewood | Rampart | Redondo Beach | Northeast |
|-------------------|-----------|---------|------------------|-----------|
| <u>POPULATION</u> | 89,985 | 188,842 | 56,075 | 156,449 |
| White | 76.5% | 56.2% | 86.3% | 56.1% |
| Negro | 11.2% | 4.0% | -- | 0.5% |
| Spanish | 12.3% | 39.8% | 13.7% | 43.4% |
| <u>AGE</u> | | | | |
| Less 18 yrs. | 24.3% | 21.0% | 34.8% | 32.3% |
| 18-24 yrs. | 13.0% | 13.0% | 12.6% | 11.9% |
| 25-65 yrs. | 51.0% | 51.0% | 46.4% | 44.8% |
| More 65 yrs. | 11.7% | 16.0% | 6.0% | 11.3% |
| <u>EDUCATION</u> | | | | |
| Median Sch. Yrs. | 12.4 | 11.06 | 12.2 | 11.63 |
| % H.S. Graduate | 64.3% | 51.0% | 57.4% | 51.8% |
| <u>EMPLOYMENT</u> | | | | |
| % Unemployed | 6.2% | 7.8% | 5.9% | 6.5% |
| <u>OCCUPATION</u> | | | | |
| Professional | 17.0% | 14.5% | 16.2% | 13.4% |
| Managers | 7.0% | 7.0% | 8.0% | 6.8% |
| Sales Workers | 7.0% | 5.3% | 6.0% | 5.5% |
| Clerical | 25.0% | 25.9% | 21.4% | 23.7% |
| Craftsmen | 13.6% | 9.6% | 17.1% | 15.3% |
| Operatives | 14.8% | 19.6% | 16.7% | 20.5% |
| Laborers* | 3.0% | 3.8% | 3.0% | 4.5% |
| Service | 11.6% | 14.5% | 11.6% | 10.1% |
| <u>INCOME</u> | | | | |
| \$0-3999 | 9.6% | 21.4% | 9.0% | 14.0% |
| \$4-6999 | 14.1% | 23.7% | 11.2% | 16.8% |
| \$7-999 | 20.3% | 20.6% | 20.6% | 22.1% |

* Except Farm

Table III-2 (con't)

| | Inglewood | Rampart | Redondo Beach | Northeast |
|--|-----------|---------|------------------|-----------|
| <u>INCOME (con't)</u> | | | | |
| \$10-24,999 | 51.9% | 38.8% | 55.5% | 43.7% |
| Over \$25,000 | 4.0% | 2.5% | 3.0% | 3.3% |
| Median Income | \$10,892 | \$7,554 | \$11,140 | \$9,656 |
| Mean Income | \$11,783 | \$8,817 | \$11,837 | \$10,454 |
| <u>RATIO OF FAMILY INCOME TO POVERTY LEVEL</u> | | | | |
| % of Families With Incomes: | | | | |
| Less than .50 | 2.0% | 5.3% | 2.3% | 3.4% |
| .50 - .99 | 3.3% | 9.9% | 3.9% | 6.1% |
| 1.00 - 1.49 | 5.4% | 12.9% | 5.1% | 9.5% |
| 1.50 - 1.99 | 8.5% | 13.3% | 8.5% | 12.1% |
| 2.00 - 2.99 | 20.0% | 21.7% | 23.4% | 23.7% |
| More than 3.00 | 60.8% | 36.9% | 56.7% | 45.2% |

SOURCE: United States Census, 1970

middle and working class communities.

One final difference which is of some importance. The census data indicates that Redondo Beach and Northeast Division have a higher proportion of juveniles (less than 18 years) than Inglewood or Rampart Division. The differences range from 8 percent to 14 percent. This concentration of juveniles creates different problems for patrolmen in Northeast and Redondo Beach. Also the proportion of elderly people is slightly higher in Rampart than the other three areas.

Demands for Service. It was anticipated that different communities would make different kinds of demands upon the police. For example, it was expected that the type of calls for service and the frequency would be more trivial and less frequent in a low-crime community than a high-crime community. Patrolmen might be expected to worry about barking dogs and juveniles ringing door bells but not as many violent family disputes. The rather surprising finding is that there is very little difference in the kinds of calls for service that patrolmen in all four areas deal with on a day to day basis. Table III-3 presents the proportion of calls for service in each area for minor violations, disturbances, felonies, and miscellaneous service calls. These make up 57 percent of all incidents observed in the three departments. There are few differences among the departments in calls for disturbances and miscellaneous calls for

Table III-3
DEMANDS FOR SERVICE

| TYPE OF CALL | HIGH-CRIME | | LOW-CRIME | |
|-----------------|------------|------------|------------|------------|
| | IPD | RAMPLAPD | RBPd | NELAPD |
| MINOR VIOLATION | 12.5% (8) | 16.6% (16) | 27.6% (16) | 16.6% (12) |
| DISTURBANCES | 44.0% (29) | 39.6% (38) | 38.0% (22) | 41.6% (30) |
| FELONIES | 27.3% (18) | 24.0% (23) | 17.2% (10) | 29.2% (21) |
| MISC. SERVICE | 16.6% (11) | 19.8% (19) | 17.2% (10) | 12.5% (9) |
| N = | (66) | (96) | (58) | (72) |

Definitions:

- Minor Violation: All calls involving misdemeanors, e.g., traffic and parking, drunk in public, petty theft, prowlers, and vice activity.
- Disturbances: All calls involving order-maintenance problems e.g. fights, family disputes, noisy parties and neighbors, etc.
- Felonies: All calls involving the commission or potential commission of Part I crime, e.g. murder, rape, armed robbery, burglary, aggravated assault, and auto theft. Many of these calls are often false alarms.
- Misc. Service: All service calls, e.g. crime reports, minor traffic accidents, missing children, dead bodies, suicides, recovery of stolen property, and community meetings (team policing in LAPD).

SOURCE: These data are based on field observations conducted by the author in October, 1972 to January 1973 in Redondo Beach and Inglewood P.D. and in June 1973 to August, 1973 in the Los Angeles Police Department. In all three departments the author rode with different patrolmen for a full eight (or ten in RBPd) hour tour of duty. The bulk of the observations took place on night shift (3-4 p.m. to 11-12 p.m.) with selected observations of day and morning shift. Only three times during the observations did the author ride with the same individuals more than once. However, these data are not based on a random sample of shifts, and thus may be biased. But one should note that it is on night shift that most police departments receive the majority of their calls for service. These figures may overstate such calls.

service. The former make up about 40 percent of all calls, and the latter from 13 to 20 percent (the slightly higher percentage in Rampart is due to calls to assist elderly people, e.g. suicides and dead bodies, and drug overdoses). The only differences of any consequence are between Redondo Beach and the other two departments. Patrolmen in Redondo Beach answer a somewhat higher percentage of calls for minor violations. But this is largely attributable to the fact that Redondo Beach does not have a specialized traffic enforcement bureau, and many calls that are normally given to traffic units in the other departments, e.g. traffic accidents where a violation has occurred, are given to the patrol cars in Redondo Beach. Finally, patrolmen in Inglewood and LAPD are somewhat more likely to answer calls where a felony may have been committed.⁹

On the whole, the differences between the high-crime and low-crime areas are distinct enough to allow for suitable comparisons to be made. However, the reader should bear in mind that there are not only differences between these areas but differences within them. Another factor which should be kept in mind is the difference in the assault rate between the two divisions of LAPD and the two small departments. It is possible that this may affect a patrolman's attitude toward family disputes and the like (the differences may also be due to differences in the criteria used to classify a behavior as an aggravated assault, though I do not know

if this is so.) Finally, it should be remembered that one cannot talk of these areas as discrete, isolated entities. All are located in the Los Angeles Metropolitan area, and all partake of the culture and life style of Southern California. All have the same kinds of problems: drugs and burglary; and each has a sizable Mexican-American community. Further, differences in the law and the political culture are minimized. This ought to enhance the comparisons and assist in determining the impact of professionalism.

The Beat: A View from the Patrol Car

We have described each of the four areas in terms of their general characteristics. But how do they appear to the men who work the streets, what is their view of the people, the problems, and the places?

The similarities between Redondo Beach and Inglewood end with the designation of suburb. Twenty years ago both communities might have fit the image of sleepy, middle-class suburbs, nestled in the arms of the city. Now they are less communities than different colored patches on the quilt that is Los Angeles. They are quite different in life style and complexion. Redondo Beach still retains the image of the sleepy beach-side community, the haven for youth. Inglewood is a community undergoing the throes of deep change, moving from a bastion of racism with its own contingent of the KKK, to an integrated community trying to cope with the racial divisions that fracture American society.

Redondo Beach is deceptive to the casual visitor. To one who drives through the city on the Pacific Coast Highway it appears to be a somnambulant little community laying up against the Southern edge of the Santa Monica bay. The Highway is dotted with small businesses, shops, restaurants and bars. Despite its proximity to the ocean this section of the community has a new, almost plastic, look and feel to it. The narrow strip of land between the Pacific Coast Highway and the ocean is being built up, small non-descript houses are being replaced with large apartment complexes and condominiums. The older, funky if run-down, Redondo Beach pier was renovated some years ago and replaced with a new pier, clustered with a variety of restaurants, known better for their decor than their food, seafood markets, and one of Southern California's better known jazz clubs. The latter is often accommodating to those policemen who enjoy jazz; the acknowledgement to the dispatcher that one is out for 'pier patrol' often means a stop for coffee and good jazz. From the pier one of the best of the Southern California beaches stretches southward.

The pier and the beach are attractions to others than the residents, and on weekends there will be a heavy flow of traffic to this section of the city. This not only creates all the usual traffic problems but brings others as well: fights, drunks, and drugs, to mention those that are of most concern to patrolmen. The increase in the

number of apartments and apartment dwellers creates other problems for the police. The one most often referred to was burglary. Any self-respecting burglar knows that a day-time burglary is much easier in a large, impersonal apartment building than in a house. Such burglaries are abetted, in the opinion of some patrolmen, by the shoddy construction work. Most patrolmen believe that many of the burglaries are committed by people who come into the community rather than by local residents. The burglary rate has increased since 1970 while the population has remained stable. It has risen from 175.0 per 10,000 population in 1970, after decreasing from 1969, to 232.0 in 1972 and 255.0 in 1973. The Pier and apartment complexes also pose hazards for the police. A number of patrolmen voiced concern about getting trapped on the pier with a fighting drunk and being unable to get help; the apartment complexes were dangerous according to one patrolman because the maze of walks and underground garages made it difficult to catch somebody if one was in pursuit.

If this was all of Redondo Beach the visitor noticed, he would have overlooked, as many do, about half the community. The configuration of the city actually resembles two boxes set corner to corner; North Redondo Beach abuts South Redondo at its northeastern corner. This northern section of the city is imbued with a faded grace that seems out of place with the rest of the city. It demonstrates

the rapaciousness of Southern California land developers, gaudy strip commercial combined with small houses, lined on narrow often one-way streets. The appearance is run down in places and above all congested. This area of the city is heavily Mexican-American and working class. The major thoroughfare, Artesia Boulevard, is studded with Mexican restaurants and bars.

Most policemen in Redondo Beach draw a sharp distinction between the North and South ends of town. Many do not like to work the North end, and when asked why, responded that the people are different, they are harder to deal with. Most of the family dispute calls are in the area, often in the Mexican-American community but not exclusively. The attitude of a number of patrolmen toward people in the North end is tinged with racism towards the Mexican-American, and although there were charges that some patrolmen harassed some of the juveniles, most did not seem to work the street in the North any differently than the South. The narrow streets and the small hills which dot the landscape make driving often hazardous.

The bars are quite different in the two sections of the city. In the North end, most of the bars line Artesia Boulevard, and cater to the wild and wooly country music set. The resident motorcycle gang frequented a number of these bars, and fights and assaults were commonplace. The bars in the South end are more decourous; the major problem

is drunk drivers. There is one important exception, though. One bar which caters to youths has the reputation among patrolmen as a trouble spot. It was not uncommon for patrolmen to write parking tickets and make frequent bar checks in order to demonstrate that the Redondo Beach police were present. On the other hand, some patrolmen made frequent bar checks in the North end.

Many patrolmen live in Redondo Beach or the immediate area. The attitude of most is that it is a rather nice community in which to live and work. Burglary, narcotics, and traffic violations are judged to be the serious problems, and while there was often the feeling that the department should be doing more, no one felt that the city confronted an insurmountable crime problem.

Inglewood is the sort of city one drives through without really noticing. Except for the blue and yellow signs at the city limits there is nothing to distinguish it from Los Angeles or adjacent cities. The city is located directly south of the Baldwin Hills area of Los Angeles, and its eastern boundary is contiguous with the sprawling Black ghetto of South Central Los Angeles. On the west the city is cut off by the San Diego Freeway. The city's major attraction for an outsider is the Forum, a major Los Angeles center for sports events and rock concerts, and the Hollywood Race Tract. Both are located on the east side of the city, close to the center.

Inglewood, as Redondo Beach, is a divided city. The salient boundary is Prairie Avenue which cuts the city along a North-South median. The western section contains the major business area, the high school, the plushest residential areas. It is known among the police as the slow section of town. The eastern side of the city is mostly residential and strip commercial, and it is into this area that the influx of middle-class Blacks has poured. The Black portion of the city's population has steadily increased since 1964 and now makes up from 13 percent (U.S. Census estimate) to 25 percent (City of Inglewood estimate) of the citizenry. Inglewood was, and continues to be, a rather attractive residential community for many people. This more than anything else explains the migration of Blacks to the city. There are an increasing number of apartment buildings, but the majority of dwellings are still single-family homes, some with spacious yards.

The most prominent feeling among the police in Inglewood is that the city is under siege. Inglewood has a crime problem. The statistics over the last few years mirror the feelings of the police. Robbery, for example, had doubled since 1969, increasing from 46.0 per 10,000 population in 1969 to 98.0 in 1973 (the incidence of robbery for Redondo Beach remained about the same during this same period). Burglary, auto theft, rape, and homicide have also increased since 1969. The increase of crime and

what most policemen see as a more general deterioration of the city is attributed to the movement of Blacks into the city. While they do not make a point of it with every visitor, the police are not reluctant to voice their feelings about Blacks. One patrolman thought that the problems really began after the upheaval in Watts in 1965, when people presumably began to listen to the voices in the Black community. Others are more straightforward, and suggest that Blacks are not only inferior but prone to crime. One patrolman took care to point out how many of the buildings in the Southeastern section of the city had deteriorated since the Blacks had moved in. Among policemen there is a widespread disaffection with the community of Inglewood; many that lived within the city boundaries at one time have moved to the suburbs. Forty and fifty mile commutes are not uncommon. The reasons given are that Inglewood is no longer a fit place to live or raise one's children.

Yet there is an ambivalence among the policemen in Inglewood. If many feel that the community is going to hell, they also point out that Inglewood is a good place to be if one likes action. A number of patrolmen told the author that they chose to come to Inglewood because of the crime problem, they wanted to be in a place where there was some excitement and police work involved more than the usual, mundane service chores. The beats in the Southeastern section of the city are the 'hottest.' This area is bounded

by Prairie on the West, Century Boulevard on the North, and the city boundaries on the South and East. The strip along Century Boulevard, which is adjacent to the Hollywood Park Race Track, is the center of the City's vice activity. The seedy motels which line the street cater to itinerants who are interested in the races or in making a living off people who attend the races. The prostitutes, such as they are, generally work Century Boulevard, and most of the narcotics traded in the city are bought and sold in this area. Far more important than the vice activities are the street robberies, family fights, assaults, and burglaries which take place in the area with some regularity. This section of the city is filled with shoddy apartment buildings which are beginning to show signs of their age--15 to 20 years at most. Many of the patrolmen enjoy working this area because this is where the crime problem is located.

Other areas of the city also have problems, but from inside of a patrol car the community looks rather sedate. Officers working the Northern side of the city really have only two choices about how to use their spare time: either slowly patrol the residential areas or work the major thoroughfares for traffic violations and suspicious looking cars. But even here patrolmen reflect the widespread pre-occupation with violent crime in the city.

The only other matter of some importance are the periodic rock concerts and sports events at the Forum. From

the police point of view the problem here is traffic congestion, burglaries from parked cars, and narcotics. From all indications the last mentioned is not considered that serious in light of the other problems in the city.¹⁰ However, since events at the Forum attract large numbers of people, they usually attract individuals concerned with making a profit out of their presence.

Unlike Redondo Beach, the police department in Inglewood is rife with tension and frustration. The police feel that they are at war, that they are trying to stem the decline of a slowly sinking city. Many, however, have broken whatever ties they had with the community, and now look on the city as a place for some action and to get the experience required to maybe move elsewhere. Yet they seem unable to do anything. The adjective which most aptly characterizes the department is frenetic.

Rampart and Northeast Division encompass two of the older sections of Los Angeles. In places both show the remains of the faded elegance that is characteristic of parts of Los Angeles. Both areas are diverse, though Rampart is the most cosmopolitan. Rampart is located just East of the downtown area of the city; Northeast takes in the Highland Park area of Los Angeles, once one of the more fashionable areas of Los Angeles to live in. Of the two, Northeast, mostly because of its history, retains the aura of a distinctive community. Rampart reflects the ambience

of downtown commercial Los Angeles.

Located just to the South of Pasadena, Northeast Division is more like a suburb than a part of the City. The Eagle Rock and Mt. Washington areas of Highland Park have long been among the fashionable areas of Los Angeles to live in, and even today these areas are populated by a large number of upper-middle-class people. Interestingly, some executives in the Los Angeles Police Department still find the area attractive enough to make their residence there. Northeast Division encompasses two separate communities, the middle class sections north of the Pasadena Freeway, and the Mexican-American community of El Sereno south of the freeway. The Freeway, which is the oldest in the Los Angeles Basin, creates a geographical barrier between the two sections. El Sereno is the problem area of Northeast Division, the area that is rife with dope, burglars, and juvenile gangs. This area is both the poorest and the most homogeneous racially. The northern section of the division is far more heterogeneous, with pockets of White and Mexican-American, working class and middle class scattered about.

The pattern of residential development is very similar to that of Redondo Beach: small houses on small lots, narrow winding streets, punctuated with pockets of commercial establishments. With the small hills and abundance of small Mexican restaurants and bars the ambience of Northeast Division is very similar to that of Redondo Beach. But

there are substantial differences. Northeast is considerably larger than Redondo Beach, and it is much more complex to negotiate its many streets (most patrolmen in Northeast admitted that it was sometimes difficult finding one's way around).

The opinion of many of the patrolmen in Northeast Division is that the area is becoming "ghettoized." It is slowly but surely deteriorating. While many patrolmen voiced this opinion, the few that had been raised in the division (and there were some) were most despondent. This trend was reflected, in their opinion, in the deterioration of housing and, perhaps more important, the migration of many Mexican-American families to the areas north of the Pasadena Freeway.

When asked what were the problems in Northeast, patrolmen invariably responded burglary, narcotics, and juvenile gangs. These are tied together and form different sides of the same problem: the relationship of the police and the Mexican-American community. Unlike Inglewood or even Redondo Beach, the crime problem in Northeast is the result of individuals who live in the area. The gangs provide the most explicit examples of this pattern.¹¹ The gangs in Northeast are predominantly Mexican-American and, unlike gangs in South Central Los Angeles, all have a long history. Membership is based on family ties; one gang may be dominated by a particular family, and as a result the structure of the

gangs is closely related to the social structure of the Mexican-American community. An assault on a gang member by another gang member is more than a matter of mutual animosity between the gangs; it strikes at family ties and thus requires revenge. Much of the violence that takes place in Northeast is related to the gangs, and while this is normally confined to the Mexican-American community a white youth living in the area was assaulted by members of a gang during the study. Patrolmen exhibited serious concern about this problem, but there was on occasion an undertone of futility.

Burglary and narcotics are believed to be very closely related by most patrolmen. The presumption is that most burglaries are committed by heroin addicts, and the strategy to contain burglaries adopted by many patrolmen is simply that of keeping the addicts off the streets. This is again almost entirely seen as a problem of the Mexican-American community. El Sereno provides the most graphic example. It is known as the hot area of the division, and it was the area that the more aggressive patrolmen gravitated toward. This was not, I should point out, simply an arbitrary feeling. During the summer of 1973 one of the more juicy tidbits of information passed down from the intelligence section of LAPD was that the heaviest concentration of guns in Los Angeles was to be found in El Sereno. One patrolman, reflecting on the way he worked the street, commented that

when he was working El Sereno he would stop more cars since, "the kids down there are more likely to have weapons or other kinds of things in the car, they're more likely to be dirty, and you have more gang activity."

Even if Northeast has its problems, most patrolmen see it as a rather slow and relaxed area to work in. It combines, they feel, some interesting crime problems with a slower pace; an officer can hustle or take it easy. Yet to many of them that's all it is: a place to work.

Rampart Division presents a sharp contrast to the other three areas; it is larger, far more diverse, and more city than suburban. An astounding number of ethnic groups live within the division boundaries: Black, Mexican-American, Cuban, Philippino, Russian, and Oriental. It is a mixture of neighborhoods and life styles; one can move from the upper middle-class environs of Silver Lake in the Northern end of the division to the poor of Pico-Union. In between lie the imposing office buildings and businesses lining Wilshire Boulevard, and MacArthur Park, a green oasis between the buildings, but known to the police as the habitat of drunks, winos, homosexuals, and the elderly who don't have any place else to go. This is one of the oldest sections of the City, and many parts are run down, almost beyond repair. The poor eke out a living in the dilapidated apartment buildings of the central and eastern section. Many of the residents are illegal aliens who, whether they

know it or not, daily risk their lives by residing in the many fire traps in the area.

The diversity is one of the central attractions for patrolmen working in Rampart. It is known as a good division to get 'street experience,' it's fast enough to be interesting but not overwhelming. Patrolmen in Rampart recite the usual litany of crime problems as being important: burglary, narcotics, robbery and auto theft. Two large Mexican-American gangs--The Temple Street and 18th Street gangs--work within the division but their presence does not seem to overwhelm or dominate the attention of patrolmen as in Northeast. The narcotics-burglary problem is aggravated, in the opinion of many, by the presence of a large number of ex-cons and halfway houses in the division. They accordingly receive more than their share of attention. Many of these halfway houses and a large portion of the division's substantial number of bars is found in the MacArthur Park area. Besides narcotics the Park poses another kind of problem for the police: the drunks. The dealers of Skidrow, seeking a more congenial atmosphere no doubt, are moving to the area surrounding MacArthur Park. The patrol car which works this area has the highest amount of activity of any car in the division, though most of it involves the booking of drunks. Also living in this area are a large number of pensioners, biding their time in the enormous and cold apartment buildings which line the streets.

Besides an occasional suicide, the problem that these people pose is twofold: they are the likely victims of both muggers and automobiles. Many of them have the habit, according to patrolmen, of stepping off the curb against the light and, quite often, are knocked down by a passing automobile. The patrolmen in the area have resorted to issuing numerous tickets for jaywalking, an action that does not make them especially popular but which they believe effective.

The other group that arouse the ire of patrolmen in Rampart are the numerous illegal aliens living in the Pico-Union and east-central sections of the division. Patrolmen attribute a substantial portion of the crime problem to these people, but feel unable to do anything about it. According to some, a number of years ago the department would allow officers to simply pick them up and turn them over to the immigration authorities; now they can only be picked up if the patrolmen has a violation, in addition to being in the country illegally, with which he can charge them.

Patrolmen in Rampart division exhibit a sense of detachment about the area. They are concerned to be sure, but it is the concern of veterans, of men who have seen this before and will do what they can, but are not overly sanguine about the results. Unlike the police in Inglewood, there is no feeling that the world is coming apart at the seams. There is little affection for the residents and their

stake in the area; it is simply a good division to work in, especially if one is ambitious.

There are some important similarities among these three communities. All present the same type of police problems though in varying degrees of severity. And in all it was apparent during the field observations that there was significant differences between the values and outlook of the majority of policemen and specific groups in the community, viz., Blacks and Mexican-Americans. But nobody, in any of these three areas was observed to be especially hostile toward the police. The greatest conflict between the police and the community is present in Inglewood, but this reflects the political sophistication of the Black community, specifically their ability and willingness to press complaints, and the frustration of the police as much as anything else. A similar split is observable in Rampart, especially in the poor sections, but it is muted because of the large number of illegal aliens in the area.

Many of the differences, on the other hand, stem from the view that policemen in each community take on the area and the problems. All of the patrolmen tend to emphasize the same kind of problems, but they are viewed differently in each area and considered to have different import. The patrolmen in LAPD were observed to be the most detached about the communities they police, while those in Redondo Beach and Inglewood register varying degrees of affection

and disaffection. Size is one of the most salient differences between the four areas. Geographically, both Northeast and Rampart Divisions are larger, and offer more diversity and opportunity for the enterprising patrolman. Given this difference, were the patrolmen in Redondo Beach and Inglewood more knowledgeable about the people and the problems in their communities than officers in the two divisions of LAPD? The answer is yes and no. Patrolmen in Redondo Beach were observed to display the most knowledge of the community of any of the policemen, though it was not as intimate and detailed as one might have expected. Patrolmen in the other three areas did not; and the reason is that there was by and large greater separation between the policeman and the community. In Inglewood this is attributable to the rift between the police and the Black community; in LAPD it is a result of the size of the areas and the detachment of the patrolmen. However, many of the patrolmen in both divisions of LAPD had a much more thorough knowledge of crime problems and who was doing what. This seemed to be a reflection of initiative on the part of some patrolmen and the fact that many of these officers are simply more 'street-wise' than their counterparts in the small departments.¹²

THE ORGANIZATIONAL CONTEXT

The three police departments observed in this study are

all professional departments of varying size. All subscribe to the central ideas of police professionalism and reflect with varying degrees of emphasis the goal of crime control and the preoccupation with organization, training, and equipment. LAPD more than any other department in the country stands for professionalism. It is the legacy of William H. Parker, and bears the stamp of his personality even today. Parker is credited with professionalizing the Los Angeles Police Department which, until his reign, was as corrupt as any department in the country.¹³ He was an extremely dour man, given to speculating on the certain demise of American society. More than most professional police administrators of any stature, Parker's comments reveal an understanding of the complexity and pathology of an urban-industrial society combined with an excessive preoccupation with order.¹⁴ In terms of the police profession, Parker vigorously sought to limit external controls on the police and assure the necessary autonomy he believed necessary to maintain order and curb anarchy. At the same time, he had the reputation of a stern disciplinarian who ran the department by the book. His ascension to power was marked by an increase in the rules governing the minutia of behavior, the creation of an Internal Affairs Division to investigate and prosecute officer misconduct, and the centralization of power and authority within the department. LAPD has the reputation among policemen of going by the

book, and it is often said that the department is 'Parkerized.'

Both Inglewood and Redondo Beach are in the mold of professional police departments, and both stress the legitimacy of the formal command structure and obedience to departmental rules. Of the two, Redondo Beach is said to be the most lax. The Chief of Police in Redondo Beach is an ex-LAPD Captain, who frequently mentions that his policemen have a great deal more discretion than officers in LAPD. The Chief of Inglewood views himself in the mold of Chief Parker. He came to Inglewood in early 1972, and had the reputation of strictly disciplining and controlling his men. All decisions to arrest had to be approved by a Sergeant in the small department he managed before coming to Inglewood. He expressed the desire on occasion to implement the same kinds of controls in Inglewood but has not thus far done so. His feeling is that he has to deal with the crime problem in Inglewood first.

LAPD has over 7,000 sworn personnel and about 3,000 patrolmen working the streets; in comparison Inglewood has from 62 to 70 patrolmen and Redondo Beach 37. At the time of the study Rampart Division had 200 patrolmen assigned, and Northeast Division 115. In the small departments the Chiefs of Police have considerable influence--if they so desire--over the operation of the patrol division. In LAPD the chore of running the Division is left to a Captain,

responsible to the Deputy Chief in charge of the Central Bureau.¹⁵

The character of the limitations each of these departments impose upon patrolmen vary in kind and strength. These influence a patrolman's opportunity to make decisions and his choice of alternatives. There are three different kinds of limitations: the territorial assignment; the opportunities for independent action; and the effects of the attitudes of supervisors and the system of organizational controls.

The Beat

Most patrolmen are assigned specific areas of the community to patrol. The exceptions are officers assigned to 'wild cars' and to plain clothes units. Patrolmen are responsible for all calls for service and all crimes in their area. Responsibility, however, is less a matter of identification with an area than administrative efficiency. The boundaries of the various beats are based on crime problems, work load, and geography. A patrolman is expected to answer all of his calls quickly and efficiently and to keep tabs on the crime in the area.

Redondo Beach and Inglewood are divided into six beats which reflect the important divisions within the city. Redondo Beach is divided on a north-south basis and Inglewood on an east-west basis, with three beats on each side. Both departments ordinarily field six patrol cars, three on each side of the city, and one or two wild units. The

latter are free to roam one side of the city. Administrators in both departments expect patrolmen to stay in their beats or, at the very least, to stay on one side of town. The practice of most patrolmen is to do this but for very different reasons. In Redondo Beach, the topography of the city and the fact that the department uses one man cars keep patrolmen close to their assigned beat. On night and morning watch the availability of a back-up is a crucial consideration in making a decision to stop someone. The topography of the city is such that if a patrol car in the North end needed assistance and the other cars were in the South end, it would be difficult to quickly assist the patrolman. As a consequence most patrolmen do not stray very far from their assigned areas. In Inglewood the decision to stay in the beat is more a matter of administrative control than anything else. The supervisors expect their men to stay on one side of town and they convey that expectation to the patrolmen. Because of these constraints patrolmen in these departments have little opportunity to move around and 'dig up something.'

The beats in the two divisions of LAPD are larger and much less confining. The divisions are divided into areas to which a basic car (or team) is assigned. The Basic Car Plan as it was called eliminated the rotation of patrolmen among the beats in a division and fixed the assignment of the nine men who police this area over a twenty-four

hour period. The intention of this plan was to increase the patrolman's identification with and knowledge of an area; it also focused responsibility for crime on the patrolmen assigned. The present Chief of Police, Edward M. Davis, has referred to this innovation as creating a 'territorial imperative' for patrolmen.

LAPD fields two types of patrol units with uniformed patrolmen. The first, the A-Units, are the basic cars and are expected to remain in their assigned area. The others are called X-Units, and they are intended as back-up units for the basic cars, but it is also expected that they will move around the division a bit. The tendency of patrolmen in LAPD is to move around as much as they can. The officers in the X-Units are most prone to this tendency, but many of the A-Units follow suit. On a boring evening officers will be motivated to move to an area of the division where something interesting may be happening. Ironically, the practices of the dispatchers in LAPD facilitate the tendency to move about. On a busy night when patrol cars are tied up with numerous calls, a dispatcher will not hesitate to send a patrol car out of its area to answer a call or serve as a back-up. This sometimes leads to working a completely different area. For example, a patrol car working the El Sereno area of Northeast Division might be assigned a call on the other side of the freeway; once they complete the call, the patrolmen may stay on that side and

work for awhile rather than returning to El Sereno.

This movement of patrol cars about the division can ordinarily be tolerated because of the resources of the department, its ability to field a substantial number of units each night. A patrol car that gets into trouble can usually be quickly reached (if the matter is serious its broadcast over a department-wide frequency and officers from another division can respond). Finally, the inclination to move about and dig up something is strongly legitimized in the department, and most supervisors see no reason to be concerned.

The tendency to move about in LAPD is mitigated by one factor. Many officers will stay close to their area because they are responsible for the calls in that area, and if they are not available the burden falls to someone else. Consistent avoidance of this responsibility brings down the wrath of the Sergeant, and, more importantly, one's peers. One of the strongest norms among patrolmen is that each carry his share of the burden. This means that the often distasteful responsibility for handling calls has to be shared. On the other hand, on an especially dull evening, even the most mundane of calls can be interesting.

The Opportunities for Independent Action

The radio may be a patrolman's life line but he is also chained to it. A busy night with numerous crime reports, family disputes, and 'barking dog calls' effectively pre-

cludes the opportunity for independent action. The demands for service are greater during the day and early evening than at night; morning watch is usually unencumbered with calls for service, allowing patrolmen more of a chance to do 'real police work.'

The limitations that demands for service place on a patrolman are probably overstated. Patrolmen frequently make note of the fact that "at any moment all hell can break loose," and that they will be innundated by calls. And it is true that they will have very busy nights, where they will spend their time going from call to call. Yet boredom rather than business is the normal experience; many patrolmen often look forward to a call for service to break the tedium of routine patrol. Large intervals of time may be taken up by the routine of slowly driving around one's area and always looking for something out of the ordinary. But even where the demands for service are high there is always the possibility of working so as to reduce the limitations of these demands and enhancing the opportunity for independent police work. It is possible for a patrolman to manipulate his work load by refusing to clear (that is acknowledge to the dispatcher that he is free to be assigned another call) as quickly as possible or by simply digging up something a little more interesting. This kind of manipulation of the work load is more easily carried off in a large department like LAPD where there are enough slack resources

to meet any demands.

The Management of Discretion: The Ambiguity of
Departmental Goals

The attitudes and actions of supervisors and administrators and the incentives and sanctions of the system of organizational controls act in different ways in each of these departments to shape the exercise of discretion of patrolmen. A patrolman's actions are not guided to any discernable extent by official policies or rules; rather he is guided by the informal expectations conveyed by the Chief and the immediate field supervisors, the Sergeants and Watch Commanders. These expectations, like the goals they reflect, are characterized by vagueness, ambiguity, and the contradiction between means and ends. On the one hand, the patrolman is expected to pursue the substantive ends of police work, to prevent crime, enforce the laws, keep the peace, and provide services. On the other hand, he is expected to pursue a set of instrumental goals which will allow the basic tasks of the police to be carried out with a minimum of hostility and resentment from the community. These instrumental goals rest on the tacit awareness of the police of their inextricable dependence upon the public, a dependence which requires that the appearance of trust be maintained at all times in order to preserve the autonomy of a professional police department. These instrumental goals are thus perceived as a necessary set of prerequisites to

the accomplishment of the basic substantive goals. These instrumental goals include the functions grouped under the rubric of community relations and those associated with professionalism.

What do the patrolmen in these three departments think that administrators expect of them and what is the relative importance of substantive and instrumental goals? Patrolmen in each of these departments were asked in a survey to choose from a list of ten possible expectations those they believed were the five most important in performing their job.¹⁶ They were then asked to rank these expectations in order of priority. Data summarizing these choices are presented in Tables III-4 and III-5. Table III-4 summarizes the five most important perceived expectations for each department. What is most striking about the data is the relative importance of instrumental expectations. In both divisions of LAPD and Redondo Beach, maintaining courteous relations with the public and maintaining a professional image were chosen more frequently than any of the other items (maintaining a professional image is tied, however, in Redondo Beach with keeping the peace). Moreover, the item referring to the expectation that officers should minimize personal complaints and follow departmental rules (i.e. Stay Out of Trouble) was among the top five in Northeast Division and Redondo Beach. In Redondo Beach and Northeast Division, three out of the five most important

Table III-4

RANK ORDER OF FIVE MOST IMPORTANT PERCEIVED EXPECTATIONS

| RANK ORDER ^{a/} | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST |
|--------------------------|-----------------------|-----------------------|------------------------|------------------------|
| 1. | Public Reltns (54) | Prof. Image (44) | Public Reltns (31) | Public Reltns (46) |
| 2. | Patrol Beat (53) | Public Reltns (44) | Prof. Image (25) | Prof. Image (45) |
| 3. | Prof. Image (53) | Patrol Beat (40) | Keep Peace (25) | Patrol Beat (37) |
| 4. | Be Aggressive (36) | Keep Peace (39) | Patrol Beat (24) | Keep Peace (32) |
| 5. | Help People (35) | Help People (31) | Stay Out Trble (19) | Stay Out Trble (27) |

^{a/} Rank order is based on the number of times an item was chosen by the respondents in a department. The survey question read as follows: "Now, we would like to ask you some questions about the objectives of this department and what the department expects of individual officers. Here is a list of things that are generally considered to be important by police departments (hand respondent list). We would like you to pick out the five items that, in your opinion, this department considers most important. After you have chosen five items rank these items from most to least important."

See Table III-5 for complete wording of each item.

Table III-5

TWO MOST IMPORTANT PERCEIVED EXPECTATIONS

| PERCEIVED EXPECTATIONS | INGLEWOOD | | RAMPART | | REDONDO BEACH | | NORTHEAST | |
|---|-----------|------|---------|-----|---------------|-----|-----------|-----|
| | I | II | I | II | I | II | I | II |
| ISSUE A SUBSTANTIAL NO. OF TRAFFIC CITATIONS | -- | 2.0% | -- | 14% | -- | 9% | -- | 2% |
| PATROL YOUR BEAT FOR POTENTIAL ROBBERIES AND BURGLARIES | 42% | 11% | 37% | 10% | 24% | 6% | 28% | 8% |
| BE ACTIVE AND AGGRESSIVE ON YOUR BEAT | 7% | 16% | 2% | -- | 3% | 3% | 2% | 4% |
| ATTEMPT TO HELP PEOPLE WHEN NEEDED | 5% | 5% | 2% | 8% | -- | 9% | 6% | -- |
| MAINTAIN COURTEOUS AND GOOD RELATIONS WITH THE PUBLIC | 13% | 26% | 6% | 24% | 18% | 27% | 20% | 29% |
| PATROL BEAT FOR DRUNK DRIVERS | -- | 7% | -- | -- | -- | -- | -- | -- |
| MAKE A SUBSTANTIAL NO. OF GOOD FELONY ARRESTS | -- | 7% | -- | 2% | -- | -- | -- | 4% |
| MAINTAIN A PROFESSIONAL IMAGE | 18% | 23% | 31% | 24% | 12% | 18% | 22% | 26% |
| WORK EFFECTIVELY WITH PEOPLE IN KEEPING THE PEACE | 2% | -- | 14% | 14% | 3% | 27% | 10% | 20% |
| STAY OUT OF TROUBLE | 11% | 7% | 6% | 4% | 35% | -- | 4% | 6% |
| MISCELLANEOUS | -- | 5% | 2% | 2% | 6% | -- | 10% | 2% |

expectations were instrumental; in Inglewood and Rampart Division two out of five were instrumental. Finally, only in Inglewood was a substantive expectation highly ranked, and even here it was tied with an instrumental item, maintain a professional image.

Yet as Table III-5 shows a substantial percentage of patrolmen in Inglewood and the two divisions of LAPD ranked patrolling the beat for potential robberies and burglaries as the most important. But this was followed by two instrumental items, maintaining good relations with the public and maintaining a professional image. Only in Redondo Beach was an instrumental item, Stay Out of Trouble, ranked as more important than patrolling the beat. What is rather striking about these data, in addition to the relative unimportance of substantive items, is the de-emphasis of expectations pertaining to the execution of specific functions such as issuing traffic citations, making felony arrests, patrolling for drunk drivers, and being aggressive (though the latter was considered important in Inglewood). All three departments are more concerned with broad, general goals and less concerned with the specific actions a patrolman may take. This suggests but does not demonstrate that the 'numbers game,' the use of arrest statistics to evaluate an officer's performance, may be less important in shaping discretion than is normally assumed.

These data also appear to reflect a sense of uncertain-

ty on the part of patrolmen of exactly what the department expects of them. A typical comment by some of the respondents when asked this question was, "Well, I'm not really sure what they expect." There is, on the whole, a rather wide dispersion among the answers in all three departments. The one thing that most patrolmen were sure of was that patrolling for drunk drivers was not an important priority from the department's point of view.

The first level of supervision--the Sergeants and Watch Commanders--is expected to translate vague goals into specific objectives. But even at this level a patrolman's perceptions of what is expected of him is rather vague and uncertain. One patrolman said that the supervisors expected patrolmen "to use their common sense." More often, patrolmen felt that what was wanted was action, that patrolmen demonstrate in some way that they are working rather than gold-bricking. As one patrolman put it, "The supervisors expect you to work; to be doing something out here for eight hours and not sliding by." Action is seen not only as necessary but sufficient: what a patrolman does is much less important than his doing something.

The conflict between the substantive and instrumental goals of a police department--between the goal of crime suppression and the goal of maintaining community support--devolve on the patrolman, and it is up to him to resolve them in some satisfactory way. Consider the matter of

aggressiveness on the street. Aggressive patrol work such as stopping and interrogating people on the street is in conflict with the more general goal of minimizing public complaints about harassment and unjustified treatment. The dilemma, as one patrolman commented, is that the "department wants officers to be aggressive, but not too aggressive." This conflict was apparent in all three departments, though only in Redondo Beach did it reach the level of an openly acknowledged conflict between management and patrolmen.¹⁷ This is reflected in the survey responses: 53 percent of the patrolmen in Redondo Beach said that the most important expectation of administrators was that patrolmen stay out of trouble or maintain rapport with the public (Table III-5). This compares to 24 percent in Inglewood and Northeast Division and 12 percent in Rampart.

At the first level of supervision, this conflict translates into an expectation (or desire) that patrolmen maintain a low profile and keep from "making waves." Judging from comments made while observing patrolmen, making waves refers less to challenging departmental rules or advocating innovations, than to getting into trouble in the course of performing one's duties on the street. One especially frustrated officer suggested that if an officer was aggressive and received personnel complaints--which is probable if one is aggressive--he would create considerable difficulties for the Sergeants (and no small amount of animosity) who

have to investigate the complaints (a task most of them detest) and take the heat from the administration. The wise and knowledgeable patrolman, he says, will endeavor to issue the requisite number of traffic citations, make a few arrests, and otherwise 'stay cool.' Not every Sergeant would agree that this is what they want of their patrolmen, but they, like the patrolmen, must attempt to resolve a conflict which is not entirely of their own making.

The expectations that are conveyed to patrolmen amount, on the one hand, to exhortations to be active, to work hard, and to use one's common sense; on the other, they define limits on police authority and action by patrolmen by elevating relationships with the public to a primary goal and by focusing on the immediate objective of minimizing personnel complaints. These expectations and the conflict between them are one more link in the limitations upon a patrolman's autonomy; but if they circumscribe his freedom, they do not direct his actions. Patrolmen are not really told what they should do--when they should stop a vehicle, when they should make an arrest, or when they should refuse to make an arrest. The determination of priorities and the resolution of the conflict implicit in these expectations is left, for better or worse, to the judgment of the patrolman.

The Management of Discretion: The Impact of Administrative Controls

One may grant that the expectations conveyed to patrolmen are vague and leave patrolmen considerable autonomy, but what of the actions of supervisors and other administrative controls? Presumably a supervisor's (and hence the department's) ability to control his men rests on the influence he can exert on a day to day basis. What is the nature of these influences? How and to what extent do supervisors influence patrolmen? And are there any differences between the three departments in this regard?

The role of a field Sergeant in a professional police department is an anomaly among supervisory roles. It combines a great deal of legitimacy and authority within the department but very little real power. The field Sergeant occupies a precarious position between patrolmen, who are always ready to take offense at encroachments on their authority and discretion, and management who desire strict and orderly supervision. Unlike supervisors in most organizations, however, the norm against second-guessing precludes close supervision even though a sergeant may believe it is necessary. Most sergeants I observed took care to avoid observing or intervening in a situation that a patrolman was handling unless assistance was requested by a patrolman. One supervisor in one of the small departments said that when he was first appointed sergeant, he attempted

to go to every important call and monitor the actions of patrolmen. This caused so much resistance and outright hostility that he eventually had to withdraw. He said, only partly in jest, that sergeants were nothing more than highly paid patrolmen. There is more to this remark than the fact that field supervisors do not have clearly defined responsibilities or powers insofar as discretion is concerned. Many sergeants identify with the 'street policeman' rather than management, with his problems and his concerns. Some indicated to the author that the positive aspects of their position was that it combined status and authority with the opportunity to continue working on the street. Another common interpretation of the role was as a buffer and mediator between management and the patrolmen. Some extended this idea to the notion of a neutral communications belt; their real function, these supervisors suggested, was to convey the orders of management to the patrolmen, and the complaints of patrolmen upward. A third interpretation of the sergeant's role was that of an aggressive and strict supervisor. Yet even the most aggressive of supervisors must temper his actions in order to maintain the support of his men. And his actions will normally be directed to enforcing the rules of the department rather than attempting to actively control the way patrolmen exercise their discretion.

Sergeants, Watch Commanders, and upper-echelon adminis-

trators have enormous control and influence over patrolmen where administrative matters are concerned; they have much less influence and control over discretion. Table III-6 provides some evidence for this hypothesis. Patrolmen in each department were asked to estimate the amount of influence various levels of the administrative hierarchy had over matters internal to the police department and over decision-making. For a point of comparison they were also asked to estimate the amount of influence patrolmen have in these areas. The rating was based on a five point scale which has been used extensively by Arnold Tannenbaum in his studies of administrative control.¹⁸ The means and medians are presented for each group in each department. The top half of the table shows that in all three departments the amount of influence attributed to a group increases as one rises in the hierarchy. The Command Staff, which includes Captains in all three departments and the Deputy Chief and his staff in charge of Central Bureau in LAPD, and the Chief of Police are accorded the most influence, though patrolmen in Redondo Beach rate the Captain in charge of Patrol Bureau as being somewhat more influential. This is consistent with all of our common sense notions of hierarchical control and the legitimacy of hierarchical control in police departments. It is the second half of the table that is by far the more interesting. In Redondo Beach and Northeast Division patrolmen are accorded more influence over one's decisions than

Table III-6

PATROLMEN PERCEPTIONS OF INFLUENCE OF ADMINISTRATORS^{a/}

| GROUP: | INFLUENCE OVER DEPARTMENTAL AFFAIRS | | | | | | | |
|-----------------|-------------------------------------|--------|---------|--------|---------------|--------|-----------|--------|
| | INGLEWOOD | | RAMPART | | REDONDO BEACH | | NORTHEAST | |
| | MEAN | MEDIAN | MEAN | MEDIAN | MEAN | MEDIAN | MEAN | MEDIAN |
| PATROLMEN | 1.43 | 1.07 | 1.63 | 1.00 | 1.88 | 1.27 | 1.71 | 1.00 |
| SERGEANTS | 2.87 | 2.16 | 2.10 | 1.54 | 2.69 | 2.00 | 2.35 | 1.74 |
| WATCH COMMANDER | 3.60 | 3.00 | 2.81 | 2.33 | 3.22 | 2.67 | 2.92 | 2.41 |
| COMMAND STAFF* | 4.47 | 4.11 | 3.89 | 3.55 | 4.33 | 3.87 | 4.02 | 3.65 |
| CHIEF | 4.89 | 4.44 | 4.68 | 4.44 | 3.63 | 3.42 | 4.73 | 4.43 |
| GROUP: | INFLUENCE OVER DISCRETION | | | | | | | |
| | INGLEWOOD | | RAMPART | | REDONDO BEACH | | NORTHEAST | |
| | MEAN | MEDIAN | MEAN | MEDIAN | MEAN | MEDIAN | MEAN | MEDIAN |
| PATROLMEN | 3.34 | 3.00 | 2.94 | 2.45 | 3.69 | 3.88 | 3.70 | 3.70 |
| SERGEANTS | 3.50 | 2.94 | 3.06 | 2.56 | 3.16 | 2.62 | 3.10 | 2.60 |
| WATCH COMMANDER | 3.45 | 3.96 | 3.24 | 2.75 | 2.59 | 1.85 | 3.20 | 2.70 |
| COMMAND STAFF* | 3.20 | 2.71 | 2.79 | 1.96 | 2.53 | 1.73 | 3.22 | 3.00 |
| CHIEF | 3.35 | 2.81 | 2.81 | 1.75 | 2.38 | 1.70 | 3.42 | 3.38 |

* Command Staff includes Captains and in LAPD Commanders and Deputy Chief.

^{a/} Respondents were asked to estimate the influence of various groups in the department

Table III-6 (con't)

on the basis of a five point scale. The scale read as follows: (1) Little or No Influence; (2) Some Influence; (3) Quite a Bit of Influence; (4) A Great Deal of Influence; (5) A Very Great Deal of Influence.

A low mean or median indicates very little influence is attributed to the group. The questions were worded as follows:

- A. In general, how much say or influence do you feel each of the following groups has on what goes on in this department?
- B. In general, how much say or influence do you feel each of the following groups has on the way patrolmen make decisions in the street.

any other group. The pattern in Redondo Beach simply reverses the previous one: the amount of influence decreases as we ascend the hierarchy. In Northeast, patrolmen have a tendency to attribute more influence to the Chief of Police and the Command Staff than the first levels of supervision. In Inglewood and Rampart Division another pattern is apparent. While patrolmen are accorded a high degree of influence (though the figures are lowest for Rampart) over discretion, Sergeants and Watch Commanders are accorded more. The Chief and the Captains have less influence in these two areas. It may be that field supervisors in the high-crime areas are more aggressive and do attempt to exert more control over discretion. However, it is clear that the distribution of influence over discretion differs considerably from that over internal matters. Patrolmen are not completely autonomous, but to the extent that they are influenced it is the Watch Commanders and field supervisors who will hold sway.

But if it is the first level of supervision of all hierarchical levels that has most influence over a patrolman's decisions, what are supervisors concerned with and what is the impact of supervision on the behavior of patrolmen? Tables III-7 and III-8 provide some evidence of what supervisors are concerned about from the point of view of patrolmen. Patrolmen were asked what were the rules that supervisors were most likely to frequently enforce, that is

what were their priorities? The data in Table III-7 presents the percentages for the two most frequently enforced types of rules. The bulk of the rules that were mentioned by patrolmen fall into the first two categories, Professional/Administrative and Task Related. Taking the first set of responses (I), the former accounts for 88 percent in Redondo Beach and Northeast Division and 51 percent on Rampart. Only in Inglewood are the percentages for this category rather low. The category Professional/Administrative includes most of the rules which patrolmen detest the most, those concerned with personal appearance, tardiness and so forth. The reason for the high percentages for Redondo Beach and Northeast is that many of the supervisors were overly concerned (in the opinion of many patrolmen) with whether or not they put on their police hat when they got out of the car. Task Related rules are of more concern to supervisors in Inglewood than the other two departments. These pertain to rules covering some aspects of the job: being out of one's beat when unauthorized, bad driving habits and so forth.

The last two categories pertain to the kinds of decisions patrolmen make, and it is evident from the table that these are of much less concern than the previous types. Excessive force, verbal abuse (as it's called) and citizen complaints receive the most attention; but the differences between the two high-crime areas and the two low-crime

Table III-7

TWO MOST FREQUENTLY ENFORCED TYPES OF RULES^{a/}

| TYPE OF RULE ^{b/} | INGLEWOOD | | RAMPART | | REDONDO BEACH | | NORTHEAST | |
|---------------------------------|-----------|-----|---------|-----|---------------|-----|-----------|-----|
| | I | II | I | II | I | II | I | II |
| PROFESSIONAL AND ADMINISTRATIVE | 21% | 32% | 51% | 29% | 88% | 50% | 88% | 24% |
| TASK RELATED | 45% | 24% | 20% | 22% | 3% | 12% | 2% | 29% |
| DISCRETION | 5% | 11% | -- | 2% | 3% | 6% | 10% | 2% |
| BEHAVIOR TOWARD CITIZENS | 24% | 16% | 26% | 22% | 3% | -- | -- | 26% |
| NO ANSWER | 5% | 16% | 4% | 26% | 3% | 32% | -- | 20% |

^{a/} The question was worded as follows: What rules are the field supervisors and Watch Commanders most likely to frequently enforce? If there were questions about what was wanted, the respondents were told that questions concerned the rules that supervisors considered most important.

^{b/} The categories are made up of the following kinds of rules:

Professional/Administrative: Not wearing police hat; sleeping on duty; personal appearance; late for work; poor report writing; uniform violations; too many cars at a coffee stop; dishonesty; attitude toward department rules; drinking on duty, etc.

Task Related: Bad driving habits (speeding etc.); unauthorized code 3 (emergency) runs; not handling call to completion (failure to take a report); poor radio procedures; clearing calls quickly; doing a full day's work; answering calls promptly; being out of beat when not authorized; violation of safety rules; rolling on calls not supposed to; failure to qualify at shooting range; failure to appear in court; maintaining clean weapon.

Discretion: Not writing parking tickets; not shooting when supposed to shoot; making

Table III-7 (con't)

a bad arrest (i.e. when no crime has been committed); violations of shooting policy; not knowing when to make an arrest; civil rights and due process violations; making decisions that supervisors do not think proper; over-aggressiveness in the field.

Behavior Toward Citizens: Excessive force; demeanor toward public, e.g. verbal abuse, shooting off mouth, swearing etc.; citizen complaints on handling of calls and service.

areas are substantial. At least one-fourth mentioned this type first in the high-crime areas compared to 3 percent in Redondo Beach and none in Northeast. The percentages for discretion is rather low in all three departments. But what do these results mean? do they mean that supervisors on the average are less concerned with excessive force and violations of due process than the more petty rules? Many patrolmen suggested that supervisors are somewhat less concerned with these kinds of problems because they occur less often than the other kinds of violations (to this extent the question is misleading). There is some truth in this, especially insofar as a patrolman's behavior toward citizens is concerned. Excessive force and verbal abuse are less frequent violations than the others. Yet what constitutes verbal abuse or excessive force is a matter of interpretation, and what excites a citizen may not excite a supervisor. A supervisor who adopts an extremely strict standard in these matters must walk a tight rope in order to maintain his authority. A related problem is that these matters do not come to a supervisor's attention as often as the others because they may be concealed by patrolmen. However, it is clear from the field observations that administrators and supervisors in all three departments were concerned with these problems and personal complaints. The standards demanded of patrolmen in this area are considerably higher than they were ten years ago, and there is some evidence

that personal complaints are being taken more seriously.¹⁹

The category designated discretion is perhaps the most interesting in regard to supervision. With the exception of shooting policy, the kinds of things most mentioned by patrolmen are not rare occurrences but the gut of decision-making on the street. But it is in just these matters that a supervisor may have the least control over patrolmen. Their influence over a patrolman's discretion is strongest where they have been asked for their advice or where the situation is such that a supervisor is required by policy to take charge (e.g. a large disturbance which has the potential of becoming a riot). Most supervisors that were observed and interviewed indicated that they stay in the background as much as possible and refrain from controlling a patrolman's decisions. Besides the fact that patrolmen resent interference, most supervisors believed that they had to allow a man to develop the capacity to stand on his own judgment. The reality of police work requires that patrolmen be able to make the 'correct' decision when the supervisor is not there. Most realize that attempts to strictly control a patrolman's actions impair his ability to act alone. Finally, Sergeants like patrolmen work the street; the bonds of the police culture and the problems of police work are much closer. They are more likely to be concerned that a man is not aggressive enough or does not take action when he should, rather than that he makes quasi-

legal arrests. A sergeant can understand the necessity of the attitude test.

Some further evidence on the stand-offish attitude of field supervisors appears in Table III-8. One way a supervisor has of maintaining some control over patrolmen is simply by being present at the scene. He also has the right, if he wants to exercise it, to intervene and pull rank on a patrolman and take over the call. Patrolmen were asked how often supervisors observe them and how often they intervene. All together, about one-third of the patrolmen thought supervisors observed them hardly at all or not very often; one-third estimated sometimes; and the rest often or very often. And only 25 percent said that a supervisor would intervene sometimes, often or very often. Patrolmen, it would seem, do not expect a supervisor standing over them very often.

There are some important differences between the three departments revealed in the table. Patrolmen in Inglewood were more likely to indicate that supervision was aggressive. Fifty-seven percent said that supervisors observed them often or very often; in contrast, the comparable figures for Redondo Beach, Northeast, and Rampart are, respectively, 35 percent, 20 percent, and 26 percent. Similarly, supervisors in Inglewood are slightly less reluctant to intervene in a situation than their counterparts. These questions were scaled, and as the table indicates, the mean score for

Table III-8

PATROLMEN'S PERCEPTIONS OF SUPERVISOR'S BEHAVIOR

| DEPARTMENT | FREQUENCY OF SUPERVISOR'S OBSERVATIONS ^{a/} | | | | | N= |
|--------------------|--|------------|------------|------------|------------|-----|
| | HARDLY | NOT OFTEN | SOMETIMES | OFTEN | VERY OFTEN | |
| INGLEWOOD | 3.2% (2) | 9.7% (6) | 30.6% (19) | 37.1% (23) | 19.4% (12) | 62 |
| RAMPART DIVISION | 15.7% (8) | 19.6% (10) | 39.2% (20) | 21.6% (11) | 3.9% (2) | 51 |
| REDONDO BEACH | 26.5% (9) | 17.6% (6) | 17.6% (6) | 29.4% (10) | 5.9% (2) | 33 |
| NORTHEAST DIVISION | 13.7% (7) | 29.4% (15) | 37.3% (19) | 13.7% (7) | 5.9% (3) | 51 |
| | | | | | | 197 |

| DEPARTMENT | FREQUENCY OF SUPERVISOR'S INTERVENTIONS ^{b/} | | | | | N= |
|--------------------|---|------------|------------|------------|------------|-----|
| | *HARDLY | NOT OFTEN | SOMETIMES | OFTEN | VERY OFTEN | |
| INGLEWOOD | 29.0% (18) | 27.4% (17) | 19.4% (12) | 16.1% (10) | 6.5% (4) | 61 |
| RAMPART DIVISION | 62.7% (32) | 17.6% (9) | 17.6% (9) | 2.0% (1) | -- | 51 |
| REDONDO BEACH | 55.2% (26) | 29.4% (10) | 5.9% (2) | 5.9% (2) | 2.9% (1) | 34 |
| NORTHEAST DIVISION | 41.2% (21) | 39.2% (20) | 13.7% (7) | 5.9% (3) | -- | 51 |
| | | | | | | 197 |

*Includes Never in addition to Hardly

Table III-8 (con't)

| DEPARTMENT | SUPERVISOR'S BEHAVIOR SCALE ^{c/} | |
|--------------------|---|----------------|
| | MEAN | STD. DEVIATION |
| INGLEWOOD | 44.15 | 10.07 |
| RAMPART DIVISION | 53.14 | 8.36 |
| REDONDO BEACH | 53.21 | 10.88 |
| NORTHEAST DIVISION | 52.26 | 10.88 |

- a/ How often do the field supervisors in this department drive by and observe you while you are on a call?
- b/ How often do the field supervisors in this department actually intervene in a call or situation which you are handling?
- c/ A low mean score on the scale indicates the perception of a high degree of supervisor observations and interventions. Construction of scales is discussed in the methodological appendix.

patrolmen in Inglewood is considerably lower than the other departments.

The aggressiveness of field supervisors in Inglewood that is apparent in the survey data is confirmed by the field observations. Field supervisors in Inglewood were observed at a number of calls, and they made a point of initiating a fair amount of contact with officers in the field, if only to check crime reports and the like. The supervisors in Redondo Beach and the two divisions of LAPD were most noticeable for their lack of visibility. It was a rare occurrence to see them at the scene of a call. The patrolmen in all three departments disliked having a supervisor appear at a call, but the hostility toward supervisors was most noticeable in Redondo Beach and least in Inglewood. The officers in LAPD fall in between these extremes. The hostility in Redondo Beach is partly attributable to the experience and education of the patrolmen in that department. Patrolmen in Redondo Beach averaged 6.5 years of experience compared to 5.3 years in LAPD and 3.33 years in Inglewood. An experienced officer is rather reluctant to tolerate much interference by a supervisor, and this is more pronounced if the supervisor has less experience. The fact that over half the patrolmen in Inglewood had less than two years experience (the median number of years experience is 1.7) also explains the aggressiveness of the supervisors and the low level of hostility. The matter is

exacerbated in Redondo Beach by the fact that patrolmen are better educated than their supervisors. The patrolmen average about 14 years of education, and 38 percent have their Associated Arts (Junior College) degree and 9 percent a Bachelor's degree or higher. Many of the supervisors, in contrast, have only a high school degree or, at the minimum, one year of college. In short, the relationships between supervisors and patrolmen in Redondo Beach are colored by a gap in education and age which aggravates the conflict and tension that is already present.

The evidence presented thus far suggests that although patrolmen attribute considerable influence to supervisors over discretion, the field supervisors are more concerned with the enforcement of minor rules and are generally reluctant to closely supervise. But do they influence the choice of priorities of a patrolman? Many patrolmen said, at one time or another, that they took their cues from the Sergeant and Watch Commanders, and would enforce those violations or problems that appeal to the supervisors. The only difficulty is that the supervisors are as variable as patrolmen in their choice of priorities and pet peeves. Some want patrolmen to be concerned with felonies, others with traffic citations, and others with the vague injunction to enforce all of the laws. A few patrolmen said, presumably those that are ambitious, that they would attempt to reflect the priorities of the supervisors they were

working for. The more typical response, though, was that of an officer who said that he would enforce particular laws when ordered to do so, but otherwise he would do as he desired. Moreover, there was no indication in any of the departments that patrolmen went out of their way to enforce those laws or work those problems that supervisors considered important. This is partly the result of the consensus among policemen of what is important--the objective of crime control. In other words, there is not a great deal of difference in the basic priorities of most policemen, and a sergeant or watch commanders is more likely to be concerned that patrolmen are working than what they actually do. (The one instance where a supervisor attempted, rather vainly, to persuade patrolmen to enforce the law in a particular way was in one of the small departments. One Sergeant made a fetish of parking tickets, and he regularly held forth on why they should be written--obtaining revenue for the city seemed to be his primary justification--and occasionally ordered patrolmen to write tickets, usually in a specific section of the city. Patrolmen, for their part, would write the tickets when ordered, but otherwise ignored him.)

Where close supervision of a subordinate's behavior is neither possible nor desirable, administrators may resort to the device of statistical controls to monitor performance. Ostensibly directed to monitoring the

'production' of an individual, these controls may shape the priorities of discretion, though as Peter Blau has documented they may have unintended consequences.²⁰ Statistical controls were used in LAPD and Redondo Beach but not Inglewood. Arrest statistics on patrolmen were kept at one time in Inglewood, but they were discontinued some time ago. LAPD used a system of controls based on a tabulation of an officer's total activities over a period (usually a month). 'Recap' as it is known in the department lists an officer's arrests (felony and misdemeanor), traffic citations, field interrogations (measured by F.I. cards), and other activities such as calls for service. This data is used both to monitor a patrolman's performance and to compute work load statistics for the cars in various 'bests' of a division. In Redondo Beach, only statistics for arrests and traffic citations are tabulated. These are compiled monthly but they are only reviewed (so I was told) every four to six months.

The effect of these controls depends both on the attitudes of the supervisors and the patrolmen toward them. A number of patrolmen were rather negative about the use of statistical controls. One patrolman, after issuing a traffic citation, said that he issued as many as he did because "the brass is stat happy." He went on to say that supervisors like to see patrolmen make arrests and issue traffic citations, but they really don't care whether a

patrolman is doing a good job in his area, whether or not he is preventing burglaries. Another officer offered a more sanguine view of the matter. He suggested that what the sergeants look for is a hustler, activity; and what they want is diversity. A patrolman who issues nothing but traffic citations for running stop signs and arrests drunk drivers will receive appropriate admonitions from the sergeant. Patrolmen are supposed to be generalists and work all areas. But if the patrolmen in Redondo Beach are inclined to crab about the controls, they don't take them that seriously. The pressure of statistical controls, such as they are, is really rather mild. Low production may result in a negative evaluation and elicit some stern comments but that is all. For an experienced patrolman whose longevity is assured by his civil service status, these are rather meaningless. Thus these controls will usually be more important to the officer on probation or the officer who strongly desires a promotion. Not all sergeants are inclined to take the controls that seriously either. Some assiduously monitor the monthly tabulations while others rely upon more removed criteria to evaluate an officer's performance. These include a patrolman's proficiency in report writing and his attitudes toward the job, supervisors and organizational rules. More than a means to influence discretion, statistical controls are a way of assuring administrators that their men are working and not gold-

bricking. What really bothered supervisors in Redondo Beach was the officer who wrote perhaps twenty traffic citations during one year. Since Redondo Beach does not have a specialized traffic enforcement bureau, these concerns are justified.

The same attitudes of supervisors and patrolmen toward statistical controls are apparent in LAPD. Most patrolmen felt that what counted was some tangible evidence that an officer was working hard. If one was making felony arrests for narcotics, one was not expected to make a lot of drunk arrests or issue traffic citations. Patrolmen also evidenced varying degrees of concern over the 'numbers game' as it's called. Some indicated that they could care less how they looked on recap at the end of the month, while others demonstrated an acute preoccupation with their standing in the division. The same variability was apparent among the supervisors. Some never looked at the monthly tabulations, and others closely monitored them. Yet despite the similarity of attitudes, the statistical controls are probably more important in LAPD than Redondo Beach (though in recent years LAPD has attempted to move away from them). Given the size of the department and the large number of men for which a supervisor is responsible, it is impossible to have a close and detailed appreciation of an officer's performance and capabilities. In this context, the statistical controls can be more important.

The use of statistical controls do not direct patrolmen toward one kind of violation rather than another; rather they make all violations important in some sense. The impact of these controls is to move patrolmen from a concentration on felony violations to a concern for all violations of the law. Thus it broadens the range of situations that a patrolman must be concerned with. Yet this conflicts with the pragmatic and problem-oriented approach that most patrolmen take toward their job. A patrolman who was issuing traffic citations in an area with a 'burglary problem' would not be esteemed by his fellow patrolmen for his wise judgment nor especially loved by the sergeant. The complaint of many patrolmen is that statistical controls lead one away from problem-based, selective enforcement. A patrolman, as one put it, should be worried about the "people that are capering (committing crime) in his area." Not unaware of this dilemma and mindful of the normative limitations on their powers, sergeants simply push for a minimum level of work and do not attempt to systematically control the choices of their men. The sergeants are ordinarily happy, one patrolman observed, "if you issue some traffic citations and make a few arrests." The consequence, though, is that supervisors must rely on other information than the account of an officer's activities in order to determine whether he is doing a satisfactory job. However, this is easier in a small department than a large

one; proximity provides the intimate knowledge of an officer's behavior that can replace or at least mediate statistical controls. But in all police departments the relevance of criteria peripheral to the task of police work is enhanced.

A supervisor's ability to influence discretion is presumably enhanced to the extent that the men under him want to be promoted. A favorable evaluation in one's personnel file can be had by carrying favor with one's superiors and making a suitable impression.²¹ But what does this mean to the patrolman? Promotions in all three departments are based on a combination of civil service examinations (including oral and written examinations) and evaluations of the officer's record. The subjective evaluation of an officer's work record carried the least importance in Redondo Beach and the most in Inglewood where it accounted for 40 percent of an individual's total score. In LAPD the situation is more complex. Here it depends on the kind of promotion a patrolman desires. Administrative positions are governed entirely by civil service regulations, and an officer has to obtain a high score on both the written and oral examinations. The oral is acknowledged to be the most important part of the examination by patrolmen, and unlike Redondo Beach which relies upon outside examiners, the oral boards in LAPD are made up of departmental personnel (people from the Los Angeles personnel department

are included in the orals for some positions, e.g. Captain and above). Patrolmen believe that these orals, like the departmental evaluations in Inglewood, are notoriously subjective. An individual's score depends on his 'package' (personnel records), and it helps, many assert, if one knows some of the people on the oral board. Unlike the small departments, LAPD also discriminates among patrolmen. There are three levels of patrolmen: the first is probationary status; the second is automatically attained when an officer completes his probationary period; the third, P-III, is attained only through a divisional promotion. Patrolmen-III's are the training officers, but this status is also required for 'promotion' to many of the investigative positions in the department. An officer cannot move to detectives or vice until he is a P-III. Promotion to P-III is based on a written and oral examination, but the decisions are made by the Captain in charge of a division. The Captain discusses the individuals with the sergeants and lieutenants before making his final recommendations and drawing up the list. The feeling of many patrolmen is that these evaluations are even more subjective than the departmental examinations for promotion to administrative positions. I have no way of knowing how true this might be. Both examinations involve subjective elements, but the important point is that promotion to P-III may take an officer down a different path than promotion to sergeant and different criteria will be relevant.

This promotional system has two effects. First, it results in a disjuncture between a man's performance on the street and the criteria for promotion in the department. (It is not clear, incidentally, that a department should promote the 'best' patrolmen or exactly what criteria should be used). And second, supervisors cannot help a patrolman as much as they can hurt him. Thus a patrolman will attempt to minimize the negative comments and the number of personnel complaints in his file; and he would also be advised to demonstrate the proper attitudes toward supervisors and the rules and regulations of the department. The wise patrolman who desires a promotion will behave in such a way so as to preclude creating a negative impression; more often than not this means staying low.²²

Patrolmen were asked to rank the perceived criteria for promotion, and these results are displayed in Table III-9. With the exception of being able to work independently, the items highly ranked all refer to criteria which are largely peripheral to the exercise of discretion. These are maintaining good relations with one's supervisors; following the rules and regulations of the department; completing one's education; and maintaining good relations with the public and minimizing personnel complaints. The striking thing about these choices is that criteria associated with the task have a very low salience. This does not change greatly when the patrolmen were asked to rank

Table III-9

RANK ORDER OF FIVE MOST IMPORTANT PERCEIVED CRITERIA FOR PROMOTION^{a/}

| RANK ORDER | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST |
|------------|----------------------|-----------------------|-----------------------|----------------------|
| 1. | Work Indep. (49) | Education (44) | Follow Rules (25) | Education (41) |
| 2. | Supv. Reltns (46) | Follow Rules (37) | Supv. Reltns (22) | Work Indep. (37) |
| 3. | Follow Rules (42) | Work Indep. (33) | Work Indep. (19) | Follow Rules (36) |
| 4. | Comm. Reltns (36) | Prof. Image (32) | Comm. Reltns (19) | Comm. Reltns (29) |
| 5. | Education (36) | No Complaints (28) | No Complaints (17) | Prof. Image (25) |

RANK ORDER OF FIVE MOST IMPORTANT DESIRED CRITERIA FOR PROMOTION

| RANK ORDER | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST |
|------------|----------------------|----------------------|----------------------|----------------------|
| 1. | Work Indep. (60) | Work Indep. (46) | Work Indep. (33) | Work Indep. (43) |
| 2. | Prof. Image (46) | Prof. Image (40) | Comm. Reltns (27) | Prof. Image (37) |
| 3. | Education (44) | Comm. Reltns (35) | Prof. Image (25) | Education (34) |
| 4. | Comm. Reltns (43) | Education (29) | Education (17) | Comm. Reltns (33) |
| 5. | Aggressive (34) | Follow Rules (29) | Keep Peace (16) | Follow Rules (27) |

Table III-9 (con't)

a/ Rank order is based on the number of times an item was chosen in a department. The question was worded as follows: 'In order to be promoted to a higher rank in this department, one must take and pass a civil service examination. But this examination forms only part of the evaluation of an officer for promotion; ordinarily a police department evaluates other aspects of an officer's performance in the department. These evaluations may be part of the promotional process or they may be conducted annually. We would like to know what some of the things officers are evaluated on besides their score on the civil service examination. In other words, we would like to know what an officer must do to get ahead in this department. By this we mean also to get a 'promotion' to the investigating units of the department, or generally to be regarded by the supervisors in the department as a good officer.

Respondents were then handed a list and asked to rank the items after choosing the five most important, see Table III-4.

The items were worded as follows:

- | | |
|---------------------|--|
| <u>Work Indep.</u> | Be able to work independently, without supervision--be able to initiate actions, make decisions, etc. |
| <u>Supv. Reltns</u> | Have good relations with the supervisors in the department. |
| <u>Follow Rules</u> | Follow all rules and regulations of the department, and all orders of supervisors. |
| <u>Comm. Reltns</u> | Maintain good relations with the public; be known as an officer who can get along with people, and is always courteous and cool. |
| <u>Education</u> | Complete your education--Go to College. |
| <u>Prof. Image</u> | Maintain an image of professionalism |
| <u>No Compltns</u> | Have very few or no <u>personnel</u> complaints in your file. |
| <u>Aggressive</u> | Be active and aggressive on your beat; stop people, check them out, run warrant checks, patrol for burglaries and robberies. |
| <u>Keep Peace</u> | Be able to work effectively with people in keeping the peace. |

the criteria they thought should be most important, though there is a rather widespread consensus among patrolmen in all three departments that the ability to work independently should be the most important criteria. (Patrolmen in the small departments also mentioned two task related criteria, being aggressive on the beat and being effective in keeping the peace). Maintaining a professional image, which many respondents took to mean behaving in a professional manner, education and community relations are still salient factors. In addition to the de-emphasis of criteria germane to a patrolman's decision making, these responses again highlight the conflict between patrolmen and supervisors over the autonomy of patrolmen. Only in Inglewood was there any agreement between management and patrolmen that the ability to work independently was the most salient criteria; in the other departments this was ranked lower and organizational criteria were ranked higher. These data thus provide some support for the idea that there is conflict between the professional and bureaucratic characteristics of a police department. This creates considerable tension for patrolmen but it does not greatly circumscribe their discretion.

I have discussed in some detail the characteristics of supervision and administrative controls in three professional police departments, and I have concluded that if supervisors are in a position to influence the decisions of patrolmen, the officers working the street nonetheless have

enormous latitude. Much of what supervisors are concerned with and do is not directed toward the problem of discretion; but even when they are concerned, patrolmen may, if they so choose, ignore their supervisors. And even where a patrolman is concerned with what his superiors think, he will pay more attention to following petty but irrelevant rules and minimizing complaints about his behavior. But what is the overall effect of the system of administrative controls and supervision in these three departments? Under what conditions will patrolmen be able to successfully maintain their autonomy and minimize the impact of organizational controls? How will the exercise of discretion by patrolmen be affected?

Table III-10 presents some evidence relevant to the impact of administrative controls on discretion. The questions and responses displayed in this table pertain to the perceived limitations supervision imposes on the exercise of discretion, especially on the proclivity to act. The first thing to note is that patrolmen in all three departments believe that sufficient discretion is allowed by the department (see items A and G). Further, substantial portions see supervisors as interested in rule enforcement, and a majority in all three departments believe that supervisors are more concerned with petty rules than performance (items C and D). But where the questions pertain to the actions of a patrolman, substantial differences between the

Table III-10

PERCEIVED LIMITS ON DISCRETION

| A | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST |
|------------|------------|------------|---------------|------------|
| AGREE | 33.9% (21) | 13.7% (7) | 20.5% (7) | 15.7% (8) |
| DISAGREE | 66.1% (41) | 86.3% (44) | 76.4% (26) | 84.3% (43) |
| NO OPINION | -- | -- | 2.9% (1) | -- |

In general, in this department there are very few field supervisors who believe in letting patrolmen make their own decisions.

| B | | | | |
|------------|------------|------------|------------|------------|
| AGREE | 29.1% (18) | 33.3% (17) | 58.8% (20) | 31.3% (16) |
| DISAGREE | 66.2% (41) | 64.7% (33) | 41.2% (14) | 54.9% (28) |
| NO OPINION | 4.8% (3) | 2.0% (1) | -- | 13.7% (7) |

A patrolman will usually get along better on the job with his supervisors if he doesn't go looking for situations requiring police attention, but handles them as situations arise.

| C | | | | |
|------------|------------|------------|------------|------------|
| AGREE | 54.8% (34) | 45.1% (23) | 44.1% (15) | 41.1% (21) |
| DISAGREE | 38.7% (24) | 50.9% (26) | 50.0% (17) | 58.9% (30) |
| NO OPINION | 6.5% (4) | 3.9% (2) | 5.9% (2) | -- |

The field supervisors act as if their only job is to enforce the rules and regulations of this department.

| D | | | | |
|------------|------------|------------|------------|------------|
| AGREE | 56.5% (35) | 54.9% (28) | 76.4% (26) | 60.8% (31) |
| DISAGREE | 32.3% (20) | 45.1% (23) | 20.5% (7) | 37.2% (19) |
| NO OPINION | 11.3% (7) | -- | 2.9% (1) | 2.0% (1) |

In general, field supervisors in this department are more interested in enforcing petty rules about dress, hair length, and whether or not you wear your hat when you get out of the car or whether you are a few minutes late to work than the sort of job patrolmen do.

Table III-10 (con't)

| E | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST |
|------------|------------|------------|---------------|------------|
| AGREE | 27.4% (17) | 17.6% (9) | 44.1% (15) | 17.6% (9) |
| DISAGREE | 61.3% (38) | 72.5% (37) | 50.0% (17) | 78.4% (40) |
| NO OPINION | 11.3% (7) | 9.8% (5) | 5.9% (2) | 3.9% (2) |

Patrolmen who are always out looking for situations requiring police attention are the ones who usually get into trouble with their supervisors.

| F | | | | |
|------------|------------|------------|------------|------------|
| AGREE | 59.7% (37) | 15.6% (8) | 55.8% (19) | 17.6% (9) |
| DISAGREE | 37.1% (23) | 80.4% (41) | 41.2% (14) | 76.4% (39) |
| NO OPINION | 3.2% (2) | 2.0% (1) | 2.9% (1) | 5.9% (3) |

Patrolmen often fail to take necessary police action due to a feeling that supervisors will disapprove of their actions.

| G | | | | |
|------------|------------|------------|------------|------------|
| AGREE | 58.1% (36) | 80.4% (41) | 91.1% (31) | 72.5% (37) |
| DISAGREE | 37.2% (23) | 13.7% (7) | 5.9% (2) | 25.5% (13) |
| NO OPINION | 4.8% (3) | 3.9% (2) | 2.9% (1) | 2.0% (1) |

The department allows patrolmen more than enough discretion in making arrests, issuing citations, or making tactical decisions.

SCALES SCORES: ^{a/}

| | | | | |
|-----------|-------|-------|-------|-------|
| MEAN | 47.33 | 53.18 | 46.44 | 52.39 |
| STD. DEV. | 10.47 | 8.66 | 9.57 | 9.59 |

^{a/} A low mean score indicates a perception of a high degree of limitations on the exercise of discretion by patrolmen. Scale construction is discussed in chapter seven.

three departments emerge. Take the question, "patrolmen often fail to take necessary police action due to a feeling that supervisors will disapprove of their actions." Fifty-six percent of the patrolmen in Redondo Beach and 60 percent in Inglewood agreed with this statement compared to an average of 16 percent in LAPD. A similar difference is apparent with item E, though it is more muted for Inglewood. Finally, patrolmen in Redondo Beach are inclined to believe that they fare better when they are not aggressive (59 percent). Only one-third of the patrolmen in the other departments feel this way. These questions were scaled, and there is considerable difference between the mean scores of LAPD and the two small departments. The small departments have a mean score of 46 to 47 compared to 53 for LAPD (the difference in means is statistically significant at less than .001).²³ Officers in Redondo Beach and Inglewood believe that they are granted wide powers of discretion, but those questions which more closely measure the relationship between discretion and administrative controls indicates that in fact these patrolmen are reluctant to exercise the discretion they have. Or rather they are reluctant to act. The question is why?

I would argue that the important factor in explaining this difference is the size of these three departments. Simply put, there are more constraints on a patrolman's discretion in a small department than a large department like LAPD.

These constraints derive from fewer levels in the administrative hierarchy, the limitations on resources and the geographical area to be policed, and the fact that smallness permits administrators to develop a more intimate knowledge of a man's activities. In a small department there are fewer links in the chain of communications. This allows the Chief of Police to communicate his desires more readily and, more important, information flows up through the hierarchy more easily. If the Chief of Police is concerned about a particular incident he can readily contact a field supervisor or even the officer in question. Errors of judgment are less easily concealed in a small department: rumors of mistakes and indiscretions work their way up the hierarchy. And this will be true even if there is a great deal of mistrust between supervisors and subordinates (which there usually is). The flow of communications in a small department is augmented by the small workload and the smaller geographical area which must be patrolled. If there are less incidents to be evaluated, a more thorough check of what has happened in various situations is possible (this does not mean that the Chief or supervisors conduct such evaluations; the point is simply that they have the opportunity to do so). The smallness of the geographical area allows supervisors, if they so desire, to more closely monitor the actions of patrolmen. Finally, a man in a small department will develop, for good or ill, a reputation as

a certain kind of officer, and this reputation will stick with him. A poor decision is something that everyone will know about sooner or later, and from which a patrolman can only infrequently escape. The elements of an officer's reputation--coolness under fire, a series of bad arrests, a propensity to get into altercations--are indelibly imprinted on a man, and he will be judged by his peers and administrators accordingly. In a small police department, therefore, a system of informal controls are highly developed, and this can mean, though it does not necessarily mean, that administrators do have more control and influence over the decisions of their subordinates. This is not necessarily the kind of control which directs patrolmen toward a particular style of law enforcement; rather it may simply make patrolmen less likely to act.

The Los Angeles Police Department presents a clear contrast. Size imposes limitations on the process of formal control and communications. Information which flows from the bottom of the hierarchy is more easily distorted, and the command staff has neither the time or the inclination to closely examine every incident that occurs. Mistakes and indiscretions do not surface as easily, and they are not as costly to the organization. There is more latitude for a patrolman to move around if he so desires, and it is more difficult for supervisors to closely monitor a patrolman's activities. Because the organization is larger, relation-

ships among personnel must be more impersonal; judgments on a man's competence are based less on his informal reputation than on his formal record: the number of personnel complaints, test scores, rating reports by supervisors, number of arrests and so forth. A patrolman can also escape his reputation. A transfer to another division offers the possibility of starting anew; a man's reputation and especially his mistakes do not always follow him (when a man is transferred in the LAPD, he starts a new personnel file in the division to which he is transferred; his old file remains in his former division, though a complete record is maintained at central headquarters). The surfeit of resources of course augments the limitations of these formal controls; a patrolman has more latitude and autonomy in a large department, and as a result he may be more inclined to act.²⁴

If the system of informal controls are much stronger in a small than a large police department, why should the effect be that of a reluctance to act? Professionalism has increased the autonomy of the police without necessarily increasing democratic controls over police discretion. Yet the autonomy of a professional police department, its ability to minimize the impact of social and political forces, is partly contingent on its size. If largeness imposes difficulties of control for administrators, it poses similar difficulties for city councilmen, mayors and city managers,

and ordinary citizens. These difficulties of control are diminished but not eliminated in a small police department. Public pressure, especially complaints will have more of an impact in a small police department. There is also a sense of propriety in a small department that is not always present in a large department like LAPD. The expectation is that the enforcement of the law will be tempered to the demands of the citizenry, and their ease of access to the department facilitates and enhances this. The other side of the coin is that the pressures which result in more sensitivity to community opinion and demands, may lead to unequal enforcement of the law or at least a less strict brand of enforcement. (It is not clear that leniency is necessarily unequal; this would depend on the grounds for leniency.) Under police professionalism, the enforcement of the law has become more equal but more strict; it has meant that everyone is arrested or cited. For a patrolman to act on this basis he must have the autonomy to do so, he must believe that when he enforces the law strictly administrators will back him up and that the department will act as a buffer between him and community opinion. And this is precisely what a large highly professional department like LAPD provides for the patrolman. As one officer, who had moved from a small department in another state to the LAPD put it, it's "easier to be impersonal and strict" in a department like LAPD. The fact that informal controls are stronger

and the department is more sensitive to community opinions may lead in a small department to a less strict (and possibly less equal) strategy of law enforcement.²⁵

THE ORGANIZATIONAL ENTREPRENEUR

The community and organizational contexts define the limitations and opportunities on a patrolman's autonomy. The former through the pattern of crime and the relationship between police and community; and the latter through the system of administrative controls which impinge upon a patrolman. While each of these do impose constraints, patrolmen still have considerable autonomy to decide how they will go about their task and how they will enforce the laws. Administrative controls, in particular, define limits on a patrolman's actions; they are directed less toward controlling his discretion, than toward ensuring that he lives up to organizational rules governing the minutiae of behavior; and the impact of supervisory controls is largely negative. In these circumstances a patrolman's actions will be constrained but not controlled. The policies of a police department, such as they are, are defined by the patterns of choices made by patrolmen, and to this extent, decision-making in a police department is akin to what Gordon Tullock has called 'bureaucratic free-enterprise.' In one sense, a patrolman will be influenced by the desires of administrators as much as he wants to: an especially ambitious man might

cater to the wishes of particular supervisors and pursue a strategy of enforcement which minimizes complains but reflects the kind of enforcement administrators desire; a man with a less burning desire to be promoted merely has to meet the minimal requirements of the department to retain a position that in many ways is rather attractive--it combines high pay and security with a rather interesting job.

The size of the department has consequences for the kind of strategy that an entrepreneur must pursue. In a small department, there may be less freedom due to the informal controls that administrators have and the sensitivity of the department to public opinion and desires. The effect of these controls may lead to a less strict strategy of enforcement. The patrolmen in a large department often has just the opposite problem: he has to be noticed. A patrolman who wants to advance not only must minimize creating a negative 'package' but he must pursue a strategy of enforcement which brings him to the attention of administrators--one which demonstrates his abilities and his competence as a policeman. He has more opportunity to do this and the limits on informal controls mean that it is easier to avoid the constraining impact of citizen complaints. A patrolman in a large department can pursue a strategy of aggressive enforcement without reaping all of the deleterious consequences this inevitably entails.

Police discretion turns on the patterns of choices made

by patrolmen; it is their interpretation of a situation and their ambitions, goals and idiosyncrasies which count. Yet in a broader sense, professionalism and the relative autonomy of the department that results provide the patrolman with the autonomy that he requires to make unfettered choices. Such autonomy allows the police to pursue the goals of crime control and order largely free of external restraint. This autonomy may be mitigated in small departments but it is not eliminated. The consequences of this for discretion is the matter to which we now turn.

NOTES TO CHAPTER III

1. For an extensive discussion of this phenomenon see Armando Morales, Ando Sangrando (I Am Bleeding), (La Puente, Calif.: Perspectiva Publications, 1972), pp. 47-56. Morales shows that more police are deployed in the heavily Mexican-American area of East Los Angeles than in the West San Fernando Valley, and that although the number of alcoholics is about the same, four times as many people are arrested in East Los Angeles for drunk and drunk driving than in the West San Fernando Valley. See pg. 54, Table F. This deployment is based on the presumption that East Los Angeles is a high crime area.
2. Jerome Skolnick, The Police and the Urban Ghetto, pg. 8.
3. One policeman related an anecdote about his reactions to being confronted with an armed burglar. He stumbled onto the man in a medical office where the burglar alarm had gone off. When he confronted the man, the man turned and pointed his weapon. Both of them were so scared the policeman said that he was able to get the weapon away from him before anything happened. I have no way of knowing whether this is true, but the officer had never had occasion to use his revolver, and he was known to be calm under pressure. Even so, the point is that not all policemen react to these situations in the same way. For a discussion of the differences in shooting policies among police departments see, Gerald F. Uelman, Varieties of Police Policy: A Study of Police Policy Regarding the Use of Deadly Force in Los Angeles County (Beverly Hills: Institute on Law and Urban Studies, 1973).
4. Jonathan Rubinstein, City Police, pg. 26.
5. To get around this difficulty the Los Angeles Police Department developed, in 1970, the Basic Radio Car Plan. Under this plan the nine officers patrolling a specific geographical area would be assigned to that area for two years and required to meet with the residents at least once a month. The argument for the BCP at the time of its inception was phrased almost entirely in terms of increasing the ability of patrolmen to know and understand the area he was working. Chief of Police, Edward M. Davis, said "We destroy the identification of the policeman with any particular

piece of geography...We have to build up a basic radio car plan where the patrolman has an identification with a piece of good earth and the people on it, so when something happens it hurts him." Los Angeles Times, August 16, 1969, Part II.

6. Two kinds of criteria were relevant in selecting these communities: the extent to which they met the desired criteria of the typology and access. These can conflict. There were divisions in LAPD which would have made better comparisons with the small departments (e.g. Wilshire), but permission to conduct the study in LAPD was partly contingent on my acquiescence to an administrative decision designed to minimize internal problems (and perhaps to preclude my studying some divisions). This decision required that I work with the Deputy Chief in charge of the Central Area, one of four administrative divisions of LAPD. Consequently, I had to choose two divisions from the Central Area.
7. For the last two years, the F.B.I.'s crime statistics have shown substantial increases in Part I crimes in suburban areas. See note 1, chapter 2. I suspect but have no evidence that many of the felony arrests made in Inglewood are of non-residents.
8. See Donald J. Black, "The Production of Crime Rates," American Sociological Review 35 (August 1970): 733-748; James E. Price, "A Test of the Accuracy of Crime Statistics," Social Problems 14 (Fall 1966): 214-221. I would remind the reader that I am dealing with reported crimes only.
9. Ideally, these data should be supplemented with information obtained from departmental statistics. This would enable one to obtain a better sample and cover a longer period of time. Unfortunately, I have not yet been able to collect this data.
10. Inglewood tends to deal with rock concerts and the attendant problems in a much different manner than the Los Angeles Police Department. LAPD has taken the stance that people smoking marijuana at a rock concert are not immune from the law. Inglewood, so far as I can tell, generally ignores these violations.
11. This account of the structure of the gangs in East Los Angeles is based on information provided by patrolmen working in Northeast Division, and it in no way is presented as an 'accurate' account of these gangs. However, I am inclined to believe that it is a fairly realistic perception.

12. It may also reflect knowledge gained through the Basic Car Plan, but I remain skeptical of this. Attendance at these meeting was rather low, and the people who normally attended were not the types who would be aware of all of the crime problems and who was responsible. On the other hand, the fact that LAPD officers tend to work the same area for a considerable period of time enhances their knowledge of the area.
13. For an account of the 'reform' of the Los Angeles Police Department see Joseph G. Woods, The Progressives and the Police in Los Angeles (Ph.D. Dissertation, Department of History, UCLA, 1973). For Parker's views on police work and professionalism see William H. Parker, "The Police Challenge in Our Great Cities," The Annals 291 (January 1954): 5-13; O.W. Wilson (ed.) Parker on Police (Charles C. Thomas, 1957); and Donald MacDonald, The Police: An Interview with William H. Parker, Chief of Police of Los Angeles (Santa Barbara, Calif.: Center for the Study of Democratic Institutions, 1962); for a biographical sketch of Parker and an account of his legacy see William W. Turner, The Police Establishment (New York: G.P. Putnam's Sons, 1968), chaps. four and five.
14. Parker's view of modern civilization was morbid and chilling. He believed that urban life was disruptive and chaotic, and coupling this with a belief that materialism was sapping the strength of the American character, Parker foresaw the inevitable decline of American civilization. He told Donald MacDonald that, "it is...hard for me to believe that our society can continue to violate all the fundamental rules of human conduct and expect to survive. I think I have to conclude that this civilization will destroy itself, as others have before it. That leaves, then, only one question--when?", Donald MacDonald, The Police, pg. 25. The police were assigned by Parker the central role of preventing disorder and stemming the tide of anarchy. This theme runs throughout Parker's writings. Parker said, "The fundamental role of the police service is not crime prevention per se. Rather, policemen consider themselves as a 'containing element'--a thin line of blue which stands between the law-abiding members of society and the criminals who prey upon them," O.W. Wilson, Parker on Police, pg. 102. See also pp. 99, 60-62, and the "Police Challenge in Our Great Cities," pp. 5-6.
15. The Operations Bureau of the Los Angeles Police Department, which includes all patrol and investigative

services, is divided into four major geographical areas under the command of a Deputy Chief. These are the Central Area, South Area, West Los Angeles, and the San Fernando Valley. Each area contains from 3 to 5 Divisions which are under the command of a Captain. In reorganizing the department along these lines, Chief Edward M. Davis said that this was intended to decentralize the operations of the department. Each Deputy Chief was to act as the Chief of Police for a specific geographic area.

16. The methodology used in this study is discussed in greater detail in chapter seven and appendix I. The survey consisted of 80 minute interviews conducted with a total of 198 patrolmen in the three departments. A census was attempted in Redondo Beach and in Inglewood, where 34 of 37 patrolmen were interviewed in the former and 62 or all officers assigned to patrol were interviewed in the latter. In the two divisions of LAPD a random sample of patrolmen was taken, 51 from each division. This amounted to a 50 percent sample in Northeast and a 25 percent sample in Rampart. The interviews were conducted in the Spring and Fall of 1973.
17. In the Spring of 1973, the tension between patrolmen and administrators erupted into open conflict. The incident which sparked the conflict had to do with the disciplining of an officer for the length of his hair, but it quickly spread to complaints about management. The entire affair was rather short-lived, however, lasting about a week and a half. This conflict is discussed in more detail in chapter 7. The major problem this poses is that the survey data may be distorted due to the animosity between patrolmen and administrators. Distortion is most likely in those questions dealing with supervision and the objectives of the department. I have no way of knowing whether and how much distortion is present in the data. But the reader is warned to read the figures from Redondo Beach with this in mind.
18. See Arnold S. Tannenbaum, "Control in Organizations: Individual Adjustment and Organizational Performance," Administrative Science Quarterly 7 (1962): 236-257; "The Concept of Organizational Control," Journal of Social Issues 12 (1956): 50-60; and with Clagett G. Smith and A.S. Tannenbaum, "Organizational Control Structure: A Comparative Analysis," Human Relations 16 (1963): 299-316.

19. Linda Wallen, Internal Discipline in Public Bureaucracies: The Case of LAPD (Unpublished manuscript, n.d.) Wallen's study of the Internal Affairs Division of LAPD shows that while complaints for neglect of duty or insubordination which are initiated by the police department are more likely to be sustained than citizen complaints of excessive force, there has been a trend since 1969 for the percentage of citizen complaints to be sustained. However, the increase is slight.
20. Peter Blau, The Dynamics of Bureaucracy (Chicago: University of Chicago Press, 1955) pp. 37-47. In this study of an employment agency Blau concludes that the use of statistical controls to measure the performance of employees constituted a form of 'goal displacement.' That is the goal of meeting the performance criteria superceded that of helping clients, see pg. 46. See also Gordon Tullock, The Politics of Bureaucracy (Washington, D.C.: The Public Affairs Press, 1965), pp. 187-190 and 206-209.
21. The question of ambition and the desire to be promoted and the consequences of this behavior for administrative efficiency is the theme of Gordon Tullock's The Politics of Bureaucracy.
22. The effect of the promotional system in a police department on discretion was analyzed by one of my students, Vince Toth in a paper "Self Interest is Moving Up." Toth is a sergeant in a Southern California police department, and some of the material here is drawn from this paper.
23. The statistical test used here was the Student's T-test for the difference in means.
24. The argument that there are limitations on the effectiveness of hierarchical controls in bureaucracies and that these limitations are more pervasive in large organizations than small organizations is succinctly presented in Gordon Tullock, The Politics of Bureaucracy. Tullock rests his argument on two assumptions: the cognitive limitations on decision making and assessment of information among men; and the consequences of ambitious, politically motivated behavior by subordinates. The deleterious consequences of these are magnified in large organizations, see especially Part III, pp. 120-220, passim. For an opposing point of view see Herbert Kaufman, Administrative Feedback: Monitoring Subordinates' Behavior (Washington, D.C.: The Brookings Institution, 1973).

Kaufman argues that the system of feedback at an administrator's command is such that if he wants to know about subordinate non-compliance he can. The question that Kaufman raises is whether there are not incentives for administrators not to know. See pp. 63-80. However, it would seem that the efficiency of a system of feedback depends partly on the nature of the task. There are many decisions in a police department of which there is no record and no knowledge outside of the two patrolmen involved.

25. The argument that professionalism leads to stricter enforcement is developed by Wilson in most of his works. Besides Varieties of Police Behavior see his "The Police and the Delinquent in Two Cities," in City Politics and Public Policy, pp. 173-196. What Wilson shows is that juveniles are treated more strictly but equitably in a professional than a fraternal department. However, there is some question of whether this applies to adult arrests; most studies (Wilson's included) find that Blacks are arrested at higher rates for more serious offenses than Whites. See, for example, Morris A. Forslund, "A Comparison of Negro and White Crime Rates," Journal of Criminal Law, Criminology and Police Science 61 (June, 1970): 214-217; and T.N. Ferdinand and E.G. Luchterhand, "Inner-City Youth, The Police, The Juvenile Court and Justice," Social Problems (1969): 510-252. This matter will be discussed extensively in chapters five and six. Differences between large and small departments have been considered from the point of view of citizens by Elinor Ostrom and Gordon Whitaker, "Does Local Community Control of Police Make a Difference? Some Preliminary Findings," Political Science 17:1 (February, 1973): 48-76. They hypothesize that police outputs increase or will be higher in a small department than a large department, and for most of their measures, which are citizen evaluations of police service, this is true. What they don't consider is the question of leniency versus strictness in enforcement, and I suspect that this accounts for the generally more positive evaluations they have found.

CHAPTER FOUR

WORKING THE STREET: CRIME FIGHTING

How do patrolmen exercise their discretion? What kinds of choices do they face on the street? How do they go about meeting the goal of crime control, what criteria do they use in deciding not to enforce the law, how do they handle disturbances, especially family disputes where the potential for violence is often great? What is the impact of professionalism on these decisions and what are the nature of the limitations and opportunities that patrolmen routinely confront? Focusing on the immediate decision to make an arrest may obscure the broader context within which the act of discretion takes place and the successive choices that lead up to the outcome. If patrolmen face limits on their discretion, they are still not captives of the immediate circumstances. Every patrolman faces a broad range of choices that he must make, consciously or not, and these choices hinge not only on the law and the behavior of suspects and citizens but on the way he adapts to the limitations and opportunities of his task.

For a patrolman, the central difficulties and opportunities of his task stem from routine patrol. Much of what a patrolman does involves nothing more than driving around his beat; moving through heavy traffic on the way to a call,

nosing down alleys, checking doors and windows, driving through vacant lots, into parks, and down residential streets, all the time very slowly. There are theories in textbooks on police administration which purport to tell a man how to patrol an area, and are fed to each successive generation of police recruits; but patrolmen have their own set of rules and tricks based on police lore and handed down to each rookie in the intimacy of the patrol car. There are decided differences of opinion as to the way one should patrol an area, and even the reasons for patrol. These differences may assume the aura of a grave philosophical debate, but they really manifest decided differences in style and approach. Each patrolman has by virtue of the norm of individualism extensive latitude in choosing and developing an approach to police, what I shall call an operational style. An operational style derives from the initial choices that a patrolman makes about how to work the street and thus represents his interpretation of the task of police work and his adaption to the limitations on his powers as a policeman. It evolves from the process of adapting to the limitations and opportunities imposed by the police department, the police culture, and the realities of the street. In this, the process of socialization is central in determining the kind of style a patrolman will ultimately adopt. As such, an operational style reflects the way a patrolman uses his powers of discretion.

An operational style is not a set of rules or formulas which are more or less mechanistically applied to decision-making; rather, it is a general set of beliefs which are only loosely related to decision-making but which give an officer's approach to police work a distinctiveness it would not otherwise have. The concept of operational style is used in much the same way Alexander George uses the idea of "operational code" in the study of political elites. George suggests that, "these beliefs serve, as it were, as a prism that influences the actor's perception of the flow of political events and his definition or estimate of particular situations. The beliefs also provide norms and standards that influence the actor's choice of strategy and tactics, and his structuring and weighing of alternative courses of action."¹ These beliefs manifest attitudes toward order, justice, authority, and professionalism, and they are nurtured in the process of extended socialization each patrolman undergoes.

An operational style initially derives from the choices a patrolman must make about how to work the street. He must make two choices: he must decide how aggressive he shall be in pursuit of the goal of crime control; and he must decide how selective he shall be in the enforcement of the law. Patrolmen by and large are proactive, and insofar as the problem of crime is concerned the ideal is that of the inner-directed and aggressive patrolman. The inclina-

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tion to be aggressive stems in part from the attraction of crime-fighting, the thrill of the chase, if you will; but it is also mandated by professionalism which requires that the police take the initiative in rooting out crime. It denotes a preoccupation with order and legitimizes the occasional use of extra-legal tactics such as the violation of search and seizure laws in order to apprehend felons. Yet patrolmen vary greatly in their propensity to be aggressive, some believing that aggressiveness ought to be tempered by restraint and others unwilling to take the risks that an aggressive style of patrol entails. Moreover, among those officers who are aggressive there are differences about how to be aggressive; that is there are two different philosophies of how to work the street. Second, a patrolman must decide on priorities. For a patrolman his most precious resource is time, and most are aware that not all of the laws can be enforced. What should he do? Should a patrolman enforce every violation he sees or should he adopt a conscious set of priorities? And if he chooses to adopt a set of priorities which violations are the most important? Crimes of violence? Property crimes? While some patrolmen make rather fine distinctions about the seriousness of various violations, the crucial choice is whether to attempt to enforce all the laws or to adopt a set of priorities. A patrolman's answers to these two questions dictate his choices in those situations where he

is able to be proactive, and they will influence his choice of responses when he must be reactive and respond to calls for service.

An operational style also includes beliefs about crime, the propensity of various groups and individuals to engage in crime, indices of suspiciousness, the way the law should be interpreted in various situations, what constitutes unreasonable force, and when the use of lethal force is required. There is considerable diversity among patrolmen in the way they interpret various situations and assess the motives and likely behavior of citizens and suspects, but unlike the beliefs about aggressiveness and selectivity there is somewhat more homogeneity here. The reason of course is that all patrolmen undergo a similar process of socialization and hence all are exposed to the basic traditions of police lore. In otherwords, many of the skills that patrolmen learn derive from the same body of knowledge, if you will, which insures a degree of commonality. Yet what is decisive is that this knowledge will be interpreted and applied differently.

These beliefs form only part of the web of reality that we observe. The operational style will be mediated by the limitations and opportunities imposed by the police bureaucracy, the community setting and the police task. Police discretion is the result of the interplay between a patrolman's operational style and the constraints of the bureau-

cracy, community setting, and the task to which he must adapt. What we observe is not the clean style, but the behavior which is a result of these forces. A patrolman must ply his craft in a particular community in which he confronts specific types of crime problems, a variety of demands from local citizens and politicians, and in which there may be substantial differences--socially, economically, culturally--between himself and the people he polices. A patrolman must also adapt to the demands of the police bureaucracy; he must meet conflicting goals; adapt to the punitive system of supervision and the inevitable frustration entailed by the disjuncture between his performance on the street and the rewards handed out by supervisors; and if he is ambitious at all he must work in such a way so as to curry favor with appropriate supervisors and administrators. Finally, a patrolman must come to terms with the unique requirements of his task. These include limitations imposed by legal requirements, the inadequacy of the information that a patrolman must base his decisions on, the difficulty of balancing the crime-fighting and order-maintenance/service functions, and the necessity of coping with what is very often a rather boring, mundane task. The interplay between a patrolman's beliefs and these factors is dynamic: an operational style develops as a patrolman learns his craft and comes to terms with the limitations and opportunities he faces; yet once a patrolman has adopted a style it will be continually modified

by the situations he confronts and the demands made upon him by administrators.

The act of discretion turns on three choices a patrolman may make: whether or not to intervene on his own initiative either for purposes of investigation or to enforce a minor violation; whether to make an arrest or not; and the choice of appropriate tactics. These choices must be considered in light of the two functions the police perform: that of crime control and that of order maintenance/service. The task and the legal requirements in each are greatly different. The former concerns the proactive role of policemen, the use of probable cause, aggressive patrol and the like. In the latter, the question of discretion turns on non-enforcement of the law and the role of policemen as peacekeepers. Actually, these are but two sides of the same coin but since they pose different issues in terms of the legality of police action and the responsiveness of the police to external demands (the demands of minority groups for example) they ought to be considered separately. The purpose of the next two chapters is to paint with a rather broad brush the way in which patrolmen go about working the street, pointing up the limitations on a patrolman's authority and how he copes with these, and the differences and similarities among patrolmen and the three departments. This chapter considers how patrolmen go about meeting the objective of crime control, and how this is influenced by

the demands of professionalism. The succeeding chapter takes up the problem of non-enforcement in terms of minor violations and disturbances.²

HITTING THE STREET: THE INITIAL CHOICES

Unless a patrolman is greeted with a call for service upon leaving the station--a traffic accident, a crime report, or an argument between neighbors--the first decision is what to do for the duration of the watch. This choice may not always be explicitly determined or even well considered, but a choice is nonetheless made. Consider for a moment a patrolman's attitude toward his job and his fellow human beings as he begins a routine tour of duty. It is quite possible that he may have spent the day in court, a day that may have been, from his point of view, ill-timed, unproductive, and most of all frustrating. In addition to being thoroughly fatigued, he may be inclined to view the world with a certain amount of resignation and to seriously question the usefulness of any purposive action. Chances are that he may be inclined to 'got it' this shift, to answer calls for service and maybe write a traffic ticket or two, but otherwise to approach his task with 'tunnel vision,' as the police call it. The other extreme is the officer who approaches the street as a marine might attack a beachhead: tonight somebody is going to go to jail. The commonality here is the mood of the patrolman,

as policemen like to put it, the tacit decision of how one will work. What one does, as patrolmen continually pointed out, depends on how one feels. As one patrolman said, "somedays you feel like getting everybody and you go out and really scratch; other days you take it easy, make a few stops and write a few F.I.'s (field interrogation reports) to make your log look good and let it go at that. You just hand loose and have tunnel vision." Mood may also influence decisions: the same situation might result in an arrest one night and a warning the next night. Decisions, many patrolmen insist, depend on 'small' things, how one feels and even what just seems interesting.

Mood is not something to be dismissed; patrolmen at either extreme were observed a number of times. There is often a quality of arbitrariness about the act of discretion, a whimsical attitude that may result in one man's arrest and another man's release. This is partly a result of the fact that making an arrest is a rather routine affair to a patrolman.³ Yet there is more stability in their behavior than most patrolmen would have one believe; the fluctuations in behavior are neither as radical nor as totally arbitrary as the idea of mood might suggest. Stability in the act of discretion stems from limitations imposed on a patrolman's freedom, his personal objectives and interests, and the kind of operational style he develops as a patrolman. Mood may dictate deviations from this style but it does not

fundamentally alter it. Rather mood is an intrinsic characteristic of police work which modulates a patrolman's style. Mood as it affects discretion is highly unstable. To see why we must inquire a bit further.

In the most trivial sense, mood simply means that an officer may not want to work very hard. Yet, more fundamentally, mood as a factor in discretion involves the resolution of two problems facing all patrolmen. Mood first of all denotes the fact that a policeman is continually faced with the temptation and opportunity to displace private frustrations, anxieties, and hostilities on the public. These will necessarily influence the kinds of decisions he may make. For example, one officer said that if he observed a serious traffic violation on the way to work, particularly one that may have affected him, he would be more likely to spend some time looking for people who have committed the same violation. An officer may have an especially nasty fight with his wife, and act as if every woman he meets in the context of a family dispute deserves the same as his wife. Hostilities toward racial groups or juveniles may be vented through the process of discretion. These actions, however, are less a reflection of an officer's momentary mood than the displacement of private anger. Much of what the police designate as mood is a result of this phenomenon.

The other problem stems from an intrinsic characteristic of police work, it's boredom. The daily routine of burg-

lary reports, barking dog calls, kids shooting off firecrackers and bothering the old couple up the street, stumbling, vomit-splattered drunks, day dreaming people running stop signs, missing children, and just plain driving around deadens even the dullest of men. The threat of the unexpected is always present, but occasionally one is required to create the unexpected in order to relieve the boredom. In the absence of numerous calls for service or an especially interesting situation that just happens upon patrolmen, one's mood may dictate looking for a particular violation, going to the park and looking for some juveniles smoking marijuana or drinking, bothering parked lovers, or even 'buying' a call from other patrolmen. Mood in this context is a referrent for problems or violations that seem interesting and hopefully provide an outlet to the need for action.

A patrolman's mood, then, as it affects discretion rests on the problem of controlling private anger and attempts to cope with boredom. Both give many decisions a whimsical, even an arbitrary quality, but from the patrolman's point of view it simply allows him to adjust to personal frustration and the demands of the task. For this reason mood is a factor which modulates an officer's operational style without substantially altering it.

What are the functions of routine patrol and what kinds of choices must a patrolman make? The purposes of routine patrol might be summed up by two words: availability and

deterrence. These denote the reasons for having policemen patrol the street. A patrolman is expected to be available to respond to people in distress. Most of the situations that a policeman becomes involved in are a result of a call for service. Table IV-1 shows that 57 percent of the incidents observed in the three departments originated from calls for service from the public (this is substantially lower than what Albert Reiss and his associates observed in Chicago, Washington, D.C., and Boston). The two divisions of LAPD average a slightly lower proportion of calls for service than the other departments, but the differences are not large. One of the first things that every recruit is told is that his first responsibility is to handle his calls. There is only minimal screening of calls in all three departments. The belief that a professional department provides services requires that all calls be answered, even the most trivial.

Most patrolmen believe that their presence on the street is a deterrent to crime, indeed perhaps the major deterrent. The visibility of patrol cars prowling about is a warning to would-be felons, and the more police cars there are--and by implication the more active they are--the lower the crime rate is likely to be. There is no question that a visible presence affects the crime rate in some manner; what is not so clear is which crimes are affected and how they are affected. There are numerous crimes which police

Table IV-1

OBSERVED FIELD INCIDENTS

| TYPE OF INCIDENT | LOW-CRIME | | HIGH-CRIME | | TOTAL |
|---|--------------|-----------|------------|-----------|------------|
| | REDONDO BCH. | NORTHEAST | INGLEWOOD | RAMPART | |
| <u>ALL INCIDENTS</u> | 98 | 131 | 108 | 174 | 512 |
| On-View: | 40% (39) | 45% (59) | 39% (42) | 45% (78) | 43% (219) |
| Call for Service: | 60% (59) | 55% (72) | 61% (66) | 55% (96) | 57% (294) |
| <u>MINOR VIOLATIONS</u> ^{1/} | *46% (45) | *24% (34) | *32% (36) | *32% (58) | *34% (173) |
| On-View: | 64% (29) | 69% (22) | *) % (28) | 71% (40) | 71% (120) |
| Call for Service: | 36% (16) | 31% (12) | 20% (8) | 29% (18) | 29% (53) |
| <u>DISTURBANCES</u> ^{2/} | 24% (23) | 24% (31) | 28% (30) | 22% (39) | 24% (123) |
| On-View: | 4% (1) | 3% (1) | 3% (1) | 3% (1) | 3% (4) |
| Call for Service: | 96% (22) | 97% (30) | 97% (29) | 97% (38) | 97% (119) |
| <u>MAJOR CRIMES:</u> | 19% (19) | 43% (56) | 26% (28) | 32% (56) | 31% (159) |
| <u>FELONY VIOLATIONS</u> ^{3/} | 11% (11) | 17% (22) | 15% (16) | 12% (21) | 14% (70) |
| On-View: | 18% (2) | 5% (1) | 6% (1) | 5% (1) | 7% (5) |
| Call for Service: | 82% (9) | 95% (21) | 94% (15) | 95% (20) | 93% (65) |
| <u>FIELD INTERROGATIONS</u> ^{4/} | 8% (8) | 26% (34) | 11% (12) | 20% (35) | 17% (89) |
| On-View: | 88% (7) | 100% (34) | 100% (12) | 100% (35) | 99% (88) |
| Call for Service: | 12% (1) | -- | -- | -- | 1% (1) |
| <u>MISC. SERVICE</u> ^{5/} | 11% (11) | 8% (10) | 14% (15) | 12% (21) | 11% (57) |
| On-View: | 6% (1) | 5% (1) | -- | 10% (1) | 5% (3) |
| Call for Service: | 94% (10) | 95% (9) | 100% (15) | 90% (20) | 95% (54) |

Table IV-1 (con't)

- 1/ All calls or stops involving misdemeanors, e.g. traffic stops, petty theft, drunk in public, parking violations, etc.
- 2/ All calls or stops involving order-maintenance problems, e.g. fights, family disputes, noisy parties, etc.
- 3/ All calls or stops involving the commission or potential commission of a Part I crime, major assaults, robbery, burglary, "man with a gun" etc.
- 4/ All calls or stops to investigate suspicious circumstances and/or a suspicious individual, and selective enforcement of laws.
- 5/ all service calls, e.g. crime reports, traffic accidents, missing children, recovery of stolen property, dead bodies, suicides, and community meetings (team policing in LAPD).

* Percent of total

SOURCE: Field Observations, 1972-73

do not consider 'repressible.' Crimes of violence such as homicides and assaults, which take place within the confines of someone's home, and numerous petty crimes such as drunkenness and shop lifting cannot be prevented by any strategy of police patrol. Crimes which involve some forethought and take place in public--robbery, auto theft, burglary, and street muggings--can, most policemen believe, be potentially prevented. The effect of vigorous patrol, however, may be more displacement of crime than deterrence.⁴ This much is granted by some patrolmen, but the responsibility for the beat requires concern only for the crime in that area. If it is simply pushed across the city or divisional boundary, so much the better, as it is then someone else's problem. There are some questions raised about the effectiveness of a strategy of aggressive patrol or even the notion of deterrence; but for most patrolmen the belief that their presence on the street acts as and is one of the central deterrents against the commission of crime provides the necessary assurance to sustain confidence in their effectiveness.⁵

If the requirements of availability and deterrence define the purposes of patrol and are thus complementary, they may also conflict. For historical reasons and because the police do provide services of some kind on a twenty-four hour basis, a wide range of social problems come under their purview. Some are trivial and probably should not

even involve the police; others, like drunkenness, are delegated to the police because other solutions are not forthcoming. Yet professionalism has meant, among other things, a narrowing of the functions that the police believe they should be concerned with. The suppression of crime, as should be perfectly clear by now, is the goal of a professional police department and the preoccupation of most patrolmen. The need to provide services and the goal of crime control are in conflict to the extent that a patrolman views his role as largely one or the other. The ideology of professionalism and the values of the police culture presuppose that service activities will be viewed with less than complete acceptance by patrolmen. A patrolman neither receives an accolade for the way he handles a call for service nor does it ordinarily give him much personal satisfaction.⁶ Yet patrolmen respond to this conflict in quite different ways: some simply accept the duality with more or less complete equanimity and might be said to take things as they come; others actively resist and attempt to devote their time to the pursuit of felons. The way this conflict is resolved is an important stage in the development of an operational style.

In balancing the demands of these functions a patrolman is faced with two kinds of choices: how to create and utilize free time from calls; and under what circumstances a patrolman should take himself out of the field for the

enforcement of a minor violation. It should be apparent that to the extent that a patrolman must respond to calls, his freedom of action is greatly limited; not only does he lose time but the situations and the available legal alternatives may effectively preclude much in the way of independent action. A patrolman's free time may be spent in any way he desires, and the more free time a patrolman has at his disposal, the more he is able to exercise his powers of discretion in a way that fits his own interpretation of the task. The decision of how to utilize free time is thus a direct expression of an officer's operational style.

It may be difficult to estimate how much free time patrolmen have, but it is more than most would admit. Table IV-1 shows that two-fifths of all incidents observed in the three Southern California police departments were the result of decisions by patrolmen to take independent action. And of this proportion, 95 percent (208) were to enforce minor violations or to conduct field interrogations. However, free time is not something that is always given to a patrolman; it can be and often is taken. Many patrolmen, well aware of the limitations imposed by the radio, will seek to manipulate their activities so as to create more free time for independent action. This is commonly referred to as "engineering," and as a rule it is more prevalent in a large department like LAPD than either small department. Once he has the free time what does a patrolman do with it?

Should he look for traffic violations? Should he slowly patrol residential areas looking for burglars? Or should he spend his time looking for drunk drivers or perhaps heroin addicts? Or maybe just looking for anything that appears suspicious? The answers will hinge on an officer's operational style.

The decision to make an arrest has consequences other than those affecting the person arrested. It means one less patrol car is available to answer calls or act as a deterrent. The decision to arrest a drunk may consume anywhere from fifteen minutes to an hour and a half depending on how far it is to the jail, how busy the jail is, and whether or not the patrolman decides to have coffee with someone he hasn't seen in awhile. During this time someone else must answer the calls for service. Some patrolmen also believe that the enforcement of minor violations dilutes the deterrent effect. For the patrolmen who decides to make an arrest for drunk, the decision entails some 'opportunity costs.' The decision to arrest a drunk may mean a lost opportunity to catch an armed robber, and in the hierarchy of values in a police department the latter is conceded to have more importance than the former. Still, many patrolmen take the point of view that all of the laws are important, and that one should pay as much attention to minor violations as to serious ones. No patrolman, however, can avoid making choices about priorities. The

decision to enforce a minor violation is not always consciously evaluated at the level that I have been describing, but these concerns are always present. Matters such as the number of cars in the field, the level of activity as determined by the radio, and whether or not the patrolman feels like working hard will also influence this decision. It is probable that a rather dead night will produce more drunk arrests than a busy night.

What counts in the exercise of discretion is a patrolman's sense of priorities and his interpretation of the task before him. The decision to arrest is simply the outcome of a succession of choices that the patrolman has already made. Happenstance is clearly a factor in police work, and while many felony arrests are made as the result of encountering a fortuituous set of circumstances, the patrolman, much like the classical capitalist entrepreneur has the resources and the time to create his opportunities. How he utilizes his free time, how strictly he believes minor violations should be enforced, his view of service and order-maintenance activities, the depth of his preoccupation with crime, and even his mood are not, strictly speaking, discretionary decisions; but the choices a patrolman makes here shape his decisions on the street. The quality of justice is determined as much by these decisions as legal criteria.

CRIME FIGHTING AND THE GOOD PINCH:
ATTITUDES TOWARD WORKING THE STREET

In an occupation in which the rewards are few, one of the great satisfactions for its practitioners is the making of a felony pinch. Much police lore is taken up with the problems and prospects of making a good felony pinch; and while the goal of crime fighting may not be everything, as some policemen will grant, a good felony arrest provides the personal satisfaction that comes with the competent practice of any craft. The anecdotes of good arrests passed back and forth in the locker room and in the Watch Commander's office inevitably become war stories, the recounting of past exploits and the possibilities of future ones. Some policemen come prepared to fight crime; the mandatory accouterments include binoculars, notebook containing the details of crime problems and relevant suspects, and if one is a narcotics specialist essential paraphernalia such as a pupilometer and a small flashlight with attached magnifying glass to inspect the arms of heroin addicts for needle marks. Not all felony arrests command an equal amount of respect; a felony arrest which an officer comes across by chance is somewhat less respectable than the arrest which demonstrates the successful use of acquired skills in police work. Stumbling onto a burglar does not reflect as much skill as patient and careful patrol of an area, the cultivation of

informants, or even the systematic application of textbook principles in thoroughly checking out a commercial building. Two avowed crime fighters, working morning watch in LAPD, made numerous burglary arrests simply by thoroughly and systematically checking a building where a burglary alarm was ringing. Most officers give burglary alarms only a cursory check since so many of them are false, but they probably miss catching a number of burglars as a result.

The popular image of the detective as crime fighter notwithstanding, most felony arrests are made by patrolmen. Patrol, as the department sages have it, is where the action is; the detective bureau is for 'paper pushers.' As Table IV-2 rather convincingly demonstrates over two-thirds and almost three-fourths of the arrests for Part I crimes in Redondo Beach and Inglewood are made by patrolmen. The percentage of felony arrests made by patrolmen in the two divisions of LAPD is even higher; 88 percent in Northeast and 85 percent in Rampart (the figures for LAPD are not available by crime and detail of arrest). These include arrests for homicide, robbery and burglary, crimes that are normally considered cold and thus the domain of the detective.

If patrol division is where the action is, how do patrolmen view their task? Are they single-mindedly devoted to the goal of crime suppression or are there other goals that are important? The information contained in Tables

Table IV-2

ADULT FELONY ARRESTS BY DETAIL ARRESTING - 1972

| | INGLEWOOD P.D. | | | | REDONDO BEACH P.D. | | | |
|----------------|----------------|--------|-------|--------|--------------------|--------|-------|--------|
| | Total | Patrol | Detc. | Other* | Total | Patrol | Detc. | Other* |
| <u>ADULTS:</u> | | | | | | | | |
| Homicide: | 13 | 77% | 33% | - | 3 | 66% | 33% | - |
| Rape: | 11 | 36% | 64% | - | 2 | | | |
| Robbery: | 152 | 70% | 29% | 1% | 39 | 62% | 28% | 10% |
| Agg. Assault: | 82 | 72% | 28% | | 44 | 82% | 9% | 9% |
| Burglary: | 169 | 71% | 28% | 1% | 92 | 86% | 8% | 6% |
| Auto Theft: | 139 | 67% | 32% | 1% | 48 | 63% | 4% | 33% |
| Grand Theft: | 40 | 70% | 30% | - | 14 | 50% | 29% | 21% |
| Total Part I: | 606 | 69% | 30% | 1% | 242 | 74% | 12% | 14% |

* Other includes arrests made by civilians and other law enforcement agencies.

Source: Inglewood and Redondo Beach Police Departments.

IV-3 through IV-6 provide some answers to this question. In Table IV-3, patrolmen were asked to rank these objectives of the department that they though should be most important (compare these to Tables III-4 and III-5 which presents the patrolmen's interpretation of what the department emphasizes). Combining the three crime-related objectives--patrol the beat, be aggressive, and make felony arrests--61 percent of the patrolmen in Inglewood, 68 percent in Redondo Beach, 51 percent in Rampart, and a scant 39 percent in Northeast ranked these as most important. In the overall rankings, presented in Table IV-4, patrolling the beat is ranked first in Inglewood, Rampart and Redondo Beach, but second in Northeast division. However, a substantial portion of patrolmen in all three departments (27 percent in Inglewood, 21 percent in LAPD, and 18 percent in Redondo Beach) ranked maintaining a professional image as the most important objective. These data suggest that if crime-fighting is an important goal, it is not to be pursued to the exclusion of other objectives. The development of a professional approach, which connotes fairness, impersonality, and a clean-cut, spit and polish image, and the maintenance of reasonably good rapport with the public are objectives which also demand consideration.

Yet some caution should be exercised in interpreting these data. The fact that 68 percent of the patrolmen in Inglewood choose patrolling the beat or being aggressive as

Table IV-3

TWO MOST IMPORTANT DESIRED EXPECTATIONS

| Expectations | Inglewood | | Rampart | | Redondo Bch. | | Northeast | |
|------------------|-----------|-----|---------|-----|--------------|-----|-----------|-----|
| | I | II | I | II | I | II | I | II |
| Traffic | - | - | - | - | - | - | 6% | - |
| Patrol Beat | 40% | 24% | 41% | 20% | 65% | 12% | 29% | 28% |
| Be Aggressive | 18% | 34% | 8% | 12% | 3% | 18% | 8% | 12% |
| Help People | 3% | 7% | 2% | 10% | 3% | 24% | 8% | 2% |
| Public Relations | 7% | 8% | 2% | 16% | 6% | 12% | 10% | 20% |
| Drunk Drivers | - | - | - | - | - | 3% | - | - |
| Felony Arrests | 3% | 7% | 2% | 8% | - | 3% | 2% | 12% |
| Professional | 27% | 13% | 24% | 18% | 18% | 12% | 18% | 16% |
| Keep Peace | - | 7% | 10% | 8% | - | 6% | 10% | 6% |
| Avoid Trouble | - | 2% | 6% | 6% | 3% | 9% | - | 2% |
| Miscellaneous | 2% | - | 4% | 2% | 3% | 3% | 10% | 2% |
| N.A. | - | - | 2% | 2% | - | - | - | - |

*Table IV-4

RANK ORDER OF FIVE MOST IMPORTANT DESIRED EXPECTATIONS

| | Inglewood | Rampart | Redondo Beach | Northeast |
|-------------------|------------------------|------------------------|---|----------------------------|
| <u>Rank Order</u> | | | | |
| 1. | Patrol Beat (60) | Patrol Beat (45) | Patrol Beat (33) | Professional Image (42) |
| 2. | Be Aggressive (55) | Professional (43) | Pub. Relations (27) | Patrol Beat (39) |
| 3. | Professional (53) | Pub. Relations (36) | Professional (26) | Pub. Relations (33) |
| 4. | Pub. Relations (50) | Be Aggressive (28) | Help People (23) | Help People (30) |
| 5. | Help People (27) | Keep the Peace (27) | Keep the Peace (14) Stay Out Troub. (14) | Keep the Peace (28) |

* See Table III-4 for definition of terms.

the most important objective and that 65 percent of the patrolmen in Redondo Beach ranked patrolling the beat as first, reflects, fairly accurately I think the feelings of patrolmen in these departments. At least these responses are consistent with my observations of patrolmen in these departments, and what they said within the confines of the patrol car. The responses in LAPD, however, underestimate the seriousness with which crime fighting is viewed in that department. In other words, they are inconsistent with the field observations.* Patrolmen in both divisions of LAPD were observed to be more concerned with crime fighting and more likely to act on these beliefs than patrolmen in the small departments. Evidence substantiating this contention will be discussed below. However, there is an element of truth in these responses; they demonstrate the preoccupation

* Some of the difficulties with the survey data will be discussed in detail in the methodological appendix. Here it suffices to point out that there is reason to believe that the survey data for LAPD is more likely to be distorted than that for the small departments, though one has to be cautious in interpreting all of it. Officers in LAPD were less likely to know me and to be acquainted with the purposes of this research than in the small departments. While all of the answers are to some extent biased in the sense of responding in ways which conform to management policy or which they believe would appeal to me (i.e. they told me what they believe I want to hear), this tendency is stronger in LAPD. The most convincing evidence for this is that there are many discrepancies between the field observations and survey data in LAPD

in professional police departments with combating crime but doing it in such a way so as to minimize public hostility and meet some vaguely defined standards of professionalism. Far more intriguing is the fact that the service and order-maintenance objectives of the job were not highly ranked in any of the departments (in the tables these are help people and keep the peace). One or both of these did appear in the five most important objectives but ranked behind the other three.⁷

If patrolmen regard crime fighting as the most important objective what are their priorities in this endeavor and how do they believe they should comport themselves on the street? How selective and aggressive are the patrolmen in Redondo Beach, Inglewood, and LAPD? Are patrolmen inclined to emphasize only serious felony violations or a wide range of violations? The evidence in Table IV-5 shows that most patrolmen (from two-thirds to three-fourths) are more oriented toward law enforcement than to crime fighting per se. That is, they do not believe that a patrolman should ignore, as a rule, misdemeanor violations and concentrate upon felonies. Only twenty-four percent believed that an effective patrolman was one who patrolled only for felony violations, and only a slightly higher percentage (29%) thought that patrolmen should not make arrests for minor violations. A felony pinch may be one of the supreme rewards but among these officers it is a rare police-

Table IV-5

PRIORITIES OF LAW ENFORCEMENT

| A | REDONDO | | | | | TOTAL |
|------------|-----------|----------|----------|-----------|-----|-------|
| | INGLEWOOD | RAMPART | BEACH | NORTHEAST | | |
| AGREE | 27% (17) | 22% (11) | 18% (6) | 26% (13) | 24% | (47) |
| DISAGREE | 71% (44) | 77% (39) | 77% (26) | 73% (37) | 74% | (146) |
| NO OPINION | 2% (1) | 2% (1) | 6% (2) | 2% (1) | 2% | (5) |
| N = | 62 | 51 | 34 | 51 | | 198 |

A really effective patrolman is one who patrols for serious felony violations rather than stopping people for minor traffic violations and other misdemeanors.

| B | | | | | | |
|------------|----------|----------|----------|----------|-----|-------|
| AGREE | 34% (21) | 22% (11) | 29% (10) | 31% (16) | 29% | (58) |
| DISAGREE | 63% (39) | 69% (35) | 68% (23) | 63% (32) | 65% | (129) |
| NO OPINION | 3% (2) | 10% (5) | 3% (1) | 6% (3) | 6% | (11) |
| N = | 62 | 51 | 34 | 51 | | 198 |

A patrolman should not make a lot of arrests for minor violations (e.g drunks) or issue a lot of citations for minor violations.

| C | | | | | | |
|------------|----------|----------|----------|----------|-----|-------|
| AGREE | 24% (15) | 20% (8) | 21% (7) | 22% (11) | 21% | (41) |
| DISAGREE | 74% (46) | 75% (40) | 74% (25) | 77% (39) | 76% | (150) |
| NO OPINION | 2% (1) | 6% (3) | 6% (2) | 2% (1) | 3% | (7) |
| N = | 62 | 51 | 34 | 51 | | 198 |

It's a waste of time and takes time away from more important things to arrest someone for possession of 2 or 3 marijuana cigarettes.

PRIORITIES SCALE:^{a/}

| | | | | |
|------------|-------|-------|-------|-------|
| MEAN SCORE | 48.59 | 51.31 | 49.06 | 51.14 |
| STD. DEV. | 9.83 | 10.93 | 8.44 | 10.37 |

man that will turn down a good traffic citation or other misdemeanor. Most of the patrolmen in these three departments would more or less fit Wilson's description of a professional police as legalistic, but at least one-fourth, which is by no means insignificant, take what might be called a strict crime fighter orientation toward the task; that is, they are selective in the enforcement of the LAPD, and emphasize felony violations.

As a rule, the majority of patrolmen are not only legalistic but aggressive. We have already indicated that the ideal of police work is the aggressive, inner-directed policeman. Table IV-6 provides some further insight into what is meant by being aggressive. Patrolmen are aggressive, but this aggressiveness is adapted to what they believe are the problems of an area. Items C and E show that aggressive enforcement of the law and an aggressive stop and question approach will be taken in some neighborhoods. Despite the ambiguous wording of the question, the field observations and comments from patrolmen indicate that the phrase "in some neighborhoods" refers to a high-crime, lower-class and/or minority area. The fact that officers in Inglewood are in almost unanimous agreement with these items buttresses this interpretation. (Further evidence derives from the fact that all of these items are highly correlated and are measuring the same underlying dimension. Thus item D, 'the police are justified in regarding a Negro

Table IV-6

AGGRESSIVENESS AND CRIME FIGHTING

| A | REDONDO | | | | | TOTAL |
|------------|-----------|----------|----------|-----------|-----|-------|
| | INGLEWOOD | RAMPART | BEACH | NORTHEAST | | |
| AGREE | 78% (48) | 51% (26) | 41% (14) | 63% (32) | 60% | (118) |
| DISAGREE | 23% (14) | 47% (24) | 56% (18) | 33% (17) | 38% | (75) |
| NO OPINION | -- | 2% (1) | 3% (1) | 4% (2) | 2% | (4) |
| N = | 62 | 51 | 33 | 51 | | 197 |

A good patrolman is one who aggressively patrols his beat, stopping lots of cars, checking out people, running warrant checks on vehicles that look suspicious and so forth.

| B | | | | | | |
|------------|----------|----------|----------|----------|-----|-------|
| AGREE | 73% (45) | 47% (24) | 56% (19) | 43% (22) | 56% | (110) |
| DISAGREE | 21% (13) | 47% (24) | 38% (13) | 49% (25) | 38% | (75) |
| NO OPINION | 6% (4) | 6% (3) | 6% (2) | 9% (4) | 6% | (13) |
| N = | 62 | 51 | 34 | 51 | | 198 |

In order to prevent crimes and apprehend felons the police are sometimes required to violate search and seizure laws and other procedural safeguards.

| C | | | | | | |
|------------|----------|----------|----------|----------|-----|-------|
| AGREE | 98% (61) | 80% (41) | 74% (25) | 78% (40) | 84% | (167) |
| DISAGREE | 2% (1) | 18% (9) | 24% (8) | 20% (10) | 14% | (28) |
| NO OPINION | -- | 2% (1) | 2% (1) | 2% (1) | 2% | (3) |
| N = | 62 | 51 | 34 | 51 | | 198 |

In some neighborhoods, one must rigorously enforce all laws just to maintain order and prevent crimes.

| D | | | | | | |
|------------|----------|----------|----------|----------|-----|-------|
| AGREE | 44% (27) | 18% (9) | 21% (7) | 12% (6) | 25% | (49) |
| DISAGREE | 45% (28) | 74% (38) | 70% (24) | 77% (39) | 65% | (129) |
| NO OPINION | 11% (7) | 8% (4) | 9% (3) | 11% (6) | 10% | (20) |
| N = | 62 | 51 | 34 | 51 | | 198 |

The police are justified in regarding a Negro and/or Mexican-American juvenile as a person

Table IV-6 (con't)

| | REDONDO | | | | |
|--|-----------|---------|-------|-----------|-------|
| | INGLEWOOD | RAMPART | BEACH | NORTHEAST | TOTAL |

who needs to be watched more than others.

| E | | | | | | | | | | |
|------------|-----|------|-----|------|-----|------|-----|------|-----|-------|
| AGREE | 90% | (55) | 80% | (41) | 70% | (24) | 80% | (41) | 82% | (161) |
| DISAGREE | 8% | (5) | 18% | (9) | 24% | (8) | 18% | (9) | 16% | (31) |
| NO OPINION | 2% | (1) | 2% | (1) | 6% | (2) | 2% | (1) | 2% | (5) |
| N = | | 51 | | 51 | | 34 | | 51 | | 197 |

In some neighborhoods, the prevention of crime requires that patrolmen stop people walking down the street, especially juveniles, and ask them where they are going and what they are doing.

| F | | | | | | | | | | |
|------------|-----|------|-----|------|-----|------|-----|------|-----|-------|
| AGREE | 60% | (37) | 54% | (27) | 35% | (12) | 51% | (26) | 52% | (102) |
| DISAGREE | 35% | (22) | 44% | (22) | 53% | (18) | 45% | (23) | 43% | (85) |
| NO OPINION | 5% | (3) | 2% | (1) | 12% | (4) | 4% | (2) | 5% | (9) |
| N = | | 61 | | 50 | | 34 | | 51 | | 196 |

Preservation of the peace requires that the police use their authority to order people to 'move along' or 'break it up' even though no law is being violated.

| G | | | | | | | | | | |
|------------|-----|------|-----|------|-----|------|-----|------|-----|-------|
| AGREE | 52% | (32) | 41% | (21) | 24% | (8) | 39% | (20) | 41% | (81) |
| DISAGREE | 48% | (30) | 57% | (29) | 76% | (26) | 59% | (30) | 58% | (115) |
| NO OPINION | -- | | 2% | (1) | -- | | 2% | (1) | 1% | (2) |
| N = | | 62 | | 51 | | 34 | | 51 | | 198 |

All of a patrolman's free time from calls should be spent patrolling for burglaries and robberies.

Table IV-6 (con't)

| | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|-------------------------------------|-----------|---------|------------------|-----------|-------|
| AGGRESSIVENESS SCALE: ^{a/} | | | | | |
| MEAN SCORE | 45.47 | 51.08 | 54.44 | 51.47 | |
| STD. DEV. | 9.29 | 10.13 | 8.49 | 9.76 | |

^{a/} Includes all questions but item G. Scale construction is discussed in the methodological appendix. A low mean score indicates agreement with a high degree of aggressive patrol action.

and/or Mexican-American juvenile as a person who needs to be watched more than others,' which is more specific, is highly related to the others. It is worth noting that in all the departments but Inglewood, only a small proportion of the officers agreed with this item. Again, one ought to be cautious in interpreting these responses). Aggressiveness also denotes a predisposition to take extra-legal actions when deemed necessary. Fifty-six percent of the patrolmen agreed that due process limitations have to be occasionally violated in order to prevent crime, and 52 percent believed that preservation of the peace required that the police break up groups and order people to move along even though no law is being violated. Aggressiveness for a patrolman, thus, means taking decisive action in a high-crime area and when necessary extra-legal actions. Based on the mean scores for each department, patrolmen in Inglewood appear to be the most aggressive and those in Redondo Beach the least.

The field observations present a somewhat different picture. Thirty-one percent of all incidents observed (see Table IV-1) were concerned with either the apprehension of felons or the investigation and suppression of crime. (These figures are substantially higher than those of other studies, especially that of Albert J. Reiss. One reason is that I have included all hot calls, whether founded or not, and field interrogations. The latter are

not always productive, as we shall see, but they are an important part of discretion since they are indicative of the way patrolmen attempt to handle the problem of crime control. I should also mention that these observations were made on night watch, and may overestimate the amount of time devoted to crime related activities. On the other hand, we would expect the time devoted to crime related activities to be lower on day watch but higher on morning watch. So it is possible that these data represent a mid-point). These figures include incidents involving the commission of a felony and those involving the potential commission of a felony, hot calls, bar checks, and calls such as "man with a gun" at such and such a residence. Not all of these incidents ultimately involve an actual crime, but what counts in discretion is not the outcome of these situations, but rather what a patrolman anticipates and the kind of decisions he makes on the basis of the information he has at hand. A 'man with a gun' call, even if it turns out to be unfounded, is handled in a much different way than a routine disturbing the peace (415) call. Even if we eliminate calls such as burglar alarms and miscellaneous activities such as bar checks, 21 percent of all incidents observed are still concerned with crime related activities. (See Table IV-7). Of total crime related activities 44 percent (70) involve felony violations, mostly hot calls and the like. The other 56 percent

Table IV-7

BREAKDOWN OF MAJOR CRIMES^{a/}

| ACTIVITIES | | INGLEWOOD | RAMPART | REDONDO BCH | NORTHEAST | LAPD | TOTAL |
|---|-------------------|-----------|---------|-------------|-----------|--------|----------------------|
| ALL INCIDENTS: | N = | 28 | 56 | 19 | 56 | 112 | 159 |
| INVESTIGATIONS | | 17 61% | 39 70% | 11 58% | 45 80% | 84 75% | 112 70% |
| FALSE ALARMS | | 10 36% | 13 23% | 5 26% | 10 18% | 23 21% | 38 24% |
| MISCELLANEOUS | | 1 3% | 4 7% | 3 16% | 1 12% | 5 4% | 9 6% |
| HOT CALLS: | N = | 13 | 20 | 6 | 20 | 40 | 59 (37% of total) |
| FALSE ALARMS | | 10 77% | 13 65% | 5 83% | 10 50% | 23 58% | 38 64% |
| ON-VIEW INCIDENTS: | ^{b/} N = | 42 | 78 | 39 | 58 | 136 | 217 |
| MINOR VIOLATIONS | | 28 66% | 41 53% | 29 74% | 22 38% | 62 46% | 121 56% |
| CRIMES & DISTURB. | | 14 33% | 37 47% | 10 26% | 36 62% | 73 54% | 97 44% |
| RATIO OF CRIME ON-VIEW STOPS TO MINOR VIOLATION ON-VIEW STOPS | | .48 | .93 | .34 | 1.63 | 1.17 | .80 |

^{a/} Totals include felony violations and field interrogations; see Table IV-1.

^{b/} These totals include all on-view stops except those for miscellaneous service calls. The category Crimes and Disturbances includes on-view stops for felony violations, field interrogations, and disturbances, e.g. fights etc. The category minor violations includes all stops to enforce traffic laws, drunk and other minor violations.

(89) are field interrogations, of which the bulk are initiated by patrolmen. And here an important difference between the three departments is revealed: patrolmen in LAPD were twice as likely to stop people for purposes of field interrogations than patrolmen in the small departments. They were, in short, more aggressive. This difference is further clarified by another bit of information. Table IV-7 presents a breakdown of the data on major crime related activity. I have calculated the ratio of on-view stops (i.e. those initiated by patrolmen) for purposes of crime control to those for purposes of enforcing a minor violation, e.g. to issue a traffic citation or arrest a drunk. The ratio is substantially higher for LAPD than for the small departments. Patrolmen in the two divisions of LAPD made on-view stops for crimes and minor violations in a ratio of 1.17, compared to .41 for Redondo Beach and Inglewood. Yet the most striking piece of information is that the highest percentage of on-view, crime related stops were observed in Northeast division, a low-crime area. One reason is that patrolmen in LAPD were more likely to make stops of narcotics addicts than officers in the other departments (this aspect of the behavior of LAPD officers is discussed in greater detail below). Officers in LAPD also had more time, as a rule, to make such stops. Even so, the data appear to indicate that on the whole they are more

inclined to be aggressive than patrolmen in either of the small departments.*

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- * The question arises of whether or not these data might not be biased in some systematic way. They do not represent a sample of incidents, but they are the result of fairly systematic observations over a period of five months. There was no attempt in any of the tours of duty that I observed to select officers who represented particular types. The choice of who to ride with was almost always based on the area of the city or division that I wanted to ride in (I attempted to ride in as many different beats as possible) and whether or not I had ridden with the officers previously. In a few instances I did ride with the same officers more than once, but these were in Redondo Beach and Inglewood and not LAPD. These officers were chosen not for their aggressiveness, but rather because I had developed some rapport with them and wanted to do some unstructured interviewing. Further, almost all of the observations were made on night watch to insure some comparability. The other factor which should be borne in mind is that the observations took place at two different times of the year. Those in the small departments in the fall and winter of 1972-73; and in LAPD in the summer and early fall of 1973. Is it possible that the weather affects activity in the street and, hence, the propensity of patrolmen to intervene? If this were Detroit or Chicago the answer would have to be an unqualified yes, but since it is Southern California, no. Looking at the 1973 statistics for reported crimes for LAPD, we find that there is very little variance in the proportion of crimes committed from month to month. And there are more crimes committed during the last three months of the year than the three summer months, June, July and August. There were 6,215 burglaries or 9.2% committed in December of 1973 compared to 5,009 or 7.2% in June of the same year. These months also represent the high and low months for the year. The pattern is the same for robberies. Thus it is unlikely that the fact that the observations took place at different times biased them. On the whole, I am inclined to believe that these data are a fairly good representation of the activities of patrolmen. The real problems with these data have to do with the fact that officers probably toned down their activities in my presence (one patrolman admitted at the end of the night that he had done so). This of course is a difficulty of any participant-observation study, and I had hoped by riding for an extended period of time that I could

The field observations are not entirely inconsistent with the survey responses from LAPD since a substantial majority in both divisions felt that a good officer needed to be aggressive. The surprise is Inglewood. Here officers believed that they should be aggressive but apparently they did not act on it. Why? One explanation might be that patrolmen in Inglewood deliberately modified their behavior in view of my presence. This is entirely possible, and there is some indication that this might be so (I base this on some conversations with one police officer in Inglewood). On the other hand, it's possible that the relative inexperience of patrolmen in Inglewood contributed to a reluctance to make such stops. The impression that I have of many of the patrolmen in Inglewood is that of a great deal of frustration over the crime problem; many of them do not really know what to do about it, and they feel hemmed in by the department. Two rather aggressive officers went to great lengths to argue with me that many policemen in the department feel constrained in their actions because, as they put it, "the department is overly P.R. conscious." They suggested that patrolmen would often hesitate before getting involved in a situation because of a fear of a "personnel beef" and perhaps a suspension by the department. This feeling was voiced in the other two departments,

minimize the problem. But it's something that the reader should bear in mind in interpreting the results.

but not with the vehemence and frustration of Inglewood policemen. Because supervision is more strict in Inglewood and officers have less opportunity to move around and get involved in things, they are somewhat less likely to intervene. Or to put the matter another way, if they do get involved the risks are somewhat greater than they would be for a patrolman in LAPD. Still, I am inclined to believe that the attitude of these two patrolmen is exaggerated; none of the supervisors seemed as preoccupied with personnel complaints as they implied. (In fact one police administrator in Inglewood said that the problem was that patrolmen did not really understand probable cause and were afraid to act.) Thus there is reason to believe that patrolmen in Inglewood may be more aggressive than they appeared to me during the field observations but still less so than they thought they should be. The important point, however, is that officers in Inglewood did feel more constrained than patrolmen in the other departments.

For an aggressive patrolman, preoccupied with crime control, there are two ways of working the street. These are not entirely mutually exclusive, but patrolmen tended to adopt one or the other approach. The first might be called the clean-beat approach. As one exponent explained it, the function of street patrol is to be seen and to be active, and in this way it is preventative. A good officer is one who is on the lookout for anything and everything.

In part this means that a patrolman, even though he is concerned with crime control, has to focus on traffic violations. The assumption is that there is a relationship between crime and how well a beat is patrolled, and this is most often reflected in traffic and other minor violations. If there are lots of minor violations, people parking every which way and whatnot, the area is not orderly, people are not aware of the presence of the police, and there will be a crime problem. To maintain order and prevent crime a patrolman must vigorously and aggressively enforce the law. This not only has the effect of deterring crime, but it enables one to apprehend felons. The belief is that the best way to catch a burglar or armed robber is by working traffic, by stopping suspicious vehicles and people, and by checking people for warrants. As one patrolman explained, "you can look for twenty years and never catch a burglar"; felony pinches are something that a patrolman happens on to, and his best bet is to stop enough cars in order to come up with something. One doesn't catch burglars as they come out of the bedroom window; they are caught as they drive away.

The crime-fighter approach is in many ways the antithesis of the clean-beat approach. Its most earnest devotees are selective in the enforcement of the law, and they believe that the patient application of the skills and tools of police work is what really counts. Burglars are caught by patiently checking commercial buildings or through

slow patrol of residential areas. A good officer will know what is taking place in his beat, he will assiduously cultivate informants and other sources of information. These patrolmen will never pass up a good 'shake,' but they are inclined to be more selective of who they stop. And while they will make arrests for some minor violations, especially on a slow night, they are inclined to pass them up. What is distinctive of this approach is the emphasis on acquired skills: the powers of observation which reveal that something is amiss in an otherwise ordinary set of circumstances; the ability to cultivate sources of information; and the ability to slowly and systematically work an area. The patrolmen who adopt this approach are normally more experienced than those who adopt the clean-beat approach. But they are no less aggressive and no less concerned about crime. The difference is really one of method. Yet these patrolmen are a reminder of an earlier era of policing, and in this regard they do not adhere to all of the canons of professionalism. Enforcement of the law is less important than apprehending felons.

Despite these differences of approach all patrolmen must cope with the same kinds of limitations and obstacles in working the street. These have to do with the nature of crime and the patterns of its occurrence, and the uncertainty of the information they have at hand.

THE FELONY PINCH: LIMITATIONS AND OPPORTUNITIES

The centrality of crime-fighting requires that patrolmen be able to react quickly to an occurring crime. Indeed, the ability of the police to deter crime and apprehend felons depends on their ability to respond to the scene of a crime or possible crime, and to saturate an area and look for suspects. The hot call, even though many are false, is a central event for the men in a patrol car. The radio is monitored continuously for such calls, and any patrol car in the immediate vicinity will respond to a hot call even if it is assigned to another car (there is some incentive to do this since a good call may result in an arrest, but if it is false the assigned car has the responsibility to take the crime report). However, not all hot calls are treated with the same degree of concern. Burglar alarms are treated perfunctorily, since so many are false; an armed robbery call or alarm, on the other hand, is treated seriously, both because of the serious nature of the crime and the likelihood that it is good. Yet many hot calls cannot be so easily judged on the basis of the radio communications, and thus must be treated as real until proven otherwise. A familiar example of this is the "415 (disturbing the peace) man with a gun" call. These calls are often false but there is no way of telling in advance. How many hot calls do patrolmen encounter? Table IV-7 shows

that 37 percent of the crime-related activities observed could be classified as hot calls, but 64 percent of these were false alarms.

Hot calls pose two different issues pertaining to the problem of discretion. If a patrolman arrives soon enough at the scene of a hot call, there is a very real possibility that he will catch the felon in the act or, more importantly, in the immediate area. Hot calls thus create situations that result in other police activities, namely, the stopping and questioning of persons in the area. If the call is good, the first responsibility of the patrolmen at the scene is to obtain a minimal but thorough description of the suspects and broadcast this over the radio. This enables other patrolmen to begin a search for suspects. This process is an important aspect of probable cause, and will be discussed in greater detail below.

The other problem is that all hot calls necessitate decisions about tactics, especially the use of weapons. These decisions are predicated on the potentially 'real' nature of the call, the possibility that violence will be encountered, but in the event the call is false they can have disastrous consequences. These arise of course from the need for self-protection, but equally important is the question of whether or not an officer should shoot to apprehend a fleeing felon. Most patrolmen believe that lethal force is only justified as a matter of self-protection,

though the definition of what constitutes a threat to the patrolman's safety is necessarily vague and ambiguous. A common rationale is that the person made a 'furtive movement,' and it looked like he was going to use a gun or other weapon. Part of the difficulty stems from the uncertain quality of information that patrolmen possess when they arrive. While these factors are important, these decisions ultimately hinge on a patrolman's operational style--his view of the police task and his beliefs about crime and the necessity of deterrence.⁸

In a number of ways, felonies are the least interesting of discretionary situations. A felony does not usually raise the issue of non-enforcement of the law. Refusal to arrest a person who has committed a felony not only counters the police code, but many policemen believe they have no discretion insofar as a felony is concerned. This does not mean that every person who commits a felony will be arrested since the determination of whether or not a felony has been committed is often a matter of interpretation. This, as we will see, is particularly true of assault. The circumstances may also minimize the latitude of the officer. The matter may be very clear-cut when, for example, a man is caught walking out of a liquor store with money and gun in hand. This type of situation occurs infrequently. More commonly, the decision turns a strict determination of the facts. In the following burglary what mattered to the

patrolman was the ability of the suspect to verify his story in some provable manner.

ILLUSTRATION NO. 1

A patrolman responded to a '459 in Progress' (burglary) call. Motorcycle officers were present when he arrived, and they described the situation as follows: neighbors observed two men loading a stereo set into a Volkswagen van, and thinking that a burglary was taking place called the police. The men claimed that one of them had purchased the stereo from the owner of the house, and that he (the owner) had given them permission to enter the house through the rear door and remove the stereo. The back door was opened through a broken window pane, which the men claimed was broken before they arrived. Moreover, they left a note for the owner which the police found inside. The two men had very little identification on them, and had no clear idea of where to find the owner in order to verify their story. The police said that the story must be verified by the owner before they would be released. The dispatcher was unable to locate the owner at the phone number provided by the men, and the people at the man's presumed place of work knew nothing about a stereo. Consequently, the two men were booked on suspicion of burglary.

The physical evidence could be interpreted as either requiring an arrest or release in this case. The patrolmen believed that they had good circumstantial evidence that a burglary had been committed. The lack of adequate identification was interpreted as something that any self-respecting burglar would do, and the note inside the house, they concluded, could be a ploy. Thus, they were reluctant to let the men go until their story could be verified. The ration-

ale of the police was that if they did not insist on verification by the owner they would be taking the chance of releasing two burglars.

Discretion entered into this situation insofar as the officers decided not to take the men's story at face value. With the exception of this decision, the case turned on a determination of the facts, and to this extent precluded independent action. Another example of this type of situation is when an arrest is made contingent on the identification of the suspect by the victim. If a man is caught near the scene of a crime, a street robbery for example, the police will bring the victim to the location where the man was apprehended and attempt to get the victim to identify the suspect. As a rule, the police are reluctant to give the benefit of the doubt to the suspect, and in an ambiguous situation they will resort to some other method of determining the facts. Thus, the police adopt, in this regard, a rather conservative rule of thumb, one which posits that most, if not all suspects are lying, and that most stories cannot be taken at face value. This is not so much cynicism as it is the inclination to expect the worst. But the question raised by this incident is what makes a story believable to the police? Both of the suspects in this case were Black. Did their race influence the officer's inclination to believe their story? This is possible, and the fact that Blacks are more likely to be arrested for

felonies than Whites may be indicative of this. On the other hand, I did witness an incident in which two Black youths had convinced two patrolmen that they had nothing to do with a street robbery (see illustration No. 6). The only reason that the youths were not released was that the victim arrived at the scene before the officers released them, and she was able to identify one of them. The question of whether race influences an officer's inclination to believe a suspect's story is rather important since the social consequences of being arrested are rather severe, even if the person is innocent. At this point I believe it a plausible hypothesis that race is an influential factor in a decision of this sort, but I have no evidence bearing on it one way or the other.⁹

The second fact about felony arrests is that a surprising number of them come about through happenstance. It is a rare occasion when a patrolman catches a burglar or armed robber in the act; more frequently, patrolmen often stumble on to a crime or a suspect. Again these situations preclude much in the way of independent action since they are normally clear-cut. However, there may be decisions in regard to due process, that is whether or not to search a person or a vehicle. The following three situations illustrate the happenstance nature of some arrests.

ILLUSTRATION NO. 2

A Black woman parked in a car with a man waved for a passing patrol car to stop. When the patrolmen approached the car she said that she was having a fight with her husband and needed help. They asked to see her identification. As she opened her purse to get her driver's license, one of the policemen saw a pistol in her purse. They took the pistol from her, a .25 caliber automatic with a shell in the chamber, and arrested her for carrying a concealed weapon. Her husband was checked for warrants with the Automated Wants and Warrants System (AWWS) and found to have two traffic warrants. He was also arrested. At the jail, it was discovered that they both 'fit' the description of two armed robbery suspects, and they were also charged with suspicion of robbery.

ILLUSTRATION NO. 3

A patrolman was issuing parking citations in the parking lot of a local bar known among policemen in the department as a trouble spot. While doing so he discovered a stolen car (the car had been mentioned during briefing), and arrested the occupant for auto theft (10851 C.V.C.)

ILLUSTRATION NO. 4

A man driving down a residential street crashed into a parked car. He appeared to be drunk or under the influence of narcotics, but since nobody had witnessed the accident or had seen him driving the vehicle he could not be arrested for drunk driving. The traffic officers called two patrolmen, known for their specialization in narcotics violations, to the scene. They checked his arms for needle marks and his pupils for the amount of dilatation. They said he was under the influence of heroin, and he was booked for possession of heroin.

In each of these cases, patrolmen stumbled on to a felony violation, and these were themselves more or less clear-cut. Yet despite what seems to be rather immutable

limitations on a patrolman's discretion in these situations, patrolmen are not completely hemmed in by circumstance. From one point of view, the problem of discretion is largely that of finding some correspondence between behavior and legal rules. Often, as in the cases of the concealed weapon or the stolen vehicle, the meaning of an individual's behavior and the applicable laws are not in question. Yet not all felony situations afford such a clear-cut choice; there is often room for interpretation of the meaning and intent of behavior and, consequently, some latitude in the preferences of charges. And this often depends on what the patrolmen thinks should be done in a particular case. The man in the fourth illustration could just as easily have been booked for plain drunk, but since the police were intent on holding him accountable for the wreck and a drunk driving charge was precluded (drunk driving is a misdemeanor and therefore subject to the 'in presence' requirement), they attempted, successfully, to arrest the man on a felony. The question of what charges to prefer is of enormous significance in assault cases since there is more at stake than the enforcement of the law. This is clearly shown in the following illustration.

ILLUSTRATION NO. 5

Two white youths (18 to 20 years of age) armed with knives, broke into an apartment occupied by the ex-wife of one of them. They broke down the door but as they entered they were con-

fronted by another man (a boy friend) armed with a gun. He ordered them to leave. They left, and ran into the arms of the police, who had been called by the ex-wife. The two youths were armed with hunting knives sharpened on both sides, and they had been accompanied by two friends who had remained behind in their car. Investigation revealed that earlier in the day the husband had threatened to kill his wife. The police had initially decided to arrest the two youths for carrying concealed weapons and to release the other two. However, after discussing the matter, they decided to arrest the two who broke into the apartment for attempted murder and the other two on charges of conspiracy, that is as accessories. Superficially, the police had the elements of attempted murder and conspiracy: the threat to the wife, the break-in, and the fact that the youths were armed. Yet the officers also knew that the District Attorney would not file charges on attempted murder and conspiracy; he would be more likely to reduce the attempted murder to disturbing the peace (415 P.C.) and drop the conspiracy charges. They decided to charge the youths with the more serious violations in order to keep them off the street for a few days and to "throw a scare into them." (The youths were released later in the evening when the victim refused to sign a complaint).

The youths in this case had been caught in the act, and there was no question that they would be arrested. But the police did have some latitude in choosing the charges, and these would not only affect the outcome of the case if it went to court, but they were important in accomplishing objectives of concern to the police. The police in this case were motivated to prefer charges for more serious offenses for two reasons. First, they had some reason to believe that if the youths were released or booked on a misdemeanor, they would be out on bail immediately and in a position to come back to the apartment. Thus, they were

concerned with preventing another assault. Second, they were also aware that the chances of anything happening to the youths was slight. The charge of carrying a concealed weapon would have been reduced to disturbing the peace, a very minor violation which usually results in nothing more than a small fine. By preferring the higher charge, the police had an opportunity to limit the alternatives of the District Attorney and hopefully assure a conviction for a more serious (and in their opinion deserved) charge such as assault and battery (P.C. 242).

Both of these factors are extra-legal considerations which decisively influence the exercise of discretion. Most patrolmen take a rather pragmatic view of their job, and they would probably agree with the late William H. Parker's dictum that the police are concerned with effect rather than cause.¹⁰ In the narrowest sense, the police responsibility is that of apprehension; most policemen will not take responsibility for the solution of interpersonal problems which may result in a crime. Yet they are concerned with prevention of crime in the immediate circumstances. The law, however, does not admit of such considerations; immediate, practical, albeit short-range, solutions such as that described in the attempted assault above are usually precluded by the law, and patrolmen may be required to bend the law in order to solve what they see as a serious problem. What is important here is when a patrolman deems the

necessity of extra-legal action--the preference of higher charges than are legally justified or the use of a pretext to make an arrest--to be required by the circumstances. Though these considerations are applicable to a wide range of discretionary situations, they are most important in assaults and other disturbances. Indeed, the necessity of taking an extra-legal action is one of the fundamental problems a patrolman confronts in a disturbance. But as we shall see the same circumstances are not always equally compelling (this is discussed at length in Chapter Five).

There is one other set of circumstances where extra-legal considerations come into play in the determination of charges and the decision to arrest. This is where the police want to detain a person for purposes of investigation or where the action is used as a means of harassment. In two cases that I observed, individuals were arrested for the possession of very small quantities of marijuana, one or two grams at most were found. This was done even though the arresting officers were well aware that the District Attorney would not file charges (the D.A. only files if 30 grams or more are found). In the one case, the man was arrested on the charge of possession of marijuana (the remains of a marijuana cigarette was found in the ash tray of his car) when a credit card was found behind the back seat of the patrol car. The credit card had been stolen from a woman in Pasadena about six months previously. The

man could have been arrested on a traffic warrant, which was the original reason for stopping him, but he was charged with possession of marijuana, a felony, in order to detain him in jail long enough to investigate the credit card.

(It's worth pointing out that the patrolman who made this arrest did search under the rear seat of their patrol car prior to leaving the station that night, so there is little question that the man dropped the credit card behind the seat while being transported to the jail.) The other case is an example of harassment. Two patrolmen, who were piqued after almost becoming embroiled in an altercation, decided to stop a Mexican-American youth and check him out, that is run him for warrants. They turned on the light, but the youth did not stop; rather he drove slowly down the street, and as he did so, he hung his arm out the side of the car and seemed to be dropping something from his hand. The patrolmen concluded it was marijuana, and after stopping him they were able to find a few leaves on the floor board. He was charged with drunk driving and for possession of two-tenths of a gram of marijuana, even though the officers were well aware that the marijuana charge would be dropped. They pointed out that what was involved was the "principle of the thing"; that is, the use of marijuana is against the law and should not go unnoticed or unpunished. Thus even if the D.A. would not act, the suspect would spend a few days in jail and have a marijuana arrest on his record.

Even though a patrolman's discretion is limited in those cases involving felonies it is not eliminated. Patrolmen have some choice in their interpretation of circumstances and in what charges to prefer. The decision of what charges to prefer is based on the belief that a crime-related problem can be solved in no other way, on the need for further investigation, and for purposes of harassment. Patrolmen may be influenced by the practices of the District Attorney, though the common practice is to prefer the highest possible charges. In their interpretation of a suspect's story, patrolmen adopt a conservative rule of thumb which normally requires some method of independent validation of a story. The propensity to believe a suspect's story may be influenced by the race of the suspect, though this is nothing more than an unsubstantiated hypothesis. Finally, these criteria were common to all three police departments.

Unlike misdemeanor arrests, a felony arrest may be subject to a number of formal departmental controls. Sergeants are required to be at the scene of a hot call or a major disturbance. If they are at the scene, they are in a position to direct patrolmen and make the decisions themselves. There were instances where supervisors did take over, but the typical response was to wait and see if the patrolmen needed any assistance or if their help was requested.¹¹ In the attempted murder situation (illustration no. 5), a sergeant was present, his advice was requested

by the patrolmen handling the call, and he was instrumental in persuading them to charge the youths with attempted murder. This was less an instance of administrative control over discretion than the mutual collaboration of colleagues.

Of the three departments, only LAPD has a formal pre-booking approval procedure. The procedure presumably applies to all arrests, but it is really only mandatory for felonies. Only with a felony is a booking approval slip, which must be signed by the watch commander or station sergeant, required. This does constitute a formal control over discretion, but my observations of the process suggest that almost always supervisors are quite willing to defer to patrolmen; approval ordinarily seemed to be a formality. Again, policemen in these situations behave more like colleagues than superior and subordinate. Yet this does put supervisors in a position to influence and on occasion dictate the decision. Two officers arrested a man for burglary, though all they had was some circumstantial evidence that he intended to commit a burglary. A field sergeant advised them to book the man for burglary; they detained him and requested the watch commander's advice. He pointed out that all they had was some very weak evidence that the man might be intending to commit a crime, and that they could not arrest him. The man was released. This example is instructive for two reasons. First, there are

situations where patrolmen will seek to pass the decision to a supervisor, either because they really do not know what to do or to protect themselves. Second, it illustrates the collegial character of the relationships between patrolmen and their supervisors. Most supervisors take the position that their responsibility is to assist patrolmen in the accomplishment of a task which is of mutual concern. Their actions in approving a booking are less a matter of bureaucratic control than providing the support and assistance deemed necessary. Many supervisors, when asked about the efficacy of this procedure, said that they rarely had to overturn a decision simply because patrolmen did not make that many mistakes. As competent practitioners of a difficult craft, the police believe that when they make an arrest they normally make very few mistakes.¹²

A supervisor must also be concerned about the norms which govern the relationships among policemen, especially the stricture against second guessing and the need to back-up the men. A supervisor who continually refuses to support the decisions of his men diminishes the legitimacy of his authority. The goal of crime control and the demands of the police culture often take precedence over the requirement of bureaucratic efficiency and control. Another compelling reason why the effect of this control is diluted is that the release of a suspect because he was falsely arrested runs the risk of a civil suit for false arrest. The

prudent course of action may be to let the prosecutor and the courts make the decision. Yet the fact that their decisions will be scrutinized may have an effect on the kinds of decisions that patrolmen will make in a felony situation. A patrolman always has to be on the lookout for the aggressive and upwardly mobile supervisor who will make things tough.

The question arises of whether there are any important differences among these three departments for felony arrests. As Table IV-8A shows the arrest rates for armed robbery, burglary, and auto theft reflect the reported crime rates in the four communities. Inglewood and Rampart have substantially higher arrest rates for these offenses. Yet note that the rate for narcotics and felony assaults is higher for LAPD than the small departments. Table IV-8B presents the ratio of felony arrests to misdemeanor arrests for 1973. The ratio in Inglewood is considerably higher than for LAPD and Redondo Beach, and this does not change when we consider only Part I crimes and felony narcotics arrests combined with Part I crimes. The low ratio of felony to misdemeanor arrests in LAPD reflects, more than anything else, the fact that patrolmen in LAPD make more misdemeanor arrests than in the small departments. The interesting fact revealed in this table concerns the ratio of felony assault arrests to misdemeanor assault arrests. It is much higher for the two divisions of LAPD than either of the

Table IV-8A

ADULT ARRESTS PER 10,000 POPULATION, 1972-1973

| OFFENSE | INGLEWOOD | | RAMPART | | REDONDO BEACH | | NORTHEAST | |
|---------------|-------------|-------------|-------------|-------------|---------------|-------------|-------------|-------------|
| | <u>1972</u> | <u>1973</u> | <u>1972</u> | <u>1973</u> | <u>1972</u> | <u>1973</u> | <u>1972</u> | <u>1973</u> |
| ARMED ROBBERY | 16.88 | 22.88 | 14.63 | 12.13 | 6.96 | 5.17 | 3.79 | 4.31 |
| AGG. ASSAULT | 9.10 | 14.55 | 24.89 | 24.12 | 7.85 | 5.00 | 14.05 | 11.56 |
| BURGLARY | 18.77 | 26.66 | 33.02 | 24.27 | 16.42 | 15.53 | 15.75 | 13.46 |
| AUTO THEFT | 15.44 | 12.88 | 12.91 | 11.74 | 8.57 | 8.39 | 5.62 | 6.86 |
| LARCENY | 3.44 | 6.77 | 25.93 | 21.49 | 2.50 | 6.42 | 16.92 | 15.42 |
| WEAPONS | 2.44 | | 5.57 | 4.27 | 2.67 | | 3.72 | 4.24 |
| NARCOTICS | 17.33 | 51.22 | 78.13 | 68.65 | 34.64 | 21.25 | 60.13 | 87.05 |

Source: LAPD Statistical Digest 1972 and 1973; and Redondo Beach and Inglewood Police Departments

Table IV-8B

RATIO OF FELONY/MISDEMEANOR ADULT ARRESTS, 1973^{a/}

| | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | LAPD |
|----------------------|-----------|---------|---------------|-----------|-------|
| ALL ARRESTS | .53 | | .33 | | .30 |
| PART I CRIMES ONLY | .34 | | .21 | | .13 |
| PART I AND NARCOTICS | .48 | | .30 | | .26 |
| ALL ASSAULTS | 1.48 | 2.36 | .46 | 1.63 | 2.92 |
| NARCOTICS | 2.49 | | 4.66 | | 10.08 |

^{a/} Arrest statistics by felony and misdemeanor are not available by division for the Los Angeles Police Department. These data were obtained from Crime and Delinquency in California, 1973, published by the Bureau of Criminal Statistics, California Department of Justice.

small departments (the ratio in Inglewood for the previous two years is 1.20; the number of assault arrests in Inglewood increased dramatically in 1973). This may indicate a propensity in LAPD to prefer felony charges in assault cases that does not obtain in the small departments.

Juvenile arrests are presented in Tables IV-9A and 9B. The notable fact is that the ratio of felony to misdemeanor arrests is considerably higher in LAPD. This may indicate that patrolmen in LAPD are more concerned with felony violations by juveniles than with misdemeanors. Or to put it another way, they are less likely to arrest juveniles for the many vague statutes which might apply, such as Section 601 or 602 of the Welfare and Institutions Code (these refer to runaways, incorrigible, etc.). Finally, both tables show that arrest rate for weapons in LAPD is substantially higher than the small departments. This is indirect evidence of the overall aggressiveness of patrolmen in LAPD since most of these arrests take place in the context of a field interrogation.

STOPPING AND QUESTIONING: PLAYING
THE SLOT MACHINE

The police have fewer legal restrictions in making felony arrests than misdemeanor arrests. The latter are subject to the "in presence" requirement, the stipulation that the officer must witness the commission of the offense in order to make an arrest. A felony arrest is subject

Table IV-9A

JUVENILE ARRESTS PER 100,000 POPULATION, 1972-1973^{a/}

| | INGLEWOOD | | RAMPART | | REDONDO BEACH | | NORTHEAST | |
|---------------|-----------|-------|---------|-------|---------------|-------|-----------|-------|
| | 1972 | 1973 | 1972 | 1973 | 1972 | 1973 | 1972 | 1973 |
| HOMICIDE | 3.30 | 3.30 | 5.20 | .50 | 1.80 | -- | 2.60 | 1.30 |
| RAPE (FORCE) | 13.30 | 3.30 | 5.70 | 4.90 | 16.00 | -- | 2.60 | 3.90 |
| ARMED ROBBERY | 138.8 | 151.1 | 51.00 | 21.40 | 5.40 | 7.10 | 16.20 | 12.40 |
| AGG. ASSAULTS | 24.40 | 5.10 | 49.50 | 24.80 | 33.90 | 26.70 | 55.50 | 44.40 |
| BURGLARY | 198.8 | 274.4 | 130.1 | 79.10 | 182.1 | 164.2 | 124.7 | 113.7 |
| LARCENY | 33.30 | 65.50 | 43.20 | 57.20 | 12.50 | 26.70 | 53.20 | 57.50 |
| AUTO THEFT | 187.7 | 142.2 | 142.2 | 89.50 | 155.4 | 103.5 | 145.5 | 94.70 |
| WEAPONS | 5.50 | | 14.60 | 14.40 | 1.80 | | 24.70 | 14.30 |
| NARCOTICS | 81.10 | 91.00 | 84.90 | 52.70 | 151.8 | 57.10 | 127.9 | 262.0 |

^{a/} Because the absolute number of juvenile arrests is, in some cases, so small, these were computed per 100,000 population.

Source: LAPD Statistical Digest 1972, 1973; and Redondo Beach and Inglewood Police Departments.

Table IV-9B

RATIO OF FELONY/MISDEMEANOR JUVENILE ARRESTS, 1973

| | INGLEWOOD | REDONDO BEACH | LAPD | RAMPART | NORTHEAST |
|------------------------|-----------|---------------|------|---------|-----------|
| ALL ARRESTS | 1.05 | .44 | 1.81 | | |
| PART I CRIMES ONLY | .86 | .36 | 1.20 | | |
| PART I AND NARCOTICS | .98 | .42 | 1.69 | | |
| ALL ASSAULTS <u>a/</u> | 1.69 | .90 | | 3.06 | 2.12 |

a/ These are 1972 figures. 1973 are unavailable at the present time for Redondo Beach and Inglewood.

only to the structure of reasonable cause: a California peace officer may arrest without warrant, "whenever he has reasonable cause to believe that the person to be arrested has committed a felony, whether or not a felony has in fact been committed." (California Penal Code, Section 836.3)

The most important use of these powers are in police initiated actions, usually field interrogations, undertaken either to prevent the occurrence of a crime or, more commonly, to determine if a crime has been committed and if the person stopped is a suspect. An aggressive pattern of patrol is the characteristic tool used by a professional police to suppress crime. As elsewhere, the late Chief Parker has succinctly summed up the point of view of a professional police: "the function of the police insofar as (crime) prevention is concerned lies in two general fields: (1) the prevention of criminal acts by actual or potential physical intervention, and (2) performance so effective that the fear of apprehension, conviction and punishment tends to prevent criminal actions; in other words, crime repression."¹³ Field interrogations are stops undertaken to determine if a crime has been committed, and they are normally distinguished from field actions which are preventative, for example, the dispersal of a group of juveniles standing on a street corner. Police initiated field actions may have either goal or both; it is common for a patrolman to first interrogate a person on the street

and then perhaps order him home. The purpose of aggressive patrol is to keep would-be felons off balance, and to establish a reputation for tough, decisive action. It is a crude but the police believe effective method of communication. Two patrolmen argued that all that prevents crime is fear of the police. They believed that the only way they could keep the crime rate down was to be allowed to shake up an area and to keep people off balance. While some patrolmen believe, as I have indicated, that the only way to catch felons is through aggressive stop and interrogate actions, the belief in the deterrent effect of such activities often seems to take precedence.

Aside from the question of the effectiveness of these actions, these decisions pose important questions for the analysis of discretion. Legally the issue turns on questions of constitutional guarantees of civil liberties and judicially determined standards for probable cause. Aggressive patrol is also an important cause in the deterioration of relationships between minority communities and the police. It juxtaposes for the police the ever-present question of means and ends, of repressing crime but maintaining a modicum of community support. To be sure, the latter has not always been an important concern insofar as minority communities are concerned, but the issue cannot be avoided. Again the question of control is what is at stake, and this turns on an analysis of the bases of the

decision to stop and interrogate.¹⁴

A police initiated field interrogation is any police-citizen contact undertaken for purposes other than enforcement of a specific law. Crimes which are discovered after the officer has made a stop for another reason, the enforcement of a traffic violation for example, is defined as happenstance. The distinction rests on the patrolman's reason for making the stop and not his justification. Referring to Table IV-1, 17 percent of all incidents observed were classified as field interrogations. Moreover, these make up 40 percent of all on-view police actions. They are not an unimportant aspect of discretion.

Both the courts and police administrators have been rather vague about what constitutes probable cause to stop and interrogate someone. The courts have not, as Lawrence Tiffany argues, confronted the basic legal issues involved in field interrogations. And most departments have no policies to guide patrolmen; rather they merely describe existing practices, the cues that policemen have traditionally taken into consideration in making such stops.¹⁵ Police administrators are rather glib about the issue of probable cause. Chief Parker stated that the only justifiable reason for interfering with a person's liberty was an affirmative answer to the question: "Is the conduct of the individual inimical to the welfare of society?" This statement, as most abstract discussions of probable cause

is not very helpful to either the patrolman or the public.¹⁶

Such discussions are patently academic to patrolmen, however, who assert the utility of pragmatic criteria in justifying decisions to stop and interrogate people. Probable cause is only important if you catch somebody doing something and have the opportunity to make an arrest. Patrolmen distinguish between two kinds of criteria in making these decisions. There are, first, those criteria which arouse an officer's suspicion that something is amiss, and, second, legal criteria such as a traffic violation which may be used to justify any action taken. An arrest and the initial stop which led to it may be eventually justified on the basis of a violation of the traffic laws, but this is not usually the reason the officer stopped the person in the first place. Rather, the person was stopped because he 'fit' a set of expectations as to his probable future or past behavior. The person's appearance, for example, may lead the patrolman to believe that a crime has been committed or will be committed. The inferences drawn from a person's appearance are not inherently ambiguous or even meaningless, and there are instances where such non-legal criteria meet the test of reasonable cause. If a robbery had just taken place, and the suspects were described as driving a yellow Ford falcon, patrolmen would be justified in stopping most yellow Ford falcons in the immediate area and, perhaps, mercury comets as well. Yet

what does one infer from the fact that a Black man in his late twenties is driving a new Cadillac?

The vehicle code is the most ubiquitous source of probable cause for the patrolman. Minor violations of the vehicle code such as broken tail lights, the absence of a light over the rear license plate, bald tires, or the absence of a current registration sticker can and are used as justifications for field interrogations. Depending on the circumstances, these violations are used to justify the stop either before or after the fact. From the legal point of view it is an important question of whether a vehicle code violation is used either as a pretext or as a post-hoc rationale for a field interrogation.¹⁷ What is important here are the criteria used in deciding whether or not to stop someone in the first place. After interrogating a young Black man whose car had no current registration sticker on the license plate and releasing him, a patrolman was asked why he had not given the man a citation. He answered: "I'm saving the probable cause; if I give him a ticket he will have to correct it, this way if I see him again and think he's dirty, I can stop him."

Most field interrogations follow a similar pattern. After stopping an individual his identification and perhaps his vehicle registration will be checked. A next step may be to check the individual for wants or warrants through the Automated Wants and Warrants System (AWWS). Patrolmen

are linked to a data bank through the dispatcher; they provide information on the person's name, date of birth, driver's license etc., which is fed into the computer through a remote terminal by the dispatcher. The Southern California system provides information on all wants and warrants on individuals in California; the system is also connected to a national information system (NCIC), and in a special case, where an out of state car has been stopped, the patrolman may obtain information about an arrest warrant from another state. In addition, this information system keeps track of stolen property. A patrolman can find out if a car is stolen by simply checking the identification number through the system. (If the identification number has been removed this step is not necessary as the police can arrest on section 537e of the California Penal Code.) The officer also has the opportunity to conduct a cursory flashlight search of the car, and if necessary a more thorough search may be conducted. Initially, a few basic questions will be asked, such as where are you going, what have you been doing, and is this your car, etc. If there are two individuals in the car, both will be asked to get out and they will be interrogated separately in order to determine if they tell the same story. A patrolman's next steps depend on the kind of answers he gets to his inquiries and whether or not his suspicions are allayed. He will not usually reveal his real intentions, and he may begin the

interrogation by telling the person that he has been stopped because his right rear tire is bald. A normal field interrogation to investigate for a burglary or stolen car may take only five minutes; a quick check of a person's identification and registration takes even less time. It is thus rather quick and easy for a patrolman to determine if some kind of crime has been committed, and if he is clever he can normally accomplish his task without bruising too many feelings. A person who is told that he has been stopped because his rear tire is bald is usually mollified when the patrolman tells him that he is not going to get a citation, only a warning.

The patrolman is confronted with the problem of determining on the basis of vague and ambiguous information what is normal and thus innocuous behavior and what is abnormal and potentially deviant behavior. To do this, they must rely on a set of indicators which have, as David Matza has pointed out, "a specific but by no means perfect probability of leading them either to the discovery or prevention of a crime."¹⁸ These indicators will be drawn from a patrolman's knowledge of the society in which he lives, especially in regard to the groups of people he is most familiar with from his day to day working experience on the street. Most policemen believe that working the street heightens one's sensitivity to deviant behavior and suspicious circumstances. One standard by which a patrolman is judged by his peers is

the quality of his powers of observation, his ability to detect crime from the welter of events on the street. A widespread accolade given to a patrolman who has been particularly observant in making an arrest is, "good obs." Thus most patrolmen believe that by virtue of their experience on the street, they develop an "expertise" which allows them to discriminate between innocuous and deviant behaviors. Their decision to stop someone may be based on a "hunch" but it is not an indiscriminant hunch; the police do not believe that their actions are arbitrary. But these "hunches" are filtered through a set of beliefs dominated by an officer's operational style.

There are three types of indicators used by patrolmen in deciding whether or not to stop someone. These are incongruity, appearance, and prior information. Incongruity becomes an indicator of deviant behavior to the extent that something is perceived to be out of place. A young boy driving a new car is considered to be an adequate indicator of a potential car thief. The proverbial Black man in the all-white neighborhood late at night needs no comment. Less well-known examples include dirty license plates on a clean car, or an older man parked in front of an elementary school.¹⁹ Prior information refers to specific information obtained about a crime that has been committed, e.g. a description of the suspects, and knowledge of the people and 'trouble spots' in an area. In a more general fashion,

prior information refers to rules of thumb based on prior experience which lead a patrolman to believe that something is amiss. The lack of a current registration sticker indicates to many patrolmen that the driver may have warrants and cannot get his registration renewed or that the car is stolen.

Appearance is the vaguest of the three indicators, and the one that is based on widespread social stereotypes and beliefs. Race, age, sex, and social class are the factors considered. A young Black male, dressed in levis and white tee-shirt is more likely to be stopped and questioned than a middle-aged White man in coat and tie. However, most policemen feel that such practices do not constitute 'racism' or discrimination, but rather the application of relevant knowledge of who is likely to commit a crime. One policeman explained it to Irving Piliavin and Scott Briar in the following way:

If you know that the bulk of your delinquency problem comes from kids who, say, are from 12 to 14 years of age, when you're out on patrol you are much more likely to be sensitive to the activities of juveniles in this age bracket than older or younger youth. This would be good law enforcement practice. The logic in our case is the same except that our delinquency problem is largely found in the Negro community and it is these youth toward whom we are sensitized. 20

Yet the use of these indicators, by themselves, may distort the picture of crime and thus potential criminals. William Chambliss compared the self-reported acts of delin-

quency among White, Negro and Japanese youths with the arrests for each of these. On the basis of the index of self-reported acts of delinquency, 53 percent of White youths, 52 percent of Negro youths, and 36 percent of Japanese youths were classified as high delinquents. The reported arrest rates were 11 percent of White youths, 36 percent of Negro youths, and 2 percent of Japanese youths.²¹ The indices that are used by the police reflect both social stereotypes and prejudices toward the behavior of different groups and the success that a patrolman has with a particular indicator. Blacks may not commit much more crime than Whites, but if a patrolman stops more Blacks than Whites he is likely to find more Blacks that have committed crimes than Whites. An especially good example of this occurs with traffic warrants, where Blacks are arrested in an unusually higher proportion than Whites (this is discussed extensively in Chapter Five).

These three types of indicators may be used in some combination. A man standing on a street corner that is known as a narcotics drop-spot may not attract much attention. But if the man were thin, emaciated, dressed in a long-sleeve shirt and wearing dark glasses in the evening, it is quite likely he will be questioned and checked for needle marks. As a rule only one or at most two indicators of suspiciousness are required for a patrolman to make a stop.

Policemen do not feel that their actions in stopping and investigating suspicious circumstances are arbitrary; rather they are based on an acquired knowledge of social behavior. Yet all of a patrolman's judgments in this area are characterized by a high degree of uncertainty. Any stop that a patrolman makes is a calculated risk: if the person has committed a serious crime, the likelihood of violence is present; if the person is innocent, feelings may be bruised. Obviously, some of the information the police use is better than other kinds, but all of the indicators the police use are extremely crude. The accuracy of these indicators will depend on the officer's experience, especially the extent of his exposure to street crime, and his understanding of the values and behavior of the people in his beat. Where there is a vast difference between the values and beliefs of the patrolmen and the people they are policing, behavior is easily and often misinterpreted. A group of Mexican-Americans moving their belongings from a house in the evening may attract the suspicion of an officer; but these people probably cannot afford to pay for a mover and since they work during the day they must move at night (see illustration No. 18).²² The alternative to reliable information about suspicious persons may simply be random checks on whoever appears to be suspicious. And even a well experienced officer will have difficulty getting around this problem. The present organization of the

police with its emphasis on aggressive street patrol allows no other alternative (whether or not team policing can alleviate this problem remains to be seen).

At this point, we ought to consider some specific examples of decisions to stop and interrogate. A patrolman's information is likely to be most certain in those instances where a crime has occurred and the police have a description of the suspect and his vehicle.

ILLUSTRATION NO. 6

The dispatcher broadcast that an armed robbery had taken place minutes ago. Two Black youths, wearing hats, pointed a gun, described as a .22 caliber pistol, at a woman and her daughter as they were walking home from the grocery store and demanded their money. Two patrolmen immediately began searching the area for the suspects. While stopped at a traffic light they noticed two Black youths in a 1964 Chevrolet drive in front of them. On a hunch, they stopped the vehicle and questioned both occupants: the youths said that they were returning from a visit to a girl friend's house. Neither youth had any warrants. The patrolmen were prepared to release the youths when another patrolman arrived with the victim, and she identified one of the youths but was unsure of the other. A search failed to turn up either the gun or the money, but the police believed that the youths had had time to hide them, and they were arrested for armed robbery.

ILLUSTRATION NO. 7

An armed robbery occurred at a fast food take-out stand. The suspects were described as young, Japanese and driving a yellow Mustang. Minutes after the robbery a patrolman picked up one of the suspects three blocks away in the yellow Mustang.

ILLUSTRATION NO. 8

Two patrolmen went to talk to two women who had been the victims of an attempted rape the previous night. The man broke into their apartment at about 3:00 a.m., but they managed to keep him involved in conversation and finally convinced him to leave. Upon leaving the house, the officers noticed a young man getting out of a car at an adjacent junior college. He "fit" the description of the suspect and he was interrogated. He had identification and no warrants, so he was released.

In each of these incidents a serious crime had been committed and the patrolmen had definite information about the suspect(s). However, in only one of these cases was the information reliable enough so that the stop was made with more than a reasonable assurance that the person stopped had in fact committed the crime. The officer in the 7th illustration knew he had his man (he also had a very good description). In the other two cases the stops were made on the basis of a calculated hunch. In the sixth both patrolmen admitted prior to stopping the two youths that they were taking a chance and that they were probably not the suspects. Yet the description 'fit' just enough so that they thought it was worthwhile making the stop. The questioning of the rape suspect was made on the basis of even less valid information. The man vaguely fit the description and he was in the vicinity. It was clearly an action taken 'just to be sure' that no stone had been left unturned. Thus even in those situations where the police have some information to go on, such as a description of

the suspects, the decision to stop and interrogate is still subject to a great deal of uncertainty.

Paradoxically, the occurrence of a serious crime and the broadcasting of any information at all on the suspects can lead to two different and contradictory types of behavior. Patrolmen may make stops based as concretely as possible on the information they have at hand; but they may also resort to widespread stops of anybody that even remotely resembles the suspect. It often depends on the seriousness of the crime. Based on observations in Chicago and Detroit, Tiffany concluded that, "when an officer receives a report or otherwise concludes that a serious crime has just been committed and that there is need for immediate action to identify the perpetrator, he is likely to stop all persons in the vicinity."²³ Most policemen also know that the descriptions given by victims immediately after the commission of a serious crime are likely to be misleading; prudence requires, in their opinion, that they stop even people who only remotely fit the description.

A patrolman often relies on other types of prior information. This derives from his knowledge of crime in the area and his knowledge of the people in the area.

ILLUSTRATION NO. 9

Two patrolmen stopped an orange truck which fit the description of a vehicle that might have been involved in an armed robbery at a liquor store three days earlier. Although the driver of the

truck had been seen in the store with a rifle the officers were not sure that a robbery had actually taken place. They wanted to question the man about the 'robbery' and to see if he was carrying the rifle in the truck. They found no rifle (but they did find a machete which is not illegal), and the man said that while he had been in the store with a rifle he had not committed a robbery and he was merely on his way home. They could not verify that a robbery had actually been committed, and after the man was checked for warrants and none were found he was released.

ILLUSTRATION NO. 10

Several juveniles walking down a residential street and appearing to be idling near the house of a local "bad guy" were questioned to see if they had been smoking marijuana or were carrying any. The officer found some cigarette papers on one of them but that was all. They were ordered to leave and go home.

ILLUSTRATION NO. 11

A man known as "Funny Freddy," a known acid freak and burglar was seen walking down a busy street with a friend in the early afternoon. One of the officers had not seen Funny Freddy in a while and they stopped them. Both men were patted down and field interrogation (F.I.) cards made out. Funny Freddy said that he had just gotten out of jail and he was clean. There were no warrants on either man, and they were released.

ILLUSTRATION NO. 12

While cruising his beat, a patrolman recognized the brother of a man he had arrested earlier in the year for murder driving down the street. The time was about 2:00 a.m. The patrolman decided to stop him to see what he was going. He was a Mexican-American youth and a young White girl was in the car with him. He had no identification nor any proof that the car was his. The officer informed the youth that he could be arrested for no identification (sec. 40302A C.V.C.) and Grant Theft Auto, but since he (the patrolman) knew him, he would not be arrested. The youth was released after

being given a stern warning. Later the patrolman said that "the kid's problem was that he was just plain dumb," and that one had to, "get on him once in a while in order to keep him in line."

In addition to knowledge about a crime, the police often rely, as these illustrations make clear, upon their knowledge of the individuals. Those with arrest records or even a reputation for being in trouble will be stopped. The youth in the 9th illustration was known to be a member of a gang and had been arrested previously for burglary and assault. And there is a tendency to presume that association with a known felon or "local bad guy" is indicative of guilt of some kind. Yet the reason for stopping these people is only partly based on the expectation that a crime will be discovered; in all of these examples, the intention of the patrolmen was as much prevention of a crime as detection. Stopping and questioning is a way of letting them know that the police are around and that they had better watch their step. Whether or not this is an effective strategy remains to be seen. None of these decisions are completely arbitrary or indiscriminate as they are made on the basis of some information; but this information is nothing more than a vague indicator of potential criminality.

More ambiguous and uncertain yet are those stops that are made in the context of suspicious circumstances. The indicators of incongruity and appearance taken singly or together, are the sources of the criteria by which a patrol-

man decides whether or not to stop and interrogate in the following situations.

ILLUSTRATION NO. 13

A Black man sitting in a new Buick Riviera parked in front of an apartment building was questioned. The officers asked to see his identification and ran a check on the license of the car. It was not stolen and the man was released.

ILLUSTRATION NO. 14

Two officers patrolling a residential area observed a Black youth standing on a balcony at the end of a hallway on the second floor of an apartment building. Thinking he might be a burglar they called him to the car to question him. He did not know the address of the apartment building and said his name was John Smith. The patrolmen seriously considered arresting him until he showed identification proving that his name was John Smith and convinced them that he had only moved into the apartment building one week ago.

ILLUSTRATION NO. 15

A young Black man walking down the street with a large portable radio to his ear was stopped and asked where he got the radio. He replied that it belonged to his sister, and when he demanded to know why he had been stopped, he was spread-eagled on the hood of the car and frisked. He had some identification and said he was on his way to work at a local elementary school where he was a janitor. One officer examined the radio and discovered that the serial number had been removed. The officers were about to book him for section 537e of the California Penal Code when the man's supervisor at the school, who happened to be driving by, stopped and verified that the man worked at the school and that the radio belong to him. The man was released to the custody of his supervisor.

ILLUSTRATION NO. 16

An officer stopped to question the driver of an older model pick-up truck with primer spots parked in front of a store in a shopping center. The time was about 11 or 12 o'clock and the patrolman wanted to ask the driver what he was doing. The driver was young, white, and had long hair and earrings in his ears. He was questioned about the muffler and taillights on his truck and finally ordered to leave the area. Upon returning to the car, the officer remarked that the "kid was an asshole and talked like it."

ILLUSTRATION NO. 17

A car with an old style out-of-state license plate was stopped (there was also a minor equipment violation). All three occupants in the car were ordered out, patted down for weapons, and questioned separately. The driver had no identification and said the car belonged to a girl friend; they were driving home. There was no registration in the car, but the officers did find an insurance slip with the girl's name on it. Each occupant gave the same story, and the officers believed them. They were released with a warning.

ILLUSTRATION NO. 18

Driving down a residential street an officer noticed some people, Mexican-Americans, moving some belongings from a house to a truck parked adjacent to the curb. It was about 9 o'clock in the evening. The patrolman asked what was going on, and they were told that the people were moving. One of the patrolmen frisked several of them and then checked one of them for warrants. The man had no warrants and the officer stopped. Before leaving he told the people that burglars often tell the police they are moving and this was why they were questioned.

ILLUSTRATION NO. 19

A car driving very slowly out of an alley was stopped and the driver questioned. The patrol-

man explained later that he always investigates such situations for a possible burglary, reasoning that, "anyone driving down the alley that slowly may be up to something."

ILLUSTRATION NO. 20

In a very poor area of their beat, two patrolmen stopped and questioned two youths sitting in a parked car. They were talking to a young girl. Both youths were checked for warrants and a check was made on the registration of the car. Later, after finding nothing, both officers admitted that they had no probable cause, but they said they normally checked out such situations anyway.

ILLUSTRATION NO. 21

As two officers drove by a cut-rate gas station, they noticed a Black man, bent over, standing in front of the front door. A Cadillac with a woman and several children in it was parked next to the gas pumps. Suspecting a burglary, they stopped and questioned him. He said he worked at the station, but when he gave the wrong address of the station, they checked his identification and ran him on AWWWS for warrants. The man said that he had misunderstood the question and the officers believed him. He was released.

ILLUSTRATION NO. 22

A young Mexican-American man walking down the street was stopped and questioned. He was checked for warrants but none were found. The officer said later than the man was stopped because he "looked suspicious."

ILLUSTRATION NO. 23

Late at night a Black youth was observed standing near an automobile on a residential street. As the patrol car drove by, he turned and walked away. The patrolmen went back and stopped and questioned him. The youth explained that he was waiting for a friend to pick him up. One officer examined the car and found no evidence of any attempt to break into it. The youth had poor identification, but he said

that he had been with friends in a near-by apartment building. The people in the apartment verified the story and the youth was released.

ILLUSTRATION NO. 24

While driving through a poor residential area two officers observed a Mexican-American youth run between two apartment buildings and down a hill as he saw the patrol car approach. They drove around the block and decided to find out what the youth was up to. When they returned he was standing by the curb. One patrolman questioned the youth, while the other ran down the hill where he found two quarts of beer and a home-made gun. They confiscated the gun and poured out the beer, and released the youth, who of course denied that the beer was his.

As ought to be apparent the kind and quality of information which patrolmen use to make judgments of the intention of individuals is much different than in the previous cases. Seemingly innocuous behavior is imbued with an aura of criminality, the commonplace becomes suspicious. The twelve incidents described here illustrate three rules of thumb that patrolmen use in evaluating behavior. The first is a straightforward application of the idea of incongruity. Time and circumstance can often make a great deal of difference to a patrolman. What was important to the officer who stopped and questioned the Mexican-American men moving furniture into a van was the time of day--9:00 p.m.--and the fact that he was in a high-crime area. People don't move at night do they? Similarly, an out-of-state license plate that the officers knew no longer to be in use was taken as an indication that something was amiss. The second hinges

on the vague criterion of appearance. A Black youth standing on the balcony of an apartment building, a Black man who appeared to be trying to get in the front door of a service station (he was actually trying to lock up), a Mexican-American walking down a residential street, a young white man parked in front of a store late at night, or two youths simply sitting in a parked car were all presumed to be suspicious. The third rule is based on a person's reaction to the police. Flight from an approaching patrol car implies guilt; an innocent person, patrolmen reason, would have nothing to fear from the police and would not move.

The reaction of the person to police authority will also have a bearing on the inclination of the police to believe the individuals they are questioning. The police rely upon the warrants system, a search (when they can carry it out), and some pointed questions to determine if in fact something is amiss. A real burglar, they reason, is not likely to know the address of the place he is burglarizing; and a man who says he lives in an apartment building should know the address of that building. If patrolmen adopt rather loose standards for deciding when to stop and question people, their standards for taking further action are usually somewhat stiffer. In most of the incidents described they were rather easily convinced that nothing was wrong. The exception to this is when the person challenges their authority, their right to stop and ask

them questions. The question, "what right do you have to question me" is not construed as rightful indignation but as implicit guilt. Patrolmen may believe that people have a right to an explanation after an interrogation, but they will rarely tolerate interference until they are satisfied that nothing is amiss. The reaction of the Black youth in the 15th illustration to questions about his radio was the basis of the rather excessive reaction the two patrolmen took.

In making judgments of whether or not a person is acting suspiciously, a patrolman must draw inferences from the observed behaviors and the character of the people involved, and decide, on the basis of his knowledge and experience, if a crime has been or will be committed. A car driving down an alley, people moving furniture from a house, a young Black man walking down the street with a radio to his ear are rather commonplace events that, in and of themselves, are not suspicious. In labeling the innocuous clandestine, the patrolman relies upon concrete but biased indicators which presuppose that he knows something about the character of the persons involved. In other words, the patrolman must interpret actions by imposing upon the situation pragmatically derived categories which make the behavior meaningful to him, that is suspicious. What is suspicious about a Black man standing on a balcony of an apartment building at 4:30 in the afternoon?

He could have been on the balcony to escape the heat of his apartment. Why are a group of Mexican-Americans moving furniture from a house in the evening deemed suspicious? Perhaps they had jobs which did not allow them to move during the daytime? However, the point is that these incidents only become suspicious in terms of the meaning that a patrolman assigns to them.

It is perhaps less important to know that the police do not always find what they are looking for than to understand the process by which they reach decisions. The pragmatically derived indicators which policemen use are biased according to more general social stereotypes of American culture. Yet from a patrolman's point of view, the adequacy of a particular indicator is measured according to its usefulness. Behavior is judged in light of the goals of preventing and discovering crime, and these judgments, to the extent that they are reinforced by an officer's personal experience and the experiences of his fellow patrolmen, become part and parcel of the police lore that is handed down to each successive generation of rookies. Indicators that prove to be inadequate will eventually be modified. Yet these beliefs as a whole are remarkably consistent and ultimately self-reinforcing: the concentration on the activities of a particular subgroup may lead to biased estimates of the propensity of that group to commit crimes. The criteria that patrolmen use in deciding to stop and

interrogate someone are not random, they are based upon a coherent set of beliefs about social behaviors and their connection to criminal activity. And there is an element of truth to these beliefs: stopping a carload of Mexican-American teenagers is more likely to produce some marijuana or perhaps a weapon than stopping a white insurance salesman. But such a selective strategy inevitably exposes innocent people to the intrusion of police authority.²⁴

The selectivity of a patrolman's beliefs about what constitutes suspicious behavior must be understood in light of another characteristic of these decisions. In using a set of indicators to separate the innocuous from the deviant, a patrolman operates less on the basis of carefully derived probabilities than the inclination to be experimental and find out what is happening in a particular set of circumstances. The pressure to control crime, both in terms of prevention and detection, leads patrolmen to investigate and see if he "can come up with something." The striking characteristic of those incidents where an officer decides to stop and interrogate someone is that there is ordinarily a very low threshold for action. While the propensity to engage in aggressive patrol work varies among patrolmen, it does not, as a rule, take much to arouse an officer's suspicion. The feeling seems to be that it is better to investigate a situation rather than letting it go as one never knows what might be happening. The benefits

of this strategy are thought to be quite high, enough stops will eventually turn up something, if only a traffic warrant, and the costs can usually be minimized. Yet some of these patrolmen remind one of the little old lady standing in front of four slot machines in Las Vegas with a purse full of nickels--if she plays enough machines, enough times, she will win. The low threshold for action is partly an attempt to find a respite from the boredom of routine patrol; but it is also a consequence of the objectives and methods of police professionalism. The police are enjoined to protect the community by preventing crime. The idea that a mobile, geographically based police force could prevent crime has been implicit in the idea of the police since their formation in the early nineteenth century. Yet this objective has been construed narrowly, it has meant apprehension and deterrence. Aggressive patrol may lead to the apprehension of felons, though the overall productivity of this strategy is doubtful, but it seems to be more important to the police as a means of deterrence, of keeping order and maintaining a visible presence. Aggressive patrol is the principle instrument in the war on crime. This leads a patrolman, motivated by the desire to come up with something and justified on the basis of deterrence, to take what are selective but essentially spontaneous actions. What counts is not effect but action.

The decision to stop and interrogate is mandated by

pressures to control crime and guided by the pragmatically derived beliefs of policemen. These decisions are rarely subject to administrative controls of any kind; they are some of the least visible decisions that a patrolman will make, and unless an arrest is made the only record is a short notation in the patrolman's log. Legally, they raise serious questions about the use of probable cause: it poses in a rather clear-cut way the conflict between due process and order. Yet as I have argued probable cause in its legal sense is not really meaningful to most patrolmen, and for the reasons presented earlier the scrutiny of probable cause by field supervisors is usually less than satisfactory.

There is, however, one important constraint on probable cause used by policemen: the possibility that some criteria will be challenged in court and overturned. Most patrolmen are aware of the possibility of making "bad case law" as they put it. For example, many patrolmen refuse to arrest for a little known section of the California Vehicle Code (40302a) which allows them to take into custody anyone who is driving an automobile with proper identification.²⁵ The term 'proper identification' of course is rather vague, and really up to the judgment of the patrolman. The most clear-cut case would be when an individual has no identification whatsoever. After encountering a man who had committed a traffic violation, but had no identification, the officers simply gave him a routine

citation. When asked why they did not invoke sec. 40302a, they replied that it was used sparingly since abuse may lead to its being declared unconstitutional as the vagrancy statutes in California have been. By using such a statute only when they think it is clearly necessary the police preserve an important option. Whether or not vague criteria for probable cause will meet standards of due process in even the most serious of offenses is moot; the only point I am making is that the possibility of a court challenge does place a damper on some police actions. (Interestingly, one of the effects of the notorious Zebra murder case in San Francisco was to lead to a court challenge of the use of racial background as a justification for stopping and interrogating suspects. Mayor Alioto was obviously not in close contact with the police when he decided to make the police strategy public).²⁶

From the point of view of police administrators and patrolmen, the real dilemma that aggressive patrol poses is that it inevitably engenders resentment from the community. One officer, who was rather skeptical of the results of aggressive patrol, opined that the consequence of bringing the tactical squad (Metropolitan Division in LAPD) into the area to work a crime problem was to make a lot of arrests for traffic warrants and to increase public hostility toward the police. If the administrator risks public pressures, the patrolman risks an increased number

of personnel complaints. The risk of personnel complaints has not always been a strong one for a patrolman. Several patrolmen in LAPD said that personnel complaints were often taken as a sign of aggressiveness and therefore evaluated positively, though they indicated that this practice seemed to be changing.²⁷ The effect, though, may be less that of controlling these decisions, than aggravating the already existing tensions and dilemmas of the police bureaucracy. The administrator, to the extent that he is concerned, is caught between pressures to control his men and to support them in the pursuit of an objective he takes as deadly serious; patrolmen who bear the brunt of these pressures may back off or become more devious, but they do become increasingly frustrated.

SELECTIVE ENFORCEMENT AND THE PROCESS OF SPECIALIZATION

Crime fighting, the pursuit of hot calls, and an aggressive stop and frisk style are not equally salient to all patrolmen. The propensity to stop and interrogate and to work felony violations varies among patrolmen in all three departments. For some patrolmen crime fighting becomes the only goal, and these men exemplify, to the extreme perhaps, the skills and dilemmas that the crime fighting role require and impose. Yet these men are motivated not only by the desire to contain crime but their own ambitions--the desire to move up the ladder or into an

investigative unit. Crime-fighting is not the only way up the ladder but it is an important one.

The crime fighter confronts some additional obstacles beside those already described. One of the most important resources a policeman has is time. If a patrolman is seriously interested in doing 'real police work' he must have time. Radio calls which order the patrolman to mundane or distasteful activities such as family or neighbor disputes interfere with crime fighting and must be manipulated. Some patrolmen were observed in a calculated attempt to manipulate their time and activities in order to pursue high priority violations. This process, which is called engineering by some, typically takes the form of refusing to clear with the dispatcher, that is to inform communications that an assignment has been completed. By refusing to clear immediately after a call has been completed, a patrolman gains some uninterrupted time in which he can pursue his favorite violation. Another variation of this process is to actively look for another violation in order to get out of an assigned call. Finally, though it must be used judiciously, patrolmen may go 'Code Six' (out for investigation) at a particular location.

ILLUSTRATION NO. 25

Two avowed crime-fighters received a call about a routine family dispute. They acknowledged the call, but in order to get out of it, they stopped five different individuals looking for a 'hype'

(heroin addict) they could arrest to get out of the call. These stops included a heroin addict they had previously arrested, a man making a phone call in front of a market, and two youths driving slowly down the street.

ILLUSTRATION NO. 26

Two patrolmen stopped and checked the driver of a parked vehicle for traffic warrants after they had run the license plate on AWW5. They did this to get out of a family dispute call.

ILLUSTRATION NO. 27

Two patrolmen went code six and staked out a well-known drop-off point (a bar) for narcotics. They observed a man walking in and out of the bar as if he was looking for someone, and making a phone call from a booth in front of the bar. When he eventually left the bar, the patrolmen followed him, stopped him, and arrested him for possession of heroin after they discovered heroin in his car.

Many of the patrolmen who are preoccupied with crime fighting specialize in the enforcement of a particular set of violations. An informal pattern of specialization develops among patrolmen which is rather widespread but is most important for crime fighters.²⁸ Specialization is facilitated by the norm of individualism among policemen and by the resources and size of the department. Of the patrolmen interviewed in LAPD, 57 percent said that they specialized in one kind of a violation or another; and 42 percent said they specialized in felony violations. The most prominent specialists in either division of LAPD were those officers who worked narcotics, who devoted much of their time to apprehending heroin addicts (16 percent of

the patrolmen in Northeast division and 22 percent in Rampart said they specialized in narcotics or 'hype/burglars'). This practice is justified as a way of reducing the crime rate for burglary; narcotics addicts, according to patrolmen, resort to burglary to support their habit, and the arrest of a heroin addict means one less burglar on the street.

The apprehension of heroin addicts is a relatively straightforward and surprisingly simple process. Most of those engaged in this pursuit proceed by checking areas where addicts are known to hang out and by stopping and investigating suspects to see if they are under the influence of heroin. To make an arrest (at the time of the study) all an officer needed to do was to determine that the person had used heroin within the previous ten hours. If he had, he was "under the influence" and could be arrested for possession of heroin. However, this rule was not always strictly followed; one man was arrested for being in withdrawal, that is for having used heroin two days previous. The determination of whether or not a man is under the influence of heroin is based on several criteria. Two of the most important are the existence of fresh puncture 'marks' on the man's forearms and the size of his pupils. Very small pupils that do not react to a light shined in the person's eyes indicate that the man is presently under the influence of heroin; very large pupils

that do not react to a light indicate that the person is in withdrawal and has used heroin recently. Other criteria include the person's general appearance, if the person appears drowsy and lethargic, and if the person's speech is slurred. Most patrolmen who specialize in narcotics say that an addict can be easily spotted on the street. The tell-tail signs include long-sleeved shirts buttoned to the neck in warm weather, sun-glasses worn at dusk and after sunset (although some said that this was not as good an indicator as it used to be), and a lethargic appearance. Yet many of the stops made to investigate addicts were based on rather loose criteria: two patrolmen in fact had a tendency to stop anyone who even looked remotely suspicious.

It is the common addict that bears the brunt of the specialist's forays, but some patrolmen will assiduously develop informants and occasionally make buys in order to arrest a street dealer. Yet these patrolmen are not really interested in choking off the supply of narcotics as much as they are in curbing a narcotics related crime such as burglary. Reduction of the crime rate is not the only incentive that these officers have before them. The tendency to specialize in narcotics is linked to the opportunities for promotion in a police department. By specializing in narcotics, a patrolman can demonstrate his proficiency in arresting hypes, developing informants, and

making buys to narcotics investigators. He may even be in a position to occasionally share information with them and provide leads to narcotics activity in his area. By developing these informal relationships with narcotics investigators the patrolman enhances his chances of being promoted to an investigative position.

The link between specialization and promotional opportunities obtains in other areas besides narcotics. The pattern of informal specialization which exists among patrolmen is reinforced by the disjuncture between performance and rewards, specifically promotions. In the assessment of an officer's performance for a promotion, his actual performance on the street--the kinds of decisions he makes--will have only marginal significance. But if an officer wants to get out of patrol and is not interested in becoming a sergeant, specialization facilitates matters. For example, a patrolman who want to get into "motors," the specialized motorcycle traffic enforcement unit, may spend most of his time enforcing traffic laws in order to demonstrate his proficiency in this area. Two promotion-minded patrolmen would select obscure sections of the vehicle code for treatment during a tour of duty. They believed that this was a good way to learn the vehicle code and that it would look good on their records. Another patrolman who had aspirations of getting into the intelligence unit in LAPD made it a point to pass along information about

radicals or other 'subversive' groups to them.

While there is a tendency for patrolmen in all three departments to specialize it is most prominent in LAPD. The dearth of resources and the limitations on a patrolman's time and freedom in the small departments precludes extensive specialization. And there is less incentive to specialize in one of the small departments since there are fewer opportunities for promotion and only small specialized enforcement units. To be sure, there is a tendency to be preoccupied with some kinds of violations, but most patrolmen dutifully accept the role of generalist. In a large department like LAPD there are fewer constraints on a patrolman's freedom and there specialization is one solution to the problem of promotions.

A final aspect of crime fighting has to do with selective enforcement of the law. Selective enforcement denotes the conscious and systematic enforcement of the law in regard to a crime problem. For example, suppose that a substantial portion of traffic accidents are due to motorists running a stop light at a particular intersection. Selective enforcement would require that patrolmen 'work' that intersection for all traffic violations but primarily those believed to cause the accidents (some administrators argue that simply bringing pressure to bear on a problem makes the difference and it does not matter what laws are enforced so long as the presence of the police is made

known). Similarly, the arrest of narcotics addicts who are believed to be burglars is an instance of selective enforcement. Selective enforcement concentrates police power on a problem they believe to be especially noxious and which they feel is not amenable to another kind of solution. The problem that arises is when the police use their powers of enforcement as a tool of harassment. Consider the following example:

ILLUSTRATION NO. 28

Just prior to closing time for bars (2:00 am) two patrolmen stationed themselves out of sight, near a bar frequented by members of two motorcycle gangs. As different gang members left the bar they were stopped and given traffic citations for illegal U-turns in a commercial district, noisy mufflers, and equipment violations. The officers said later that they were intentionally harassing the 'bikers,' hoping to provoke one of them to a more serious violation or to get them to leave the area. For the past two weeks there had been a lot of assaults committed by members of the two gangs against one another, the most recent involving a gun. The police had been unable to make an arrest since no one would reveal what had happened or prefer charges. They believed that they had to handle the problem in another way, and they decided to continue issuing traffic citations to the 'bikers' until they left town or settled down.

While a strategy of selective enforcement can be based on an administrative decision or policy, most such decisions are made by patrolmen on the basis of their knowledge of a particular problem and their desire to do something about it. The patrolmen in the example were simply fed up with

the bikers and decided to do something about it. A somewhat similar situation was observed in one of the other departments. Here the officers periodically dropped by a local service station suspected of being a drop spot for stolen Volkswagens. In this instance, the patrolmen saw a car parked on the sidewalk at the station, and two Mexican-American youths working on a small motorcycle next to it. They determined that the motorcycle was not stolen and then gave one of the youths a citation for parking on the sidewalk. They said that they did this in order to let them know the police were around and watching.

Selective enforcement and the propensity to specialize in aspects of crime fighting, e.g. narcotics, are simply extensions, though more sophisticated, of the use of police power to cope with the problem of crime. While the ultimate goal is always that of apprehension, the proximate goal--and the one which animates the decisions of patrolmen--is that of prevention, of utilizing police powers in legal, quasi-legal, and illegal ways to demonstrate the presence of the police and to deter crime. The police are normally most effective and on the safest grounds legally when responding to hot calls and seeking specific suspects; the grounds of their decisions are more tenuous and more susceptible to miscalculation when they are engaged in stopping and interrogating individuals on the street. Finally, selective enforcement dictates the use of police

powers to cope with specific problems; violations not ordinarily enforced may be used to control groups suspected of crimes or causing a problem which the police are otherwise unable to solve. These decisions are not illegal (the parking citation issued to the youths at the service station was perfectly legal) as much as they sometimes involve the dubious application of enforcement powers.

CRIME FIGHTING, DISCRETION AND A
PROFESSIONAL POLICE

August Vollmer believed that the only worthwhile function that the police could serve was that of suppressing crime. He argued (vainly as it turns out) that many of the minor enforcement functions of the police should be turned over to other agencies, and all of his proposed reforms were predicated on making the police efficient enough and autonomous enough to control crime. Any attempt to understand how a patrolman uses his discretion must be based on an understanding of the centrality of the crime fighting role for the patrolman. Crime fighting and hence the use of discretion in professional police departments rests on two ideas: deterrence and initiative. The crime fighting activities of the police, as this chapter has demonstrated, are based on the hope of deterring crime through vigorous and aggressive police action. The idea of deterrence is a logical and necessary means for the police to come to terms with the dilemmas of crime fighting;

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specifically, with the belief that they are instrumental in coping with the crime rate despite the knowledge that the pattern and occurrence of crime is such that even the best of efforts may yield only a meager harvest. The idea of deterrence provides both a way of coping with crime and of validating the efforts of the police in this. Most patrolmen believe--and they have to--that their presence on the street counts for something, that they do influence the occurrence of crime. But deterrence means more than simply the presence of the police in an area; indeed, it is ultimately the threat of apprehension that the police rely upon to control crime. Increasingly, the older concept of aggressive patrol is being supplemented by strategies designed to increase the kind of information available to patrolmen about crime. Team policing, which is the most prominent example of this trend, seeks to enhance a patrolman's information about crime through closer contact with residents of an area and investigators.

Though the idea of initiative has been implicit in the concept of the modern police from the beginning, professionalism, by giving the police the responsibility for controlling crime, has put initiative at the center of the police role. All too often patrolmen are viewed in terms of their service activities, the number and kinds of calls they deal with on a day to day basis. The presumption seems to have been that since these activities are what patrolmen

have had to contend with, these define the task and the role of patrolmen. From a patrolman's point of view, his task is defined in terms of crime control and almost nothing else. Rather than the philosopher, guide and friend buffeted by the vagaries of circumstance and human passion, the handlers of trivial tasks and peace keepers, patrolmen in professional police departments think of themselves and act as aggressive and resourceful crime fighters. In this capacity, patrolmen are expected to take the initiative, to seek out crime. A patrolman is only a captive of his circumstances if he wants to be; more often than not he is in a position to create his opportunities.

The concern for crime fighting exhibited by patrolmen is partly a matter of validating their competence in the eyes of their colleagues and the public, a fact stressed over and over ever since William Westley first explored the depths of the police culture. And it is also a respite from the tediousness of the job and an outlet for the desire for action. But aggressive crime fighting is also a matter of accommodation to the pressures and incentives of the police bureaucracy. The problem that an ambitious patrolman faces is that of being noticed, of having his competence recognized in some way. The only way this can be done is through activity, especially crime-related activity. Even though this brings personal satisfaction and quite often rewards within the bureaucracy, this course of action

entails risks. An aggressive style of patrol work brings a patrolman into conflict with the instrumental goals of the organization--the need to meet the requirements of due process and the maintenance of some rapport with the community being policed. Many administrators will say that a man can be both an aggressive and effective crime fighter and a professional policeman in the sense that he can live up to the normative requirements of due process and community relations. Many patrolmen (and administrators) are rather skeptical of this and adapt their activities accordingly. The conflict between these goals can be and is the source of tension within the police bureaucracy, and it is this conflict which makes the lot of the patrolman so uncertain. Besides the attitudes of administrators, the effects of this conflict hinge on the autonomy of the department from community pressures and the autonomy of the patrolman within the department. As the autonomy in either case increases, the effect of the conflict between the substantive goals of police work and the instrumental goals is mitigated. And this autonomy, I believe, is more likely in a large department such as LAPD than a small department; it is in LAPD where one finds highly aggressive but relatively autonomous patrolmen working. In many ways professionalism has improved the effectiveness of the police, but has not resulted in increased control over police action.

NOTES TO CHAPTER FOUR

1. Alexander George, "The 'Operational Code': A Neglected Approach to the Study of Political Leaders and Decision-Making," (Santa Monica: The Rand Corporation, Sept. 1967) pg. v.
2. A typology of operational styles based on the dimensions of aggressiveness and selectivity will be presented in chapter six. The conceptual analysis, especially the relationship between the police bureaucracy and the operational style, will be extended and analyzed on the basis of the survey data.
3. See David M. Petersen, "Police Disposition of the Petty Offender," Sociology and Social Research (April, 1972): 320-330. Petersen concluded that many arrests for drunkenness were made on the basis of rather flimsy and arbitrary criteria; this type of arrest is discussed in greater detail in chapter six.
4. See S. James Press, Some Effects of an Increase in Police Manpower in the 20th Precinct of New York City, supra, chap. three, n. 22. and chap. two, n. 73.
5. The recent move toward team policing in many professional police departments reflects dissatisfaction and a questioning of reliance solely upon a strategy of aggressive patrol. Responding to the announcement that the Kansas City police department had conducted an experiment which showed that aggressive patrol did not deter crime, Dan Cooke of the LAPD said, "We've learned that a policeman just being around--a nameless, faceless head in a cruising black-and-white--just isn't enough...Policemen have to get off their butts and out of their cars, get to know the neighborhood, its problems and the people who live there if they're going to be effective." See Bill Hazlett, "Report Holds No Surprises for L.A. Police," Los Angeles Times, Sept. 30, 1974, pg. 14. Team policing is an attempt to make a more concentrated effort to cope with specific crime problems on a neighborhood basis. It requires that patrolmen be able to perform a range of investigative tasks as well as traditional tasks; and that they meet on a periodic basis with residents through block meetings or what have you. However, it is my impression that team policing is not viewed so much as an alternative to aggressive patrol as a supplement. LAPD went

to team policing on a department wide basis in February of 1975. See Erwin Baker, "Venice Crime Test Expanded Citywide," Los Angeles Times, Part II, pg. 1, February 13, 1975.

6. Jesse Rubin, "Police Identity and the Police Role," in Robert F. Steadman (ed.) The Police and the Community (Baltimore: The Johns Hopkins University Press, 1972), pp. 23-28. Rubin points out that one of the difficulties patrolmen have with these situations is that they are rarely resolved in any satisfactory way. See also James Q. Wilson, Varieties of Police Behavior, chap. two, passim.
7. I did ask a question in the survey which contradicts these results. The question was, "The most important function of the police is to provide services and keep the peace?" Seventy-three percent of those responding agreed with this statement, and there were no important differences among the three departments. I had thought that I was going to get some indication of how patrolmen viewed service activities versus crime fighting with this question, but on reflection I am not sure that the question can easily be interpreted. The difficulty lies with the meaning of 'service activities.' This is ambiguous and I'm not sure how patrolmen interpreted it. Many patrolmen consider their crime fighting activities to be one of the most important services they render the community, and to that extent they would agree with the statement. Moreover, I am not sure what it means when a respondent disagrees with the statement, though I had thought it would reflect a strict crime-fighting stance. Thus I am inclined to believe that the rankings are a more reliable measure of what patrolmen in these departments think they should be doing.
8. A question on shooting was asked in the course of the survey. The question was, "Under what circumstances do you think you would draw and fire your gun?" Sixty-one percent said only in defense of their life; 21 percent said they would shoot if the suspect had committed a serious crime and was armed and a danger to other people; and 18 percent would shoot at a fleeing felon who had committed a serious crime such as armed robbery, murder, or rape. Patrolmen in LAPD and Redondo Beach were more likely to say they would shoot at an armed and dangerous felon and at a fleeing felon. The responses to this question were not related in any systematic way to any of the attitudinal measures. The question is rather broad and I don't think that it really provides much information about what patrolmen

think about the problem of using lethal force. This issue is really a separate study by itself. For an imaginative approach to the question of shooting policies see Gerald F. Uelman, Varieties of Police Policy: A Study of Police Policy Regarding the Use of Deadly Force in Los Angeles County (Beverly Hills: Institute on Law and Urban Studies, 1973). Uelman found important differences in the policies of Chiefs of Police in Los Angeles County.

9. One possible approach to testing this hypothesis would be to compare the percentage of cases of suspects who are arrested then released without being charged by race. So far as I know there are no studies which have taken a close look at this question or even the broader issue of discretion in the detaining and then release of suspects. For a good article which discusses this issue in terms of its legal ramifications see Edward L. Barrett, "Police Practices and the Law--From Arrest to Release or Charge," California Law Review 50 (March, 1962): 11-55.
10. O.W. Wilson, Parker on Police, pg. 161.
11. At a large party involving perhaps 150 to 200 people in Northeast division the field sergeants did take command and decide what response to make. This, however, was the only instance that I observed a field supervisor pulling rank and taking charge.
12. See Skolnick, Justice Without Trial, passim. A number of patrolmen and one sergeant expressed this belief on a number of occasions. One field sergeant was particularly vehement about this matter. The patrol car I was riding in acted as a back-up in a pursuit, and after the suspects had been stopped and things had quieted down I was talking with the sergeant about probable cause. He was complaining that it was especially difficult for an officer to justify these kinds of decisions, indeed he said that it was like the officer rather than the suspect was on trial. He went on to say: "look you take a high school graduate, give him a twelve week crash course in the law, a badge, a gun, and a uniform and put him on the street and tell him to crush crime. He says great. Then he is expected to go out and make decisions in a split second that a judge and jury has a month to deliberate on. The officer is put on trial in the court room, he is made to justify himself to an unreasonable extent. There's too much concern with civil rights, the stuff about always being innocent until proven guilty--ninety percent of the time the man is guilty; we don't make

that many mistakes."

13. O.W. Wilson (ed.) Parker on Police, pp. 101-102.
14. These issues are discussed at length in Lawrence P. Tiffany, Donald M. McIntyre, Jr., and Daniel L. Rottenberg, Detection of Crime: Stopping and Questioning, Search and Seizure, Encouragement and Entrapment (Boston: Little, Brown and Co., 1967) chap. 1; see also Carl Werthman and Irving Piliavin, "Gang Members and the Police," in David Bordua (ed.) The Police: Six Sociological Essays, pp. 56-98 for a description of the hostile relationships between the police and Black youth and the role of aggressive patrol in aggravating these tensions.
15. Lawrence P. Tiffany, et al. Detection of Crime, pg. 6 and pg. 41.
16. O.W. Wilson (ed.) Parker on Police, pp. 28-29; 110-111, 162. The issue that Parker was concerned with, however, was that of broadening the limits on police powers in the face of what he believed were excessive and unnecessary judicial constraints. Accordingly, he would interpret the justifiable criteria for probable cause rather broadly.
17. Lawrence P. Tiffany, et al. Detection of Crime, pp. 30-31, and f.n. 16 therein discusses some of the legal problems with the use of the vehicle code as a source of probable cause.
18. Carl Werthman and Irving Piliavin, "Gang Members and the Police," pg. 75.
19. See the list of suspicious circumstances presented in Jerome Skolnick, Justice Without Trial, pg. 46.
20. Irving Piliavin and Scott Briar, "Police Encounters with Juveniles," American Journal of Sociology 70 (September, 1964), pg. 212.
21. William J. Chambliss (ed.) Crime and the Legal Process (New York: McGraw-Hill Co., 1969), pg. 101.
22. This matter is of course the nub of a long standing dispute between the police and members of minority communities. See Carl Werthman and Irving Piliavin, "Gang Members and the Police" and Armando Morales, Ando Sangrando (I Am Bleeding) for discussions of the point of view of Blacks and Mexican-Americans. For an excellent discussion of the kinds of difficulties the

- police face in this regard see John H. MacNamara, "Uncertainties in Police Work: The Relevance of Police Recruits' Backgrounds and Training," in David Bordua (ed.) The Police, pp. 167-178.
23. Lawrence P. Tiffany, et al., Detection of Crime, pp. 36-37.
 24. Egon Bittner, The Functions of the Police in Modern Society, pg. 10, esp. f.n. #13; Jerome Skolnick, Justice Without Trial, pp. 218-219; and Armando Morales, Ando Sangrando (I Am Bleeding).
 25. Section 40302a of the California Vehicle Code allows an officer to make an arrest of a person who has violated any section of the Vehicle Code "when the person arrested fails to present his driver's license or other satisfactory evidence of his identity for examination." The intent of the law is to allow policemen to arrest people who do not have proper identification and who might give a false name for a traffic citation.
 26. In the middle of April, 1974, after the 18th victim had been shot by the 'Zebra' killer(s), Alioto announced that "the police investigating the Zebra killings will stop and question any blacks fitting the descriptions of the suspects in the wave of apparently racially motivated slaying," Daryl Lembke, "S.F. Police to Stop Any Blacks Fitting 'Zebra' Description," Los Angeles Times, April 18, 1974. This resulted in an immediate outburst of protest by the Black community of San Francisco and the filing of a suit by the A.C.L.U. On April 25, 1974 Judge Alfonso Zirpoli issues a preliminary injunction prohibiting the police from stopping Blacks who resembled the Zebra killers, ruling that the procedure violated the 4th and 14th Amendments of the constitution, Daryl Lembke, "U.S. Judge Orders S.F. to Halt Zebra Stop-and-Search Tactic," Los Angeles Times, April 25, 1974. The killers were finally apprehended on the basis of a tip from an informer. The fact that Mayor Alioto was running for the Democratic nomination for Governor in the Spring of 1974 had a lot to do with his decision to make the strategy public.
 27. Cf. Linda Wallen, Internal Control in Public Bureaucracies: The Case of LAPD, whose study corroborates this impression.
 28. David Petersen also observed a pattern of specialization among patrolmen, see "Police Disposition of the Petty Offender."

CHAPTER FIVE

WORKING THE STREET: MINOR VIOLATIONS, DISTURBANCES AND NON-ENFORCEMENT OF THE LAW

The enforcement of misdemeanor laws presents difficulties for the police that laws pertaining to more serious crimes do not. A misdemeanor is, by definition, a less serious violation than a felony. They entail a lesser penalty (in California the maximum sentence is usually no more than six months in the county jail and a fine; a person can only be sent to a state penitentiary for a felony); and they cover a range of rather trivial offenses, parking violations for example. Yet the irony is that many misdemeanors cover rather serious offenses. Drunk driving which is a commonplace offense is the cause of an undue amount of traffic fatalities; another example of a potentially serious offense is carrying a concealed weapon. The problem for the police is that these violations, many of which are potentially serious, are not taken very seriously by the public. This is partly the result of the fact that much of the disagreement over the propriety of particular laws centers on these violations. Many of these laws have putative social objectives such as the legislation of morality. Changing values which tolerate if not legitimize these forms of conduct breeds conflict over enforcement; the

hypocrisy attending both the enforcement and casual violation of these laws leads to a more general disrespect for the law as an institution. For different reasons, other misdemeanor violations also fail the test of seriousness: traffic offenses are merely a hazard of driving, most people (at least in Los Angeles County) drive as if they know that the chances of being ticketed are slight; petty theft offends more basic values but it is directed at large chain stores which, it is rationalized, can afford it; drunkenness most people agree is a social and not a legal problem, even though political leaders seem unwilling or unable to develop alternative methods of coping with it. And even if most people caught speeding or driving 'under the influence' accept the right of the officer to make an arrest with some equanimity, it is still not an occasion for grave soul searching. The public, then, is apt to believe that either some behaviors should not be against the law (and even if the law cannot be changed they are likely to persevere in the notion that the police should not take them so seriously) or they regard these violations as the result of error, and carelessness rather than malicious intention, and thus they should be taken less seriously than other violations. The problem of law and order has never been a problem of the violation of misdemeanor laws.

For the police the lack of seriousness attending to

these laws obviates the utility of deterrence as a way of coping with the social problems that these laws are based on. Traffic enforcement is often justified on the basis of the utilitarian goal of reducing traffic accidents, but the most significant reduction in traffic accidents in the last ten years came about as the result of the so-called 'energy crisis' of 1973-74. The enforcement of misdemeanor laws brings the police into contact with a different type of person, not the so-called "hardened criminal" but the solid middle-class person who has a sense of his own status and power within the political system, and more likely than not will ask, "why aren't you out chasing crooks rather than stopping me for a petty traffic violation." August Vollmer was well aware of the pitfalls attending to the strict enforcement of minor violations against the middle class. In his book, The Police and Modern Society, he argued persuasively but unsuccessfully that traffic violations and vice were better handled by methods other than police action.¹ This was partly based on Vollmer's belief that police action would never be successful in these areas but it was also rooted in the belief that these activities would take time away from crime fighting, and rather than gratitude the police would face public hostility. Most policemen are well aware of this aspect of police work, indeed the hostility toward the public that William Westley noted so long ago stems from the rancor that attends enforcement

of these laws. Many people caught with their hand in the cookie jar become indigent about it; denial is one way of coping, argument is another--used when the cost of a traffic ticket is prohibitive--but most just smolder. And the police do not always help matters: indignity becomes humiliation when a zealous policeman exacerbates the matter by condescending to point out, in graphic detail, the errors of one's way. The feeling is that of being treated as if one were not responsible, as if one cannot and should not be trusted; one is made to feel child-like. For some people this approach may result in serious consideration of the sins that have been committed; but for most it simply evokes hostility, expressed or otherwise.² Most patrolmen become resigned to this aspect of the job; coping takes the form of increased estrangement from the public and the seeking of refuge in the doctrines of professionalism.

The misdemeanor laws present another difficulty for the policeman. They are paradoxical in that he is given, at the same time, both more and less discretion than he has with a felony. Misdemeanors are subject to the 'in presence' requirement in the State of California (and elsewhere), and in order for an officer to legally arrest the violation must be committed in the officer's presence.³ However, the police are afforded a way out of this limitation through a citizen's arrest. In a citizen's arrest the burden of arrest and the consequences are placed on the

victim; the police merely act as the instrument of enforcement. The citizen's arrest is applicable to any violation, but by convention its use is restricted to a few select crimes, notably those arising out of disturbances, assaults for example, and petty theft. Yet the citizen's arrest procedure is double-edged; if it can be used to enforce the law where the policeman, because of the in-presence requirement is unable to take any action, it can also be used to shift responsibility and therefore the burden of action to the citizen. It is not uncommon for patrolmen to use the citizen's arrest procedure as a way of shifting the decision from them to the victim. This is especially true in disputes.

If the officer's opportunity to make an arrest is more restricted with a misdemeanor, his ability to refuse to enforce the law is greatly enhanced. With misdemeanors, more so than felonies, policemen have the right, though it is not acknowledged by the courts, of handling a problem without making an arrest. They are granted the right to warn a violator, to take an informal action rather than invoking the authority of the law; and they have the opportunity, as it suits them, to ignore violations of the law. Much of the power that a patrolman possesses derives from his ability not to enforce the law if he so chooses. It is rather well known that the police underenforce the law; limited resources and the fact that patrolmen must

choose among conflicting priorities necessitate this. What is less well known is why some laws are not enforced rather than others, and on what grounds a patrolman decides either to ignore a violation or to treat it informally, that is without making an arrest or issuing a citation.

The question which attends this analysis is under what conditions and for what reasons is non-enforcement judged by a patrolman to be an acceptable solution to a problem. The issues raised for a theory of police discretion pertain to the relationship between professionalism and non-enforcement of the law and of democratic controls over discretion. Professionalism has narrowed the grounds on which non-enforcement may be justified by a patrolman, but it has not eliminated criteria such as the attitude test. Given the public's attitude toward these violations, a strategy of leniency may be more favorably evaluated than a strategy of strict enforcement. Finally, non-enforcement in order-maintenance situations may lead to denying victims the protection of legality. The purpose of this chapter is to describe how patrolmen go about deciding to ignore or handle situations without enforcing the law. I will take up, in turn, the decision to ignore a violation and the decision not to arrest or cite. The problem of assaults and family disputes will be considered separately because of the unique difficulties which attend to these.

THE DECISION TO IGNORE A VIOLATION

The willful ignoring of violations of the law characteristically takes one of two forms: it is either systemic and thus tacitly accepted by the department or it is the result of a decision made wholly by patrolmen. Systemic corruption in a police department results in the widespread non-enforcement of some laws (no law will ever go completely unenforced; even a very corrupt department is required to enforce the law once in a while for the sake of appearance and to convince 'holdouts' that they ought to pay up). This sort of non-enforcement ordinarily pertains to vice laws, such as gambling, and traffic violations. Corruption is perhaps less widespread than twenty years ago though many departments are still corrupt and violations which policemen previously would not think of ignoring for a bribe are now not enforced, e.g. narcotics.⁴ The advent of professionalism has meant that the systematic non-enforcement of a law is less widespread than previously, though non-enforcement is still sanctioned for some violations. Spitting on the sidewalk, commonly outlawed in municipal codes, is systematically ignored by most policemen. Yet with these trivial exceptions the presumption in a professional police department is that the law will be enforced. The values of impersonality and equality demand that a person's behavior be judged only

in light of the standards of the law and nothing else. In a professional police department decisions to ignore violations are at the discretion of patrolmen. Despite their freedom to ignore violations, most patrolmen believe that a violation should not be ignored for a casual reason.

Patrolman in the three Southern California police departments in this study were asked, "if a crime is not very serious and if it is inconvenient or too difficult to enforce the law, it's okay for a patrolman to get it go." Sixty-five percent of the patrolmen disagreed with the statement and 23 percent agreed (12 percent said they had no opinion). Patrolmen in Redondo Beach and Northeast division were slightly more inclined to agree with the statement (the difference is between 8 and 10 percent).

Yet the reality, even in a presumptively professional department, departs in significant ways from the ideal. Despite the belief that violations should not be ignored, patrolmen in these three departments do ignore violations in on-view situations. There are four reasons for ignoring a violation: personal reasons; the costs of enforcement; the behavior is not considered serious enough to warrant enforcement; and enforcement conflicts with an officer's sense of priorities and is not pursued in lieu of other, more interesting, crimes.

Many patrolmen ignore violation for personal, albeit work related, reasons. Tunnel vision, as it is euphemisti-

cally called, afflicts patrolmen prior to the end of watch; violations which could result in overtime are simply ignored.

ILLUSTRATION NO. 1

After refueling the patrol car and driving toward the station house at the end of watch, two patrolmen stopped at a stop light adjacent to a pick-up truck which had just passed them at an excessive rate of speed. As they drove up, the officer driving remarked to his partner that he was going to roll down the window and warn, but not ticket, the driver of the truck for speeding. As the patrolman turned to look at the man in the truck, the driver turned and flashed an inebriated grim at the two patrolmen; the officer immediately wheeled the car around the corner, drove straight to the station and parked. As we sped away from the obviously drunk driver in the truck, he laughingly said, "did you see that beautiful blond cross the street back there?"

ILLUSTRATION NO. 2

Late at night, driving on a freeway, two patrolmen pulled behind a man who was speeding, weaving somewhat, and following the car ahead of him too closely. Both officers said that the man was drunk, though not excessively so. One of them said to the other, "Do you want him?", and the reply was, "No, do you?" The rejoinder was negative, and they continued down the freeway as the man turned off.

In both of these incidents, the officers explained that it was too close to quitting time to stop and perhaps arrest the drivers. A drunk driving arrest takes from one to two hours, time they were not willing to put in after eight hours on the street. The two officers in the second incident rationalized that the man was not really drunk enough for them to be concerned. Decisions to ignore

violations were observed close to quitting time in several other instances, and in this regard policemen are not much different than their counterparts behind a desk or on an assembly line. (One officer observed consistently took calls right up to quitting time, and he had the reputation of wanting and getting a lot of overtime; but as a result few other patrolmen relished working with him).

The difficulties of enforcement and an assessment of the consequences of a decision to enforce the law also influence the decision to ignore a violation. Patrolmen often resort to a crude, but logical, assessment of the costs and benefits of the decision to stop and enforce a law. A traffic violation which necessitates that the patrolmen make a U-turn in heavy traffic, thereby disrupting the flow of traffic may be passed up because it is not worth disrupting the flow of traffic. The pertinence of this logic, however, depends greatly on the seriousness of the violation. It is most applicable to minor traffic violations and drunks, situations that can be conveniently overlooked. A more serious violation will not be ignored because of the difficulties of enforcement or the consequences of enforcement. The most clear-cut example of this is pursuits, which usually begin with a minor traffic violation. As often as not the suspect is guilty of nothing more than the initial traffic violation or a traffic warrant at worst, but patrolmen believe that these people

have to be pursued regardless of the costs. Patrolmen argue that there is no way of knowing what the person has done until he is stopped, and that knowledge that the police will not pursue a fleeing person could hamper their ability to deter crime. While it's not mentioned often, the fact that people who flee the police are challenging their authority also has some bearing. The costs of pursuits are quite high, more than one serious traffic accident caused by a pursuit has resulted in a needless death.

A further consequence that has to be considered by a patrolman is the effect of his decision to take himself out of the field to enforce a minor violation. This reduces, presumably, the deterrent effect of the police and shifts a greater share of the burden to other patrolmen for answering calls and, more importantly, acting as back-ups. This criterion is much more important in Redondo Beach than the other departments because they have only one-man cars. As one patrolman in Redondo Beach explained, "you have to decide if you make an arrest and take an hour to book, does it leave other officers without a back-up?" Despite these feelings and at least a tacit acknowledgement of this problem, this criterion did not seem to weigh very heavily in the decisions of most of the patrolmen observed in this study.

Another criterion that was often mentioned was that of judging the worth of an arrest in purely financial terms.

One officer rather laboriously pointed out that bail for drunk in public was only 65 dollars (the actual fine is much less) while the cost to the city for booking was much higher. He concluded that the city loses money when drunks are arrested and that a patrolman, therefore, ought to be careful when making arrests of this nature. Again this did not seem to be a criterion that was taken seriously by many patrolmen; if anything such considerations were irrelevant: the most striking quality of drunk arrests is the arbitrariness of the decision, the casual attitude which sends one man to jail and another home. Thus patrolmen will ignore violations if what they consider to be adverse consequences result from the decision, but these criteria are applicable, in the main, only to minor violations. The logic of weighing action against consequence pales before the opportunity to make a good pinch.

A more important reason for ignoring a violation has to do with the seriousness of the behavior rather than the violation per se. There exist for some violations a threshold of tolerance, below which actions are not considered serious enough to warrant enforcement.

ILLUSTRATION NO. 3

A patrolman using radar to enforce speeding laws set the radar at 45 miles per hour in a 25 mile an hour speed zone. The street was in a residential neighborhood, but it was a major thoroughfare and wide enough to handle faster speeds. Only those people going faster than 45 miles per hour

were stopped. One driver was issued a ticket for going 49 miles per hour.

Circumstances, as the above incident suggests, have a lot to do with whether a violation is judged serious enough to be enforced. The patrolmen in the 3rd incident said that 45 miles per hour was a reasonable norm for that street even though it was higher than the posted speed limit. In part, he was simply adapting himself to the reality that most people drove rather fast on that stretch of road; but he was also establishing a norm for what he believed to be a safe speed. More hazardous circumstances might require the setting of a norm which is lower than the prevailing speed limit. For example, a speed of twenty miles per hour during a heavy rainfall could be considered unsafe on some streets and thus necessitate a citation for anyone driving faster (while the officer in the 3rd incident insisted that he would issue such a citation I think it unlikely that too many policemen would). Policemen will also pay particular attention to the streets adjacent to secondary and elementary schools.

The idea of evaluating the seriousness of the behavior rather than the violation derives from an interpretation of what the law was meant to do. The criterion for the speeding law is simply the officer's interpretation of what constitutes safe driving in a given set of circumstances. This rationale applies to other violations, especially

drunkenness, but with somewhat less force. The standard criterion which patrolmen say they use in deciding whether or not to arrest a drunk is that he be able to care for himself. This criterion is justified on the basis of preventing the drunk from being mugged or some other equally horrible fate befalling him, but it may and often does cover other, perhaps less acceptable reasons for arresting or not. However, regardless of the threshold of behavior used by a patrolman or even the variance among patrolmen (which is extensive), the point is that one way patrolmen decide whether or not to ignore a violation is by evaluating the seriousness of the individual's behavior within the context of immediate circumstances.

Determining the seriousness of an individual's behavior in light of the presumed intent of the law is one way patrolmen go about setting priorities and deciding whether or not to ignore a violation. Another way is through a ranking of the violations themselves. Patrolmen as I have indicated previously do set general priorities for themselves. This may take the form of an emphasis on felony violations as opposed to misdemeanors or the ignoring of certain classes of violations. Traffic enforcement provides the most familiar example of the latter. Some patrolmen regard traffic violations as unimportant and assiduously avoided enforcing them (the variance in the number of traffic citations per officer in Redondo Beach ranged

from a low of 15 to a high of 300 for one year). However, there are some risks to this for the patrolmen. It is not possible for a patrolman, even if he is not ambitious, to systematically ignore a class of violations; sooner or later he will be held accountable by the sergeant. Police administrators take a curiously ambivalent view of the issue of priorities. Traffic enforcement is not the primary responsibility of patrolmen, even in a department like Redondo Beach which has no specialized traffic enforcement unit, but the need to determine priorities competes with the need to be watchful for goldbricking. Most field supervisors feel that no patrolman can patrol the streets for eight hours without seeing at least one or two traffic violations; and these are not to be ignored. Yet if a patrolman was making a substantial number of felony arrests, a low rate of traffic citations would be ignored by most field supervisors.

The fact that an officer establishes a set of priorities does not mean that other violations are always ignored; rather patrolmen simply take a passive attitude toward some kinds of violations, and they are not actively sought out. Patrolmen in all three of these departments are biased toward action; the tendency is to at least stop someone if they have violated the law. The presumption is that even if the law is not enforced by issuing a citation, there is always the possibility of uncovering

a crime. The decision to ignore a violation is spontaneous, even arbitrary, rather than deliberate and reasonable. Even where the officer thought about it, the decisions were often rash, made unhesitantly but without reflection; the reasons given for these decisions almost always appeared to be rationalizations after the fact, despite their apparent relevance. Thus the decision to ignore a violation tends to be idiosyncratic, guided not by policy or even painful reflection about priorities, but by personal inclination and the ubiquitous and salient fact of mood.

NON-ENFORCEMENT OF THE LAW:
PATTERNS OF DISCRETION

Ignoring a violation removes a patrolman from the process of enforcement altogether; the decision not to take a formal action is made within the context of a confrontation between the policeman and suspect, and it requires that the policeman do something to resolve the problem at hand. In a strict sense, labeling the decision not to arrest as non-enforcement is something of a misnomer, for it does not at all reflect a patrolman's view of this action. An informal action such as a warning to a traffic violator does not mean letting a violation go by; on the contrary, it is nothing more or less than an alternative means of coping with deviant behavior. A patrolman regards a warning as enforcing the law, and the only argument among policemen is whether or not it is effective. Neither is

the choice between an informal and a formal action mutually exclusive: a warning may be employed as a first step to controlling a situation and solving the problem; but in the event that this strategy is unsuccessful, or at least if the officer believes it is, he may resort to an arrest (a citation I should point out is technically an arrest). Once an officer decides to stop someone on the street or whenever he answers a call for service, he is bound to play out the dynamics of the interaction between himself and the citizen; simply walking away is not a viable course of action (an officer can do nothing but he must come up with a way out of the situation, something which is easiest in an order-maintenance situation and most difficult where a straightforward violation has occurred).

If the majority of patrolmen believe that an officer should not ignore a violation for a casual reason, they do not believe that the law must be enforced by an arrest or citation in all cases. Item B in Table V-1 shows that a majority of patrolmen in the three departments disagreed with the proposition that an arrest is always the best course of action when the law has been broken. Disagreement with this proposition was somewhat stronger in Redondo Beach and Inglewood than the two divisions of LAPD. In Redondo Beach 81 percent disagreed compared to 54 percent in Rampart Division and 61 percent in Northeast. Inglewood falls in-between with 65 percent disagreeing. Nor do these

Table V-1
PATROLMAN ATTITUDES TOWARD ENFORCEMENT OF THE LAW

| A | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|------------------|-----------|-----------|
| AGREE | 21% (13) | 18% (9) | 29% (10) | 27% (14) | 23% (46) |
| DISAGREE | 65% (40) | 73% (37) | 59% (20) | 61% (31) | 65% (128) |
| NO OPINION | 14% (9) | 9% (5) | 12% (4) | 12% (6) | 12% (24) |
| N = | 62 | 51 | 34 | 51 | 198 |

If the crime is not very serious and if it is inconvenient or too difficult to enforce the law, it's okay for a patrolman to let it go.

| B | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|------------------|-----------|-----------|
| AGREE | 32% (20) | 40% (20) | 15% (5) | 35% (18) | 32% (63) |
| DISAGREE | 65% (40) | 54% (27) | 81% (27) | 61% (31) | 64% (125) |
| NO OPINION | 3% (2) | 6% (3) | 4% (1) | 4% (2) | 4% (8) |
| N = | 62 | 50 | 33 | 51 | 196 |

A person who has broken the law should be arrested or cited since there are very few reasons for not enforcing the law.

| C | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|------------------|-----------|-----------|
| AGREE | 34% (21) | 47% (24) | 35% (12) | 51% (26) | 42% (83) |
| DISAGREE | 61% (38) | 53% (27) | 62% (21) | 45% (23) | 55% (109) |
| NO OPINION | 5% (3) | -- | 3% (1) | 4% (2) | 3% (6) |
| N = | 62 | 51 | 34 | 51 | 198 |

Everybody's behavior should be judged only according to the law; one should not take their background, appearance, culture or age into account when making a decision.

| D | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|------------------|-----------|-----------|
| AGREE | 37% (23) | 39% (20) | 38% (13) | 18% (9) | 33% (65) |
| DISAGREE | 56% (35) | 61% (31) | 56% (19) | 80% (41) | 64% (126) |
| NO OPINION | 7% (4) | -- | 6% (2) | 2% (1) | 3% (7) |
| N = | 62 | 51 | 34 | 51 | 198 |

There are some groups of people (hippies, Blacks, Mexican-American, Oakies etc.) for whom some types of conduct (for example, assaults, family arguments, carrying knives) are normal even though they may involve crimes, and it is just as well to handle these violations by talking to the people involved, disarming them etc., rather than making an arrest.

patrolmen believe, on the whole, that an individual's behavior should be judged strictly according to the law. Fifty-five percent disagreed with the proposition, "everybody's behavior should be judged only according to the law; one should not take their background, appearance, culture or age into account when making a decision" (item C). Again the disagreement is stronger in the two small departments than LAPD. Thus if the patrolmen in these three professional departments believe that they should take action, the majority do not adopt a strict legalistic standard in enforcing the law; they will temper enforcement with a consideration of factors other than the law.

The tendency to adopt informal alternatives, to adopt a lenient strategy is most pronounced in the two small departments. These differences in attitudes do reflect differences in actions. Arrest rates for selected misdemeanors for adults and juveniles are presented in Tables V-2 and V-3. The arrest rate per 10,000 population for drunk and drunk driving is higher on the average in both divisions of LAPD than either of the small departments. In 1972 the rate for drunk driving in Redondo Beach was 67 compared to 93 in Northeast Division; Rampart was high with 141, which was almost three times as high as Inglewood with a rate of 48. These differences did not change appreciably in 1973. Moreover, the arrest rate for drunk driving in Inglewood overstates the actual number of arrests made by

Table V-2

ADULT ARRESTS PER 10,000 POPULATION, 1972-73, SELECTED MISDEMEANORS

| OFFENSE | INGLEWOOD | | RAMPART | | REDONDO BEACH | | NORTHEAST | |
|------------------------------------|-----------|-------|---------|-------|---------------|-------|-----------|--------|
| | 1972 | 1973 | 1972 | 1973 | 1972 | 1973 | 1972 | 1973 |
| DRUNK | 47.55 | 54.11 | 357.3 | 326.5 | 50.71 | 50.53 | 73.85 | 59.54 |
| DISORDERLY CONDUCT ^{a/} | 5.00 | 1.11 | 7.44 | 6.96 | 1.07 | 2.85 | 2.22 | 3.46 |
| DISTURBING THE PEACE ^{b/} | 2.11 | 1.33 | 3.90 | 3.63 | 8.04 | 8.21 | 2.61 | 1.35 |
| DRUNK DRIVING | 48.22 | 59.33 | 141.2 | 140.0 | 67.14 | 62.32 | 92.54 | 110.39 |
| TRAFFIC WARRANT | 167.9 | | 197.0 | 173.2 | 76.96 | | 120.9 | 111.5 |
| MISD. ASSAULTS | 7.55 | 9.77 | 13.43 | 10.19 | 10.89 | 10.71 | 9.73 | 7.06 |

^{a/} Includes violations of Section 647 (c)(d)(e) of the California Penal Code. These refer to begging, loitering about public toilets, and loitering about the streets without reason and failure to reasonably account for one's presence.

^{b/} These are violations of section 415 of the California Penal Code. The section reads: 'Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood or person, by loud or unusual noise, or by tumultuous or offensive conduct, or threatening, taunting, quarreling, challenging to fight, or fighting, or who, on the public streets of any unincorporated town, run any horse race, either for wage or amusement, or fire any gun or pistol in such unincorporated town, or use any vulgar, profane, or indecent language within the presence or hearing of women or children, in a loud and boisterous manner, is guilty of a misdemeanor...' Most of these arrests are citizen arrests.

Table V-3

JUVENILE ARRESTS PER 100,000 POPULATION, 1972-73, SELECTED MISDEMEANORS

| OFFENSE | INGLEWOOD | | RAMPART | | REDONDO BEACH | | NORTHEAST | |
|------------------------------------|-------------|-------------|-------------|-------------|---------------|-------------|-------------|-------------|
| | <u>1972</u> | <u>1973</u> | <u>1972</u> | <u>1973</u> | <u>1972</u> | <u>1973</u> | <u>1972</u> | <u>1973</u> |
| DRUNK IN PUBLIC | 45.50 | | 36.50 | | 93.00 | | 57.10 | |
| LIQUOR LAWS | 2.20 | | 16.10 | | 12.50 | | 26.60 | |
| DISORDERLY CONDUCT | -- | | 7.30 | | 12.50 | | 20.80 | |
| DISTURBING THE PEACE | 11.10 | | 7.30 | | 64.30 | | 10.40 | |
| DRUNK DRIVING | 2.20 | | 9.40 | | 12.50 | | 13.60 | |
| TRAFFIC OFFENSES | 2.20 | | 10.90 | | 37.50 | | 11.00 | |
| MISD. ASSAULTS | 14.40 | | 16.10 | | 37.50 | | 26.60 | |
| WELFARE & INST.(601) ^{a/} | 538.8 | | 167.2 | | 373.2 | | 187.7 | |
| VANDALISM ^{b/} | 36.60 | | | | 94.40 | | | |

^{a/} These include runaways, incorrigible children and the like; these offenses are listed under sections 601 and 602 of the California Welfare and Institutions Code.

^{b/} Vandalism is covered by section 594 of the California Penal Code. Figures for Rampart and Northeast Division of LAPD are unavailable.

that department. Of the 436 arrests for drunk driving reported by the Inglewood police department in 1972, 207 were made by the California Highway Patrol and only 229 were made by officers of Inglewood Police Department. Thus the actual rate is 25 per 10,000 population.

But is it not possible that the higher rates in LAPD reflect the vigorousness of traffic enforcement units and in Rampart the existence of a large number of bars within the division boundaries? The rates are possibly inflated for LAPD because of this, but I don't think that this explains the otherwise extreme differences. These differences in arrest rates are complemented by differences in responses to one of the situational questions in the survey. In this question officers were presented with a drunk driver who had been stopped about six blocks from his home (see Appendix II for complete wording). The man had been drinking, but he rationalized it in terms of personal problems. Patrolmen were asked what they would do in this situation. As Table V-4A shows, patrolmen in the two divisions of LAPD were twice as likely to say that they would arrest: sixty-nine percent of these patrolmen said that they would make an arrest compared to 22 percent in Inglewood and 35 percent in Redondo Beach. The contrast between these departments for arrests for plain drunk is not as striking though it is apparent. The reason for the extraordinary high number of drunk arrests in Rampart

Table V-4A
DRUNK DRIVER ARREST

| | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|-----------|-----------|----------|------------------|-----------|----------|
| ARREST | 22% (13) | 67% (34) | 35% (12) | 73% (37) | 49% (96) |
| NO ARREST | 78% (46) | 33% (17) | 65% (22) | 27% (14) | 51% (99) |

Table V-4B
REASONS FOR REFUSING DRUNK DRIVER ARREST^{a/}

| REASON | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------------|-----------|---------|------------------|-----------|----------|
| BORDER-LINE | 52% (24) | 41% (7) | 27% (6) | 29% (4) | 41% (41) |
| NOT SERIOUS | 15% (7) | 6% (1) | 23% (5) | 14% (2) | 15% (5) |
| EMPATHY | 15% (7) | 24% (4) | 32% (7) | 21% (3) | 19% (19) |
| ATTITUDE TEST | 17% (8) | 29% (5) | 18% (4) | 36% (5) | 22% (22) |
| N = | 46 | 17 | 22 | 14 | 99 |

^{a/} The reasons for refusing arrest are as follows:

Border-Line Field sobriety tests show that man is not that drunk (30 seconds on one foot is good), and there is no reason to make an arrest. Officer relies solely upon FST in making determination.

Not Serious This violation is not that serious; only chronic drinkers should be arrested. Moreover, an arrest for this is not worth the time or trouble; it involves too much paper work and putting the man in jail will not solve the problem. The main idea is to just get the man off the road and use an arrest as a last resort.

Empathy Officer has been in that condition before and understands what it is like: "everybody has one too many now and then." Also sympathetic with the man's marital problems and does not believe an arrest will help matters.

Table V-4B (con't)

Attitude Test Everything depends on the man's attitude. If this is good and he is clean (i.e. he has no warrants) he will be released. If he has a bad attitude he will be arrested.

Table V-5

MINOR VIOLATIONS, RATIO OF FORMAL TO INFORMAL ACTIONS

| VIOLATION | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST |
|--------------------|-----------|---------|------------------|-----------|
| TRAFFIC* | 1.08 | 2.09 | .55 | .58 |
| TRAFFIC (ON-VIEW)* | 1.30 | 3.83 | .77 | .45 |
| DRUNK (647f P.C.) | 1.00 | 1.40 | .66 | .33 |
| DRUNK DRIVING** | - | .33 | 2.50 | .50 |
| PETTY THEFT | 2.00 | - | 1.00 | - |
| OTHER*** | - | - | .50 | .33 |

* Includes parking violations and traffic warrants

** The number of observations is negligible.

*** Includes prowling calls, malicious mischief, begging, etc.

Division is that the MacArthur Park area is like skid row in downtown Los Angeles, and patrolmen working in and around this area are expected to make arrests for drunkenness. Thus it would appear that patrolmen in LAPD are less likely to take an informal action, that is issue a warning or handle a minor violation without making an arrest, than their counterparts in Redondo Beach and Inglewood.

A somewhat different pattern is apparent with arrests for traffic warrants. Many of these arrests are made by patrolmen who take the time to check somebody they have stopped for a traffic violation for warrants through AWWs, although some patrolmen make a habit of running the license plates of 'suspicious' looking vehicles to see if there are any warrants and stopping them if there are. As Table V-2 shows the rate for the high-crime areas is substantially higher than that of the low-crime areas. The rate in the high-crime areas is from 167 to 197 compared to 77 to 120 in Redondo Beach and Northeast Division. In part this may reflect the fact that patrolmen in these two high-crime areas make a slightly higher percentage of on-view stops for minor violations (see Table IV-1). In Inglewood, eighty percent of all incidents concerning minor violations were initiated by patrolmen; this compares with 71 percent in Rampart, 69 percent in Northeast, and 64 percent in Redondo Beach. A somewhat different measure of non-enforcement which has been tabulated from the field observations re-

flects the same pattern. Table V-5 displays the ratio of formal to informal actions for several minor violations. The least misleading figures are those for traffic stops; that is because there are a sufficient number of incidents to draw somewhat reliable conclusions and unlike the first category, traffic, these include only those stops initiated by patrolmen. The ratio in Rampart Division is rather high, almost 4 citations to every warning, while the ratios are much lower in the small departments and Northeast. Redondo Beach and Inglewood are much as expected; the anomaly here is Northeast Division. However, what these data suggest is that there may be differences in non-enforcement which are based on the characteristics of the community, that is patrolmen will be more strict in a high-crime than a low-crime area.

Are these differences in the patterns of discretion attributable to the characteristics of the community or to differences between the departments? While this issue will be explored more thoroughly in the next chapter, it is pertinent to point out here that there are differences in the attitudes of administrators in the three departments toward this question. The attitudes of administrators in the small departments is either to encourage leniency or they are ambivalent. In Inglewood the Chief of Police presumes that the law will be enforced, but he also grants his men discretion. Statistical controls are not used and

and there is no presumption that the best way to handle any situation is through an arrest or citation. In Redondo Beach the Chief says that he encourages his patrolmen to utilize their discretion, and he often compares his department to LAPD in this regard. Yet he does utilize statistical controls and there are some field supervisors who take the view that the law should be enforced. In the small departments, then, the question of non-enforcement is not squarely confronted and there does not seem to be any clear indication of how a patrolman is expected to act in a given situation. Moreover, patrolmen in these departments were quite likely to feel that supervisors actually constrained their discretion, and they indicated in the survey a predisposition to be reluctant to act (see chapter three).

The approach of administrators in LAPD is quite different. While they say that any decision is up to the officer, the presumption is that the law will be enforced. This is more than a concern that patrolmen are working and of evaluating a man's performance. Enforcement of the law is believed to be the best method of coping with problems that the law was intended to curb. Not only is the value of impersonal and dispassionate law enforcement reflected in the LAPD to a greater extent, but enforcement is believed to be the most effective deterrent against misbehavior. The department has conducted a number of studies

to determine the deterrent effect of a citation versus a warning for traffic violations, and the conclusions demonstrate, in the view of administrators, that a citation is almost always more effective than a warning. Traffic accidents can only be prevented through strict enforcement of the law. These views are communicated to patrolmen on a regular basis. One patrolman in LAPD remarked, after letting a man talk him out of a traffic ticket because he would lose his license if he got one more citation, that, "I let him go because I believed his story and I am feeling compassionate; but I may not have done the best thing for him. Warnings are not effective; the department has done studies which prove that a citation is more effective in deterring a traffic violation." Another patrolman admitted changing his mind about issuing citations for jaywalking to elderly people after a Watch Commander explained that warnings were not an effective method of preventing people from crossing the street when they shouldn't. In contrast to the small departments, then, administrators in LAPD view the law, the threat of enforcement and the pain of a sanction, as a means to curb noxious behavior and achieve broader objectives. And they go out of their way to communicate these beliefs to patrolmen.⁵

Notwithstanding these differences in the attitudes of administrators and patterns of discretion, the fact is that the patrolman occupies the pivotal position; he alone makes

the crucial determination of whether or not to enforce the law. The thrust of professionalism in police work is to eliminate discretion insofar as that is possible; patrolmen, especially where minor violations are concerned, are less professionals than bureaucrats. The enforcement of the law becomes an end in itself; the presumption is that enforcement and the threat of enforcement will act as a deterrent to illegal acts thereby maintaining order. Yet a patrolman no matter how strict he might think he ought to be is faced on a day to day basis with the necessity of making choices, of confronting people and weighing the intangibles as well as a person's overt acts. Moreover, he has other demands upon his time and he will develop his own approach to the issue of non-enforcement. Professionalism has not eliminated discretion, but it has sought to change the basis of choice by making decisions hinge on one standard, that of the law. Most patrolmen, even in a professional department, do not entirely accept this standard, and they will resort to other criteria. Like other decision-makers, patrolmen are not afforded the opportunity of thoroughly evaluating each and every situation; rules of thumb must suffice in lieu of more definitive criteria. These rules are not spelled out in any policy manual, but they are common to all of the departments observed in this study. Before we can pursue the question of the differences between the departments and the issue of control we need to understand

how patrolmen go about deciding whether or not to enforce the law.

THE DECISION NOT TO ARREST OR CITE:
MINOR VIOLATIONS

With the exception of a rather small minority of policemen who steadfastly maintain that an officer should make his decision before he gets out of the patrol car, the decision not to enforce the law is rarely made on the basis of legal considerations. The law here as elsewhere shapes alternative but does not dictate action. The law is simply a means for achieving designated social ends, and the purpose of enforcement is presumably to achieve these ends rather than to enforce the laws for the sake of it. Drunks are not arrested because they are drunk in public (though this might be debatable) but more euphemistically to protect them; traffic laws are enforced to prevent accidents; drunk drivers are arrested to prevent them from killing somebody. Non-enforcement is based on criteria other than the law; but presumably it must be based on an evaluation of the intent of the law. Indeed, the very concept of discretion implies that mitigating circumstances will be taken into consideration. Non-enforcement can be justified only when it is taken in light of these purposes.⁶

Patrolmen take a very common sense view of these matters, and one important reason for refusing to enforce the law is that the patrolman believes that the problem

caused by the violation can be solved in some other way. An alternative to arrest may be considered a more effective way of dealing with the problem. This is apparent in the following two situations.

ILLUSTRATION NO. 4

A juvenile was apprehended shortly after he had hit a parked vehicle with his car and left the scene. The owners of the damaged auto could not identify the youth as the driver, but he admitted to the hit and run. He could have been arrested, but the officers elected to take only an accident report. Their decision was based on the fact that the victims only wanted the damage paid for and the parents of the youth were present. Later the officers said that if the parents had not been present to take custody they would have made an arrest.

ILLUSTRATION NO. 5

Two patrolmen, on a rainy night, saw a car with the window on the driver's side open parked near the entrance to a race track. They stopped to find out if anything was wrong and found a man sleeping inside the car on the front seat. He was very drunk. They had the dispatcher call his home and ask his wife to get in a cab and come get her husband. They said the man deserved a break because he had had sense enough to pull off the road rather than drive home. Moreover, one of them remarked, "he looks like me a couple of weeks ago." They left only when they received another call.

Both of these incidents offer rather clear illustrations of the decision not to enforce the law in lieu of an acceptable alternative. In the fourth incident, if the police were aware that they had a crime and a confession, it quickly became clear that all the owner was concerned

about was obtaining restitution. The crucial fact, however, was that the boy's parents were present, and they assured the police that he would get his due. One of the officers knew the parents, and he thought the father a strict disciplinarian. In light of this, he had no qualms that the boy would not get what he deserved. In the fifth incident all that really mattered to the patrolmen was that the man not drive home under his own power.

Yet it is also clear that if patrolmen will not on occasion enforce the law if an acceptable alternative is available, the converse is true. The fear that a person may do something if he is not arrested will result in an arrest that would not have otherwise been made. Consider the following cases:

ILLUSTRATION NO. 6

Two officers received a call of a drunk down in an apartment building. They found the man passed out in the front seat of his car which was parked in the subterranean garage of the building. Some questioning revealed that he lived upstairs, and at this point they were ready to take him up to his apartment. It was then discovered that the car the man was in belonged to his brother-in-law, and his car was parked outside. The man mumbled something about moving the cars, and at this point one of the officers changed his mind and decided to book the man for plain drunk. The man was drunk in a public place and the arrest was therefore legal, but the reason for arresting him, according to the officer, was to prevent him from getting in his car and driving away.

ILLUSTRATION NO. 7

An officer was told by the girls working in a Taco Bell stand when he stopped for coffee that a man was sleeping in a car in the parking lot. The officer investigated and decided that the man was drunk enough to arrest. He explained that the man was too drunk to drive, and if was left in his car he would eventually attempt to drive home. Thus, an arrest was mandatory.

ILLUSTRATION NO. 8

Two patrolmen driving slowly down a residential street at 10:00 pm observed an obviously drunk woman staggering down the street. They asked her where she was going, and she said she lived just up the street; they said fine and told her to go on her way. They continued to follow her at some distance until she entered, through a gate, what appeared to be a walk way beside a house. They assumed she lived there. They continued to patrol their beat for a while and then returned to the area. They found the lady standing on a corner a short distance away from the house she had presumably entered earlier. This time the patrolmen got out of the car to question her. They asked to see some identification, but she refused to open her purse. They finally got her to lay her purse on the hood of the car, and while attempting to get her to show her I.D. one of them looked in the purse and found a bottle of wine, half-full. At this point they decided that she was not going to go home and they arrested her for public drunkenness.

In the sixth case, the man would not have been arrested had he not indicated that he might leave his apartment some time later and move the cars. The patrolman's action was based on a certain amount of self-protection; as he himself said later, if the man got into his car and drove off there was no telling what might happen. How realistic an assumption this is is beside the point; if the man

did get into an accident and it was discovered that two officers had failed to arrest him earlier they would be subject to disciplinary proceedings and possibly liable. In the eighth incident the patrolmen were initially determined to avoid an arrest. Neither believed that an arrest would serve any purpose, but then they also were not sure that she would go home. It was only a hunch that led them back to the area. If they thought an arrest was useless why didn't they drive her home? Partly because the didn't believe that they could trust her to tell them where she lived at that point and because they were piqued that she had initially deceived them. The seventh incident is by far the most interesting. This incident which is exactly comparable to the fifth took place in Redondo Beach; the other occurred in Inglewood. Yet these situations were handled in exactly opposite ways. In neither case were the officers under any pressure to handle other calls or perform other tasks. These decisions may reflect a difference in approach or even the mood of the patrolmen. But in any event the matter invites further inquiry.

In all of the examples thus far there have been alternatives to arrest, but some people are arrested and others are not. What is at issue is why some officers elect to handle the problem in an informal manner and others resort to an arrest. From the police point of view the end result is much the same: a drunk is off the street and cannot be

mugged or run over; a potential drunk driver is off the street and cannot drive off and kill someone; and restitution and punishment were assured with the hit and run. From the suspect's perspective, however, the decision obviously makes a big difference, both financially and socially. David Petersen, who has studied discretion in a Southern police department, observed that even though two people may have committed the same violation, "an individual who has been arrested by the police is sociologically different from one who is encountered by the police and either released or ignored...The acquisition of the pariah status of the criminal is dependent on much more than simply violating the law."⁷ This problem is even more graphically portrayed in the next two illustrations.

ILLUSTRATION NO. 9

A man hailed two patrolmen and told them that a man was lying in the alley behind a nearby Chinese restaurant. They found the man, drunk, with two bottles of pills in his pockets. He said they were a prescription for his asthma. They decided to take him home rather than arrest him for being drunk in public.

ILLUSTRATION NO. 10

Driving down the street two patrolmen saw a man lying on the sidewalk in front of a bar, apparently passed out. They got him on his feet and asked him where he lived; he replied "Future Street." The officers then put the handcuffs on him and arrested him for drunk.

Both of these decisions were made by the same officers,

and the men were found in approximately the same area of their beat (the second drunk was found about five or six blocks from the first). What is instructive about these two incidents are the reasons that were given for the decision in each case. After taking the first man home, the officers were asked why they didn't arrest him; they replied that he was not that drunk, he did not live too far from the location where he was found, and, as one of them put it, "sometimes you just feel like it." The same questions were put to the officers after the second man was arrested:

Author: Why did you arrest this drunk and not the other one?

Officer: Well, he was drunker than the other man.

Author: Did you arrest him because he lived too far away to take home?

Officer: No, that's not it; he actually lives only 15 or 16 blocks away. It depends on where you find them. The other drunk was in an alley, this guy was in front of a bar and in plain view.

The fact that the man was found in front of a bar probably did have some bearing on the decision, though not because of any pressure from patrons who witnessed the incident. Rather, the patrolmen were offended at the audacity of the man in passing out right in public view (another officer said that one reason he arrested drunks was because he believed that people shouldn't have to look at a drunk sprawled on the street). Yet this does not entirely explain why they took two different actions. What was striking

about the discussion of this matter was that the reasons for arrest (or non-arrest) shifted with each question. And at one point the whole conversation digressed into a lengthy discussion of the financial costs of arresting drunks; the conclusion was that it was probably not worth it. But how are these decisions to be explained? On what basis does a patrolman decide that an alternative to arrest is the better solution?

A compelling explanation for these decisions is the idea that patrolmen are really whimsical and often act on the basis of the unfathomable quality mood. Mood in fact is frequently mentioned by patrolmen as the reason for not enforcing the law (or, alternatively, enforcing the law in situations where it is not ordinarily done). Many of the discretionary decisions of patrolmen do have an arbitrary quality about them: they are spontaneous and they reflect the whims and the petty concerns of the officer. This would seem, at first glance, to be an adequate explanation for the divergent way the two drunks were handled. But what makes mood such a salient factor among patrolmen? The whimsical nature of many of the choices patrolmen make is an attribute of the routine of much of police work: an arrest, the event which is so important to the individual involved and has such great symbolic importance to the political system is a matter of some indifference to a working patrolman. One drunk arrest, more or less, does not make that

much difference and can be accepted or rejected for the flimsiest of reasons.⁸ Yet even if we grant that some decisions are simply whimsical, the matter still invites inquiry, if for no other reason than the fact that the appeal to mood as an explanation by patrolmen for their decisions may cover other, more fundamental, reasons. No decision made by a patrolman is ever entirely capricious; the decision may be unreasonable, it may defeat the intent of the law, and it may abrogate any reasonable standard of justice, but it reflects pressures arising from the nature of the task and the officer's beliefs and values about justice and the law, the people he confronts, and ultimately his own sense of what is right. More important than the individual, spontaneous decisions made by patrolmen are the patterns of decisions. Here again the idea of operational style is meaningful, but the import is only to distinguish between those who are more or less legalistic and those who consciously deemphasize the enforcement of minor violations. Beyond this there are four factors which shape the decision not to enforce the law in situations concerning minor violations. These are all in some way intrinsic to the task of police work, though the degree to which they are taken seriously varies among patrolmen. In addition to mood, decisions not to enforce the law may be based on the attempt to achieve objectives unrelated to law enforcement; on personal pressures arising from the task;

on the need to maintain respect for police authority; and on a concept of differential law enforcement.⁹

Decisions Based on Objectives Other Than Law Enforcement

One of the most well known reasons for non-enforcement is to attain objectives other than those concerned with the intent of the law. The processes of corruption and the development of informers are based on the same quid pro quo, non-enforcement in exchange for some desired good. Such decisions may reflect the prevailing values of a department, but they are very much individual decisions that are decided on a case by case basis. And these decisions may extend to groups as well as individuals.

The use of enforcement powers to develop informants is a widely accepted practice in the criminal justice system, from police to prosecutors. The use of this technique is deemed absolutely necessary in narcotics enforcement, but it extends to other crimes as well. What is perhaps not as well known is the degree to which patrolmen engage in these practices. The extant image of the patrolman is that of the handler of trivial problems, traffic-cop, mediator of family disputes, in short, the all-purpose, all-round functionary. Crime fighting and sleuthing is the prerogative of detectives and the vice squad. Nothing could be further from the truth. Not only are patrolmen primarily concerned with crime fighting, but they are quite resourceful and

imaginative when it comes to the application of the standard crime fighting techniques. Nowhere is this more apparent than in the attempts to develop informants. Moreover, this is not just a matter of those among patrolmen who specialize in narcotics; even an officer, such as the one in illustration no. 11, who doesn't go out of his way to work narcotics will attempt, when he has the opportunity, to parlay a violation into an obligation. This process was observed several times during this study. The major constraint on this activity besides acquired skill is the administrative policy of shifting patrolmen from beat to beat. One officer remarked that before the department started moving patrolmen around, he had worked one area of the city for over a year, on morning watch, and at one point he had five informants working for him.

ILLUSTRATION NO. 11

An officer stopped what appeared to be a drunk driver. The man was given a field sobriety test, and while he had been drinking, he was, at the most, a border-line drunk. More important the man was identified as a local ex-convict who was suspected of pulling a number of armed robberies, though the department could not pin anything on him. He was told by the patrolman that he could be arrested, but the officer went on to say, "I'm going to come to you sometime and I'll expect a favor." The man replied, "take me in, I don't care;" the officer then said that he did not expect the man to snitch on a friend but he did expect some information. The man continued to balk at this suggestion and he was finally released.

ILLUSTRATION NO. 12

A yellow corvette passed a patrol car on the freeway going 80 mph. The car was stopped, and when the patrolmen asked for identification, the driver flashed the badge of another police department. They made small talk with him for a few minutes and then left. The patrolmen said that the reason they didn't give the man a ticket was "reciprocity; we give them a break and they give us a break."

Less well known, also, is that non-enforcement may be systematically extended to groups. This is partly a matter of courtesy. Many patrolmen indicated that they would never issue a traffic citation to a doctor or a member of the clergy. Yet it is also a matter of reciprocity among law enforcement personnel themselves. These decisions normally obtain only for minor violations, though attempts are occasionally made to cover up more serious offenses.¹⁰ However, non-enforcement may be extended to other groups as a way of preventing the occurrence of other crimes. One of the ways the police have coped with the Hell's Angels, the notorious California motorcycle gang, is through negotiating an agreement not to enforce the law for many obvious violations in return for the willingness to behave themselves.¹¹ These decisions are normally made by administrators, though they may be made by patrolmen in individual cases.

A further reason for non-enforcement is to "husband resources." Some laws may be only sparingly enforced in order to use them for other purposes or to preclude a court challenge of a useful tool. As La Fave point out, vagrancy

and even disorderly conduct statutes, have been interpreted as aides to investigation and unless there is an investigative reason for an arrest it will not be made.¹² Many equipment violations are not enforced by patrolmen as a way of 'saving' probable cause, as they put it. And as I pointed out in the previous chapter, some rather loose statutes may be used sparingly in order to preclude a court challenge.

In a sense, one consequence of value of impersonal law enforcement in professionalism is to create a conflict with the goal of crime fighting. Non-enforcement is often based, as these incidents point out, on the need to apprehend a felon or otherwise fight crime. This does not really result in a deep-seated moral conflict for patrolmen, though some are more reluctant to engage in these activities than others; but it does indicate, again, how the ideals of professionalism will be tempered to the realities of the street and the demands of the police culture.

Finally, it is with minor violations that the most hostility is aroused between patrolmen and citizen, and patrolmen may occasionally circumvent the law and trade leniency for (hopefully) public satisfaction and pleasure. There is no way of knowing how successful the police are in trading enforcement for support, but given the wide range of minor violations the police come across, the possibility is always present. Moreover, a situation does not always

ILLUSTRATION NO. 13

Two officers responded to a prowler call and discovered four juveniles drinking malt liquor behind the back fence of the "victim's" house. They ordered the juveniles to clean up the empty cans and leave, while ribbing them with comments such as "I used to take my girl to a better place to drink." One of them said that they did nothing because it was no serious, the kids passed the attitude test, and the police need all the friends they can get: "if we let them go they'll think we are nice guys."

turn on just one factor; in the 13th illustration the patrolmen believed that the triviality of the violation and the 'attitude' of the juveniles was equally important. This tendency is probably somewhat more likely in the small departments, especially Redondo Beach, than either division of LAPD. Fifteen percent of those refusing to arrest the drunk driver in the hypothetical situation did so because they believed that the violation was not serious; this was often embellished with the comment that "it's good for P.R. to let the man go," (see Table V-4B). And patrolmen in Redondo Beach were somewhat more likely to give this reason (the difference between Inglewood and the divisions in LAPD is negligible).

Decisions Based on the Personal Dilemmas of Police Work

Jerome Skolnick has pointed out that the police have the same status as clergymen, and it is presumed that they are law abiding and morally upright in all that they do.

Yet it is a rare policeman who does not break the law now and then--speed on the way to work; drive home after drinking five or six highballs; or, among some younger policemen, try marijuana now and then. The public may feel that this kind of behavior represents less than the ideal of professionalism but for most policemen the difficulty is less one of living up to socially accepted ideals than resolving personal conflicts over enforcement of the laws. How does one justify enforcing laws that one violates? The simplest answer might be that one does not enforce these laws, or at least very strictly. This implies a certain tolerance for the normal human weaknesses, but as a rule such tolerance applies only to very minor violations.

ILLUSTRATION NO. 14

As two patrolmen left the station after a short stop, they followed a car that seemed to be trying to get away from them. They stopped the car and found three juveniles: the driver had been drinking a little and one of his passengers had a bottle of beer in his hands. They talked to the youths for awhile, sternly warning them of the evils of alcohol, and then left. They said they didn't enforce the law in a situation like this because it would be a waste of time and everyone has done it at one time or another. Both went on to say that as kids they used to drink all the time.

Drinking among juveniles is increasingly tolerated, and it's an easy matter to handle juvenile drinking by pouring the beer out and solemnly but with a trace of mocking approval lecture them about the wages of sin. On the

other hand, juveniles caught smoking marijuana will be arrested; one patrolman, after taking some beer away from some teenagers in a park, remarked, "I'd rather see them drinking than smoking." Some patrolmen, however, extend this tolerance to more serious violations. A case in point is drunk driving. About six percent of those who refused to make an arrest did so because they said they had been in that situation before (see illustration no. 5). While this is a rationale for non-enforcement I am persuaded that most patrolmen resolve the conflict only in the case of very minor violations. The pressures for enforcement and the belief that enforcement is necessary as a deterrent combine to produce a mild hypocrisy among policemen.

There may be substantial difficulties to non-enforcement to ease one's own conscience, but this does not mitigate the dilemma that every patrolman faces between the demands for compassion and for strictness. The adage here is that "everyone has their story," and many a patrolman will look with a jaundiced eye at pleas for mercy or the consideration of extenuating circumstances. Even so, some situations bring forth leniency rather than enforcement. Whether or not a patrolman is lenient often turns on his perception of the intent of the person. In the 9th example the fact that the man had been taking prescribed pills in conjunction with alcohol did seem to sway the patrolmen toward taking him home rather than to jail.

Carelessness, particularly with the young or aged, dictates leniency. In another hypothetical situation, patrolmen were presented with the case of a 71 year old woman who had attempted to steal some kitchen utensils from a hardware store, but she was caught by the owner. The owner wanted to make a citizen's arrest, but the officer in the situation attempted to talk him out of it. Patrolmen were asked whether they agreed with the officer's actions in attempting to dissuade the store owner from an arrest. Thirty-eight percent agreed on the grounds that the woman was too old to be arrested and she was probably senile; 24 percent agreed but suggested alternative ways of handling the problem, e.g. referral to a social agency; and 39 percent said that the officer was not a judge and his responsibility was to take the woman to jail. On the other hand, only a small minority of policemen in the survey believed that the drunk driver deserved any leniency because of his marital problems. In deciding to refuse to enforce the law a patrolman is acting, more explicitly than usual, as a judge, something that flatly contradicts some of the most dearly held tenants of professionalism. Yet if professionalism demands that only one standard be applied in judging behavior, the officer's own sense of what is right may dictate that other standards be brought to bear. These other standards of course may reflect personal values of the officer, but they may also derive from traditional

ideals of police work, the notion that police work requires compassion, assisting people, besides coercion. Professionalism changes the calculus in a decision of this sort; leniency not only means acting as judge rather than bureaucrat, but it contradicts the notion of deterrence. (There is of course also the issue in the case of the little old lady of the rights of the victim; this rather complex issue will be explored below.) What this means is that leniency will only be extended in the case of very minor violations, and in order to do so, the patrolman must believe that such a decision meets the tacit approval of his colleagues. In this light, the tendency to counsel against an arrest of the lady caught shop lifting was more pronounced in the two small departments.

Decisions Based on the Need to Maintain Respect for Police Authority

One of the most frequently used, though rarely acknowledged criteria that a patrolman uses in making decisions is what has been euphemistically called the "Attitude Test." The attitude test has a paradoxical quality to it: it may result in an arrest or other action when none was intended (or even thought necessary); or it may result in a warning or other informal action when an arrest was thought necessary. A rough but accurate definition of the attitude test is that the person confronted by police authority must exhibit acceptance of that authority and deference to the

officer and his admonishments. It is rooted in two requirements of police work: the necessity for maintaining control on the street and the necessity of assessing an individual's willingness to mend his ways. These two requirements are not mutually exclusive and they are combined under the rubric of the attitude test; but circumstances may enhance the emphasis of one rather than the other. Outright defiance of police authority will usually, but not always result in an arrest, and if not arrest some other action which demonstrates to the "erring" person the authority of the police. For example, a man who questions what the police are doing while they are interrogating someone may not be arrested for interfering, but he would be checked for wants and warrants and given a stiff warning. The attitude test is a way of maintaining police authority and punishing those who would defy it; it amounts, as policemen like to put it, to "talking yourself into jail." This is the most common understanding of the attitude test, but it is not the only one. A person's 'attitude' toward the law and, in particular, his feelings about the violation he may have committed become a rough criterion for deciding whether or not a citation should be written or a warning given. In this sense, the attitude test is an indirect way of determining whether or not an informal action will sufficiently deter future behavior rather than a formal action. The use of the attitude test, then, may

lead to an arrest where none was intended or a warning where an arrest or citation was first thought necessary.

ILLUSTRATION NO. 15

Two officers observed a youth turn a "wheelie" on his motorcycle in heavy traffic (i.e. go up on the rear wheel). They stopped him and gave him a warning. He was not cited, according to one officer, because he had a good attitude, he was going to a local trade school, and he took the warning seriously and seemed to listen to the officer's admonishments.

ILLUSTRATION NO. 16

Driving down a residential street an officer observed a car without current registration stickers parked more than 18 inches from the curb, in a no-parking zone. The driver, who was in a near-by house, was found and questioned by the officer. The man had no driver's license in his possession, and at this point the patrolman told him that he had four possible charges against him and that he was in very serious trouble. The young man accepted this docilely and was quite cooperative. As a result, the patrolman merely told him to move his car off the street and left.

ILLUSTRATION NO. 17

A drunk man in an area with an abundance of small stores and restaurants was stopped by a patrolman and told to go home. While he was rather drunk and making a lot of noise, he agreed to go home without arguing and he had a friend who was somewhat more sober.

In all of these cases the attitude of the person was the determinant factor in the decision not to arrest or issue a citation. What the patrolmen wanted, and got, was some indication that the person took the warning seriously,

that is that he admitted he was wrong and demonstrated a willingness to repent. Yet as the following examples make clear belligerence quickly changes the stakes in the game; the ante for both officer and citizen is higher, and something must be done.

ILLUSTRATION NO. 18

Driving down the street an officer noticed a pick-up truck, ahead and in the lane next to him, weaving a bit. At first he thought that someone was playing a joke, but the truck pulled into the parking lot of a donut shop, and as the driver got out of the truck it was clear that he was drunk. The officer followed and asked the man to stop; the man turned and said that all he wanted was a cup of coffee and proceeded toward the shop. The patrolman ordered the man to stop again, but he kept walking toward the door of the shop. The patrolman then went up and arrested him for drunk driving.

ILLUSTRATION NO. 19

As a late model, expensive automobile passed through an intersection in front of them, two patrolmen observed a man drinking in the car. They followed and stopped the vehicle. The driver quickly got out of the car, strided up to the patrolmen as they were getting out of their car, and said, "all right what's wrong here, what's the problem.." He was a well dressed middle-aged man; the passenger, the man who had been drinking, remained in the car. The driver went on to boldly and aggressively question the patrolmen as they asked him for his identification. He said he was a lawyer and worked for one of the biggest firms in Los Angeles. The patrolmen reacted quickly and aggressively to this onslaught: the driver was given a field sobriety test; the passenger was pulled from the front seat and checked for wants and warrants. At one point, the driver stepped off the curb to close the door of his car; his action was met with a

loud "get back over here." To put it mildly, he was surprised. The driver was not drunk enough to be arrested for drunk driving, so the officers decided to give them a ticket for "having an open container in the car." Both men pressured the patrolmen for some indication of what the ticket would cost, but they said they had no idea. After some haggling, they finally got the ticket signed and left. Later, they said that it was an 80 dollar ticket.

The officer in the 18th illustration said that he was only going to give the drunk driver a warning until he refused to stop. The problem for the officer was partly legal: technically the driver was on private property and could not be arrested. And the patrolman was in the process of going to coffee; he would have preferred that the drunk driver bloat himself with coffee and drive home. But the man's attempts to avoid the officer, his nonchalant attitude toward the whole matter, changed the situation for the officer, and he believed that an arrest had to be made. Even if, by his own admission, it was quasi-legal. The 19th incident provides an even more graphic example of this process. The two patrolmen in this incident had earlier made a felony arrest of a narcotics dealer, and they were rather elated. They had no intention of writing a citation, indeed, one of them remarked prior to stopping the car, that they would just warn the occupants. The driver's belligerence radically changed the outcome of this situation. Not only did he question their right to stop him, but admitting he was a lawyer precluded at that point

any chance that he might have had in talking the officers out of a ticket. Policemen rarely tolerate a questioning of their authority, but they have a special contempt for what they call "curbstone lawyers." Patrolmen believe that if someone is stopped, he is stopped for a good reason.

(this is almost always true insofar as minor violations are concerned; less so in the context of a stop for purposes of interrogation). To question their authority under these conditions is to question the authority of the state.

Consequently, they will do what they feel is necessary to put the person in his or her place. The most interesting aspect of this incident is not that the men got a ticket, for that was decided the minute the man got out of the car and challenged their right to stop him; rather, that these two staunch upper-middle class citizens were checked for wants and warrants and ordered about in a way that, I'm sure, surprised them.

The attitude test lends itself to frequent abuse. For their part, the police view this as a matter of a person getting his just deserts. As they often put it, "we treat people the way they want to be treated"; in short, gentleness begets gentleness, belligerence begets belligerence. This rationale is somewhat disingenuous for the implicit assumption is that a person should never question the authority of the police or what they are doing. An officer is judged by his peers and his supervisors for his ability

to get things done and keep control on the street. This means that he must, at all costs, maintain respect for the authority of the police. This belief often results in a patrolman taking a very narrow view of a situation; extraneous questions, no matter how important to the individual, are not to be entertained; people should stay out of the way and let events take their course. This is reinforced of course by the belief that the action is legitimate. A person who has violated the law is wrong, and failure to pass the attitude test is just one more demonstration of their weaknesses. The police do have to keep order at the scene of an accident, a melee, or during the course of a routine field interrogation. Yet if we grant that the police should not let people walk all over them and that patrolmen do have good reasons for refusing to entertain questions, we also have to understand that the beliefs and assumptions that lie behind the attitude test erect an arbitrarily high standard of desired conduct on the street, one which screens out legitimate as well as illegitimate inquiries. What is often desired is not respect but deference.¹³ Take the following example.

ILLUSTRATION NO. 20

A man was stopped for throwing a lighted cigarette out of the window of his car. They berated him for throwing his cigarette out the window, ran him for wants and warrants, and ordered him to replace the dog-eared driver's license he was carrying. He was released without a ticket.

The patrolmen commented that this was an "attitude test ticket: if the man complains it's an automatic ticket."

The man in this illustration was stopped for an extremely trivial violation (it's worth noting that the author threw his cigar out the back window of the patrol car just prior to stopping this man). The patrolmen seemed less concerned about the violation than in extracting a certain amount of deference to police authority. They were not vicious or blunt about it, but neither was the point lost on the man. What's at issue here is not the right of the police to enforce a particular violation, but rather the use of an extra-legal criterion to determine the extent of deference to authority.

The attitude test seems like a holdover from an earlier era of police work, more typical of the burly and gruff beat cop than an occupation imbued with a singular fascination with professionalism. The legalistic assumptions behind the doctrine of professionalism preclude the injection of an extra-legal criteria such as the attitude test; but the need to maintain control on the street and the beliefs of the police culture mandated it. Policemen are not unanimous in their opinions about the attitude test, but such evidence as is available bears out its importance. Several questions were asked in the survey about the attitude test, and these results are displayed in Table V-6. Note first that 55 percent of the patrolmen in Inglewood

Table V-6

PATROLMAN EVALUATIONS OF THE ATTITUDE TEST

| A | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|------------------|-----------|-----------|
| AGREE | 40% (25) | 43% (22) | 53% (18) | 39% (20) | 43% (85) |
| DISAGREE | 55% (34) | 55% (28) | 38% (13) | 55% (28) | 52% (103) |
| NO OPINION | 5% (3) | 2% (1) | 9% (3) | 6% (3) | 5% (10) |
| N = | 62 | 51 | 34 | 51 | 198 |

A patrolman who makes an arrest or issues a citation because of a person's attitude is making a 'bad' arrest.

| B | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|------------------|-----------|-----------|
| AGREE | 24% (15) | 32% (16) | 24% (8) | 29% (15) | 27% (54) |
| DISAGREE | 71% (44) | 64% (32) | 56% (19) | 61% (31) | 64% (126) |
| NO OPINION | 5% (3) | 4% (2) | 20% (7) | 10% (5) | 9% (17) |
| N = | 62 | 50 | 34 | 51 | 197 |

A person who verbally abuses a police officer when he has been stopped for a violation of the law, who calls him names and challenges his authority should be arrested.

| C | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|------------------|-----------|-----------|
| AGREE | 66% (41) | 59% (30) | 62% (21) | 63% (32) | 63% (124) |
| DISAGREE | 31% (19) | 37% (19) | 29% (10) | 33% (17) | 33% (65) |
| NO OPINION | 3% (2) | 4% (2) | 9% (3) | 4% (2) | 4% (9) |
| N = | 62 | 51 | 34 | 51 | 198 |

It is important and right for an officer to take a persons's attitude into account in deciding whether or not to enforce the law.

and the two divisions of LAPD disagreed with the proposition that an arrest or citation made on the basis of the attitude test is a 'bad' arrest (item A). Moreover, 63 percent of all patrolmen surveyed agreed that an officer should take a person's attitude into account when making a decision; and there are no differences by department (item C). The results for Redondo Beach are contradictory: a majority of patrolmen (53 percent) believe that an arrest made on the basis of the attitude test is not a good arrest, but a majority (62 percent) also agreed that it should be taken into account. The only interpretation that is consistent is that they are hedging their bets; they believe, in short, that a patrolman should not make an arrest on the basis of the attitude test but neither should one disregard it. The other question, however, suggests the normative limitations of the attitude test. Sixty-four percent of the patrolmen disagreed with the statement that someone who challenges their authority after he has been stopped for a violation should be arrested. (I should note that the word arrest is perhaps misleading in this context; it's possible that if the question had been worded 'arrest or citation' the percent of agreement would have been higher. I did not word the question this way because a traffic citation is technically an arrest and I presumed it would be so interpreted. I have no way of knowing if it was or not.) Not all patrolmen believe that the attitude test is a legitimate criterion,

but it is most acceptable when it is used in an instrumental fashion, as an indirect way of assessing character; it is least acceptable when used as a way of coping with disrespect and challenges to authority, though almost one-third accept it even here.¹⁴ Thus, even in highly professional police departments the attitude test remains a salient criterion in the enforcement of the law.

Decisions Based on a Concept of Differential Law Enforcement

Decisions not to enforce the law may also be based on a concept of differential law enforcement. It has long been an axiom both among policemen and in studies of the police that there will be differences in the behavior of policemen between a low-crime and a high-crime area if for no other reason than the fact that the problems that the police must come into contact with are different. Not only are the police confronted by more serious crimes, but the character of their contacts with the public are more abrasive and there is a higher potential for violence. These differences obtain not only in minority communities; indeed, they are likely in any lower class area. Policemen during this study were constantly heard to comment that patrolmen behave differently depending on the kind of area they are working. Two were rather blunt about it and said that the law would be enforced differently in an upper-middle class area than a lower-class because in the former they were

dealing with people who do not get as uptight with the police, while in the latter they were dealing with "ass-holes." Moreover, as I indicated above, patrolmen in all four communities drew distinctions between different areas of the community. For example, some patrolmen in Redondo Beach observed that the people living in the North end of town were different from those in the South end, and sometimes a patrolman had to be a "little tougher" in the North end.

What does it mean to say that patrolmen will behave differently in high-crime or low-crime sections? What is the substance of the charge of differential law enforcement, and how is this affected by professionalism? One interpretation is that a stricter standard of enforcement will prevail in a high-crime, lower-class, minority area than its opposite. Since a high-crime, lower-class area evokes the spectre of disorder, violations which might have been handled with a warning are cited; more people are stopped and checked; and patrolmen are more on edge, more sensitive to every nuance of behavior and real (or imagined) challenges to their authority. Consequently, actions and behaviors which are not normally subject to enforcement in a White, upper-middle class section will not be ignored in a lower-class, Black community. Consider the argument of Leon Williams, a Black city councilman in San Diego, California:

It is not true that most of the crime is committed in the ghettos....I know, by my own experience, that crime is not necessarily the same as crime statistics as reported by police departments, because in some areas of the city and with some people, the same kinds of actions do not result in police statistics. A youngster who throws a rock through a window or five kids who gather on a street corner to converse and make a little bit of noise, in one part of the city nobody pays any attention to them; or if the police come, they might at worst ask them to move or to quiet down a little bit; and in other parts of the city, it results in an unlawful assembly and then, in many instances, arrests. So these would be called crimes when, in fact, there's no difference from the standpoint of the citizen. But one accumulated a crime statistic and the other one didn't. Then you have the compounding of these kinds of things in the ghetto area, resentment building up, particularly in youth, results in their doing things which antagonizes the police and further exacerbates the situation: more arrests on various and sundry charges. 15

There is some evidence that there is some truth to this argument. First, aggressiveness and the propensity to use extra-legal tactics are related to beliefs about the crime problem in an area. At least in terms of the attitudinal measures presented in Chapter Four patrolmen in Inglewood were the most aggressive and those in Redondo Beach the least aggressive. However, these attitudes were not entirely consistent with the way patrolmen were actually observed to behave. Even so, the evidence shows that a majority of patrolmen believe they have to be more aggressive in a high-crime area. Second, data obtained from the field observations bear out this to some extent. Table V-5 shows that the ratio of formal actions (i.e. arresting or citing) to informal actions for traffic offenses and drunk-

eness is higher in Inglewood and Rampart Division than for Redondo Beach and Northeast Division.

However, a closer examination of this issue is warranted if for no other reason than the fact that the question of differential law enforcement is bound up with the issue of racial discrimination in the enforcement of the laws. This issue cannot be resolved here but I do think it is possible to shed some additional light on the matter, especially insofar as the question of non-enforcement is concerned. Two questions are pertinent: are there substantial differences in the enforcement of minor violations for different racial groups between high and low crime areas; and how does the preoccupation with crime control influence choices to enforce minor violations? First, consider the information contained in Table V-7 which presents the arrest rates for selected felony and misdemeanors by race of the offender for Redondo Beach and Inglewood (unfortunately at the time the analysis was done similar data for LAPD was not available and I was unable to include it in this analysis).^{*} If it is true that, in general,

* There are some serious problems in making this kind of comparison of which the reader should be cognizant. The most important has to do with the fact that there is an element of superficiality in comparing arrests per 10,000 population in proportion to the number of Whites and Minorities (Blacks and Mexican-Americans) in these two communities. Both Redondo Beach and Inglewood attract large numbers of people from other parts of the Los Angeles Metropolitan area, and many of these are minorities. Many of the arrests that are made involve individuals who are not residents of either

Table V-7

ADULT ARREST RATES BY RACE, SELECTED OFFENSES 1972^{a/}

| OFFENSE | REDONDO BEACH P.D. | | | INGLEWOOD P.D. | | | |
|-----------------------------|--------------------|----------|-----------|----------------|----------|-----------|--------|
| | WHITE | MINORITY | RATIO M/W | WHITE | MINORITY | RATIO M/W | BLACK |
| ROBBERY | 6.90 | 6.50 | .94 | 4.65 | 56.87 | 12.23 | 118.3 |
| BURGLARY | 16.31 | 18.08 | 1.10 | 7.26 | 53.55 | 7.37 | 111.3 |
| AGG. ASSAULT | 6.48 | 14.31 | 2.20 | 3.92 | 26.0 | 6.63 | 52.68 |
| AUTO THEFT | 6.69 | 20.66 | 3.08 | 5.81 | 45.97 | 7.91 | 91.45 |
| MISD. ASSAULT ^{b/} | 11.71 | 6.50 | .55 | 3.19 | 20.37 | 6.38 | 43.73 |
| NARCOTICS ^{c/} | 34.51 | 37.46 | 1.08 | 12.50 | 32.22 | 2.57 | 58.64 |
| PETTY THEFT | 25.94 | 68.46 | 2.64 | 7.84 | 82.46 | 10.51 | 139.2 |
| DRUNK | 50.20 | 51.67 | 1.03 | 40.26 | 61.61 | 1.53 | 104.3 |
| DRUNK DRIVING | 67.36 | 59.42 | .88 | 48.11 | 42.65 | .88 | 66.56 |
| 415 P.C. ^{d/} | 8.15 | 5.17 | .63 | 1.16 | 5.21 | 4.49 | 11.00 |
| MISD WARRANTS | 55.64 | 89.14 | 1.60 | 64.09 | 452.1 | 7.05 | 916.0 |
| ALL TRAFFIC ^{e/} | 25.94 | 38.75 | 1.49 | 7.12 | 30.0 | 4.21 | 61.6 |
| TOTAL ARRESTS | 337.7 | 556.8 | 1.64 | 235.2 | 1042.2 | 4.43 | 2003.8 |

^{a/} All arrest rates are per 10,000 population; the proportion of White and Minority in each city is based on the 1970 U.S. Census. Minority includes only Blacks and Mexican-Americans. The ratio M/W is the ratio between minority and white arrest rates. The Black arrest rate for Inglewood has been included for purposes of comparison--most of the minority arrests in Inglewood are arrests of Blacks. There are too few Blacks living in the city of Redondo Beach to report these rates separately.

^{b/} Includes arrests for 148 Calif. Penal Code (interfering with a Police Officer).

^{c/} Includes felony and misdemeanor narcotics offenses.

^{d/} Section 415 of the Calif. Penal Code pertains to disturbing the peace. The majority of these arrests are citizen arrests.

^{e/} Includes all hit and run offenses (felony and misdemeanor).

minorities are more likely to be arrested than Whites in both of these communities, it is also apparent that the arrest rates for minor offenses are often not substantially higher for minorities than Whites, and perhaps more important, there are only small differences in the arrest rates for minor offenses for minorities between the two communities. These include arrests for narcotics, petty theft, drunkenness, drunk driving, disturbing the peace, and arrests for a variety of traffic offenses, e.g. hit and run etc (though I should point out that the police do not have a great deal of control over arrest for petty theft since almos all of these are citizen arrests made by department stores and the like; these are among the least discretionary of arrests made by the police). Moreover, in the case of arrests for drunk driving the rate for Whites is slightly higher than for Minorities. Finally, the data show that with the exception of arrests for petty theft (over which the police have very little control) and drunkenness the

city. Technically speaking, neither city is a "closed system," and to compare per capita arrest rates based on the proportion of different groups living in the community is not the most precise comparison that one could have. A second problem is that there are only 56 Blacks reported living in Redondo Beach in the 1970 Census. For this reason I have combined the arrest rates for Blacks and Mexican-Americans and reported them as minorities. In view of the apparent differences in the way these two groups are treated by the police this is lamentable; unfortunately there is not much that can be done about it.

arrest rates for minorities for these offenses is higher in Redondo Beach than in Inglewood. In contrast the arrest rates for more serious offenses, both major felonies and those arising from order-maintenance problems, e.g. aggravated and misdemeanor assaults, are substantially higher in Inglewood than Redondo Beach.

The discrepancy in the arrest rates for drunkenness, the fact that minorities are more likely to be arrested for drunkenness in Inglewood than in Redondo Beach, is a result of the reasons an officer has for making an arrest for drunk in public. While drunk in public is a minor offense and often treated as an arrest made strictly on the intent of the law, patrolmen have a variety of reasons for drunk arrests, and in California, at least, it is frequently used as a "catch-all" section. A twenty-five percent sample of arrest reports for drunkenness was drawn and analyzed for Redondo Beach and Inglewood.¹⁶ Two facts emerge from this analysis. First most arrests for drunkenness in these departments originate on the basis of a call for service. There is no difference between the departments, and only one-third of the arrests for drunkenness are made on the basis of an independent action by patrolmen.¹⁷ Second, persons were arrested for drunk for one of three reasons: one-fourth because they were passed out or incapacitated; one-half because they were simply drunk, that is stumbling, staggering about on the street;

and the rest because they were involved in a disturbance and they were belligerent or refused to obey the orders of a policeman. Again, there are only minor differences between the two departments. Tables V-8A and 8B provide further information on these arrests. The data show that minorities, both Blacks and Mexican-Americans, are more likely to be arrested for drunkenness in Inglewood in the context of a call for service and they are slightly more likely to be arrested for drunk and disturbing. In Redondo Beach on the other hand there are no appreciable differences (this of course is consistent with the fact that there is no difference in the overall arrest rate between Whites and Minorities in Redondo Beach, see Table V-7). Most arrests made on the basis of the reason of drunk and disturbing are arrests made in the context of an order-maintenance problem, and they are quite often pretext arrests--arrests that are made in order to resolve a dispute that cannot be resolved in any other way. The discrepancy in drunkenness arrests between the two communities can be explained by the fact that many of these arrests are probably attributable to pretext arrests. Or to put it another way: in Inglewood order-maintenance is a problem primarily with minorities and there are consequently more arrests for misdemeanor assaults and pretext arrests for members of these groups; in Redondo Beach order-maintenance problems do not stem from the actions of any particular group.

Table V-8A

DRUNK ARRESTS: BASIS OF INTERVENTION BY RACE

| INGLEWOOD P.D. | WHITE | BLACK | MEXICAN-AM/OTHER | |
|--|----------|----------|------------------|----------|
| ON-VIEW | 38% (27) | 22% (5) | 9% (1) | 31% (33) |
| CALL FOR SERVICE | 62% (44) | 78% (18) | 91% (10) | 69% (72) |
| $\chi^2 = 8.77$, D.F. = 2; Sig. @ .02 N = 105 | | | | |
| REDONDO BEACH P.D. | | | | |
| ON-VIEW | 32% (19) | -- | 33% (3) | 32% (22) |
| CALL FOR SERVICE | 68% (40) | -- | 66% (6) | 68% (46) |
| N = 68 | | | | |

Table V-8B

DRUNK ARRESTS: REASON FOR ARREST BY RACE^{a/}

| INGLEWOOD P.D. | WHITE | BLACK | MEXICAN-AM/OTHER | |
|--------------------|----------|----------|------------------|----------|
| PASSED OUT | 30% (21) | 13% (3) | 18% (2) | 25% (26) |
| PLAIN DRUNK | 49% (35) | 61% (14) | 27% (3) | 50% (52) |
| DRUNK & DISTURB. | 21% (15) | 26% (6) | 55% (6) | 25% (27) |
| N = 105 | | | | |
| REDONDO BEACH P.D. | | | | |
| PASSED OUT | 27% (16) | -- | 33% (3) | 28% (19) |
| PLAIN DRUNK | 42% (25) | -- | 55% (5) | 44% (30) |
| DRUNK & DISTURB. | 31% (18) | -- | 11% (1) | 28% (19) |
| N = 68 | | | | |

^{a/} Passed out are all those drunk arrests where the suspect was down and unable to move without assistance; plain drunk are drunkenness arrests which do not involve a dispute or disturbance of any kind; drunk and disturbing refers to all situations where the suspect was disorderly, interfering with the policemen, or refusing to leave.

On the basis of these data, then, there does not seem to be a tendency to adopt a stricter standard of enforcement for minority groups for minor violations--narcotics, drunkenness, drunk driving, and arrests for traffic offenses--in a high-crime than a low-crime area. In fact, the arrest rates for minor offenses for these groups are likely to be somewhat higher in the low-crime community.

Yet these arrest statistics are revealing in other, perhaps more important, ways. What the data does show is, that Blacks are charged, on the average, with more serious offenses and that they are more likely to be checked as a matter of routine for warrants and warrants. The arrest rates for Part I offenses (the seven major felonies) and Part II offenses and the ratio of Part I and Part II arrests by race are displayed in Table V-9. What is rather striking is that the ratios for both Blacks and Whites, in each department are very close despite the considerable differences in the absolute number of arrests (the higher the ratio, the greater the proportion of felony arrests). The ratio for Whites in Redondo Beach is .131 and for Blacks, .212; in Inglewood the comparable ratios are .123 and .250. (Evidently, this pattern does not obtain for other minorities, namely, Mexican-Americans. The ratio of Part I to Part II offenses for Mexican-Americans is identical to that of Whites in Redondo Beach, and it is lower in Inglewood.)

Second, consider the arrest rates for misdemeanor

Table V-9

ADULT ARREST RATES & RATIO OF PART I TO PART II OFFENSES BY RACE, 1972^{a/}

| OFFENSE | REDONDO BEACH P.D. | | | | INGLEWOOD P.D. | | | |
|--|--------------------|--------|--------|----------|----------------|--------|--------|----------|
| | WHITE | BLACK | MEX/AM | MINORITY | WHITE | BLACK | MEX/AM | MINORITY |
| PART I OFFENSES | 39.61 | 3036.0 | 50.74 | 72.34 | 25.72 | 401.6 | 9.00 | 196.2 |
| PART II OFFENSES | 302.3 | 14,286 | 383.9 | 484.4 | 209.4 | 1603.4 | 156.0 | 846.0 |
| PART II MINUS WARRANTS | 246.0 | 8928.6 | 333.1 | 395.3 | 145.3 | 689.9 | 126.1 | 393.9 |
| RATIO: PART I/PART II | .131 | .212 | .132 | .149 | .123 | .250 | .058 | .231 |
| RATIO: PART I/PART II MINUS TRAFFIC WARRANTS | .161 | .340 | .152 | .183 | .177 | .582 | .071 | .498 |

a/ All arrest rates are per 10,000 population, and proportion of White, Black and Mexican-Americans in each city is based upon the 1970 U.S. Census. A cautionary note is required interpreting this table. The arrest rate for Blacks in Redondo Beach is inflated because of the small number of Blacks who live in the city (in 1970 only 56 Blacks were reported living in Redondo Beach). However, the key information contained in the table is the ratios between Part I and Part II offenses, and these are not affected by the differences in the proportion of minorities living in each city. In terms of the arrest rates the best comparison is between minorities (i.e. Blacks and Mexican-Americans) in each city--column 4.

warrants (Table V-7). Almost all of these arrests are for traffic warrants, and they reflect both decisions to stop and interrogate individuals and to conduct a warrant check through AWWs during a routine traffic stop or even a call for service. Blacks are more likely to be the subject of these decisions than Whites. Typically, if two Black youths are driving down the street, a patrolman will check the license plate through the AWWs information system to determine if there are any warrants on the car; and if so the car will be stopped and the driver interrogated and checked. Blacks are also more likely to be checked for warrants during a routine traffic stop. As a result Blacks are arrested in a much greater proportion for misdemeanor traffic warrants, and this is, as a rule, true of all three departments. In Inglewood, Blacks are much more likely to be arrested for misdemeanor warrants than Whites; and in both departments minorities are more likely to be arrested for misdemeanor warrants than any other offense.¹⁸ Since these arrests are closely tied in with decisions to stop and interrogate individuals and suspicions about the proclivity of the behavior of various groups, they are quite different from other misdemeanor arrests. Indeed, they are closely tied to the preoccupation with crime control in professional police departments. For this reason they ought to be considered apart from other misdemeanor arrests in calculating the ratios. Eliminating these arrests causes

all of the ratios to rise, and the largest increases are for Blacks. The difference in Redondo Beach between Whites and Blacks goes from one and a half times as great to over two times as great; and in Inglewood, Blacks are now three times as likely to be charged with a serious offense as Whites.¹⁹ (Note also that there is very little difference in the arrest rate for Part II crimes for minorities in these two communities when arrests for misdemeanor warrants are removed.)

Rather than a strict and rigid standard of enforcement in a high-crime, minority community, enforcement practices display a preoccupation with crime. Patrolmen assume that Blacks are more likely to be involved in serious crime or to have warrants, and they act on this basis on the street: Blacks are stopped more frequently for field interrogations, they are checked more often for wants and warrants, and they are charged with more serious crimes. These practices are based, more than anything else, on the "useful fiction," namely, the inclination to adopt social stereotypes as indices of deviant behavior. On the other hand, the higher arrest rates for minor offenses that obtain in some minority communities are the result of deployment decisions rather than the application of a different standard of law enforcement in these communities. If the majority of policemen are more or less legalistic they will make more arrests and issue more citations.²⁰ However, this is not the whole

story. The pressures in a high-crime area will be toward controlling crime, and for the individual patrolman there is often a choice between enforcement of misdemeanors and crime-fighting. This is not to say that there are not highly aggressive legalistic patrolmen working these areas; rather, that decisions are more likely to be predicated on crime control than simply enforcement of the law. This will be a greater dilemma for a small department like Inglewood than LAPD. The dearth of resources may require that more conscious choices be made among priorities. Unfortunately, the necessary data required to examine this more closely are not available from LAPD at the time of the analysis.

The one exception to this may be with traffic citations. The field observations indicate that patrolmen in the two low-crime areas were more likely to warn than to cite in comparison to patrolmen in the high-crime areas (see Table V-5). These data may simply be the result of a bias in the observations. Yet they are consistent with the comments of patrolmen. What may be the decisive factor in these decisions, however, is the criterion of attitude and the subjective assessment of an individual's willingness to mend his ways. One patrolman pointed out to me that he was more likely to cite "Blacks and Mexicans" because they don't watch what they are doing and they don't have insurance on their cars. More revealing on this score is the comment

made by one of the patrolmen after the incident with the two lawyers drinking in their car (illustration no. 19). One of the officers got extremely upset when the driver stepped off the curb to close the door of his car, and venting his feelings afterwards, he said, "if that had been a Mexican that had walked off the curb, I would have choked him out." This is not only an expression of the patrolman's acute awareness of the realities of the situation--one doesn't often chance a complaint from a wealthy lawyer--but his attitude toward minority groups and the lower classes. And this of course is closely tied to the problem of crime control: aggressive patrol as well as the frustrations and hostilities of minorities produces the confrontations that lead to enforcement. These factors simply do not obtain in a middle class community.

Non-enforcement based on a concept of differential law enforcement derives from the exigencies of crime control. In a small department rather clear choices among priorities are posed for patrolmen, choices which are not as confining in a larger department. In these circumstances enforcement of minor violations will have a lower priority. Crime Control also heightens the salience of the attitude test: it reinforces and augments attitudes toward minorities and the lower classes. This probably leads to the belief that enforcement, especially with traffic violations, is required more often than when dealing with other types of

violators. (The evidence for these conclusions is not as convincing as I should like; more systematic observations will be required to fully substantiate these conclusions.)

Professionalism has sought to make all judgments of a patrolman subject to one standard, the law. And in some measure legalism obtains in all three of these departments. But the goal of impersonal enforcement is, in some sense, unreachable; discretion can never entirely be eliminated. The departures from the standard of impersonal enforcement derive from the multiple objectives the police seek to attain and the judgments of character and intention that patrolmen make on a day to day basis. Not all decisions of non-enforcement are made on the basis reasons germane to the police functions or even the objectives of the particular law. Indeed, many of the decisions not to enforce minor violations are made on the basis of considerations unrelated to the law. Yet insofar as minor violations are concerned, professionalism has narrowed the legitimate grounds for non-enforcement of minor violations. To this extent, greater control over police action is obtained. But it may be that it is only in the case of minor violations that such control obtains.

THE DECISION NOT TO ARREST OR TAKE ACTION: DISTURBANCES

The problem of non-enforcement is most apparent in the way the police handle disturbances. It is often argued that

order-maintenance problems--fights, family disputes, disorder--are the situations which define the role of the patrolman. Ever since Michael Banton first drew the distinction between peace keeping and law enforcement students of the police have relentlessly pointed out the predominance of these activities over crime-fighting. Patrolmen are peace keepers, it is argued, not really law enforcers. James Q. Wilson has made the distinction the basis of alternative roles that the police may adopt; and it is the law enforcement/order-maintenance distinction that underlies the differences between Watchman and Legalistic departments. It is quite true, in terms of the kind of calls that the police respond to, that patrolmen are mostly concerned with order-maintenance and service activities. Twenty-four percent of the activities observed in the three departments involved disturbances--family fights, noisy parties and the like (see Table IV-1). The bulk of these originate through calls for service, 97 percent. In fact, disturbances accounted for 41 percent of all calls for service that were observed. If we include miscellaneous service calls (crime reports, traffic accidents, dead bodies by natural causes, missing children, etc.), 35 percent of all police activities observed were concerned with order-maintenance and service; and these accounted for 59 percent of all calls. (This may slightly understate the actual amount since some calls classified as felony situations

involved felony assaults which ordinarily take place in the context of an inter-personal dispute). But from a patrolman's point of view calls for service are not the most important part of his job, rather they are an element to which he must adapt. For a patrolman, as I have pointed out, what counts is his free time and how he goes about using this time.²¹ But there is a more basic distinction to be made here: unlike minor violations, where the impetus in a professional department is toward enforcement, in disturbances the impetus is toward non-enforcement. Not only are these situations considered peripheral to the main functions of the police, but they are considered unresolvable except in an immediate sense.

Order-maintenance situations present a different range of problems for the patrolman that law enforcement of crime fighting. A disturbance may vary from the exceedingly trivial, such as being called to ask a neighbor to turn down a radio, to the deadly serious, such as a husband and wife dispute which has erupted into violence. There is always a question of whether or not a violation has occurred; and even if a patrolman believes that some law has been broken, he must decide what charge to prefer--felony assault, misdemeanor assault, disturbing the peace, drunk in public. The decisive characteristic of these situations is that they involve the police in a dispute between two or more people; their presence has been requested by a citizen to resolve

what are essentially personal problems. This may enhance the legitimacy of the policeman's authority, as Albert Reiss suggests, but it also involves the police with citizens in a way that is not true of law enforcement or crime related situations. For one thing the involvement of the police is far more intimate than is true in other circumstances. It is one matter to confront a patrolman over a traffic violation where the roles of enforcer and violator are well defined; it is another when one's personal problems and qualities are rawly exposed to public view. Nothing is sacred. The bitterness, the fears, the failures, the hostility, the loneliness--the gamut of human emotions and desires spill out, making everyone a bit uncomfortable. These are not moments when people are either at their sanest or happiest. Because these are personal problems, because they involve at the deepest level the matter of people simply living together, the police ordinarily draw a fundamental distinction between these situations and crime: Order-maintenance problems cannot be resolved or settled in any permanent way. Except in a very immediate sense the idea of deterrence does not apply. A patrolman will tell you that the repressible crimes are crimes of property: robbery, burglary, auto theft, and larceny. Assault, murder, and even rape are not crimes which are believed to be amenable to any sort of effective police strategy. (This is not to say that policemen don't believe that persons who

perpetrate these crimes cannot be apprehended; quite the contrary. What it means is that these crimes cannot be prevented.) Given these beliefs, an arrest is ordinarily deemed to be the last resort. Indeed, the burden of enforcement is typically reversed in order-maintenance situations: it rests with the citizen rather than the police. The typical order-maintenance situation will only be resolved through an arrest when the person who called the police, or the victim, agrees to make a citizen's arrest. This is partly a matter of meeting legal requirements and of ensuring that there are sufficient grounds for prosecution. Many disturbances, such as family disputes, occur prior to the arrival of patrolmen, and technically they cannot arrest for any misdemeanor violation that has occurred prior to their presence. Of course this limitation is only applicable if the officer believes that a misdemeanor rather than a felony has been committed. Moreover, if the arrest is to amount to more than detainment, there must be a victim who will press charges. It is not uncommon for a victim to be reluctant to press charges, or if charges are pressed to drop them at a later time. Thus in an order-maintenance situation the patrolman's relationship to the citizen is defined in terms of the intimacy of his involvement with people's personal problems; by the belief that these situations are not really amenable to solution; and by the fact that the burden of enforcement is purposefully

shifted from the officer to the citizen. These define the constraints on a patrolman's discretion in these matters.

Thus far I have simply lumped a variety of situations under the rubric of order-maintenance, and it will clarify matters if I make some distinctions. First, one ought to distinguish between order-maintenance situations that occur in public and private places. Those disturbances that occur in public places, in a bar or a bowling alley, pose more clearly the basic problem of public disorder for the police. These are not personal problems which the police are asked to resolve so much as they are issues of the relationships between groups of citizens or individuals, for example, a group of juveniles and the other patrons at a bowling alley. The fact that these individuals do not always know one another casts the disturbance in a different light. Moreover, the potential for a larger disturbance is more likely in many of the situations. To this extent, the police have more incentive to act; and since any violations that have occurred have occurred in public, legally, the police have greater leeway. The burden of enforcement still rests with the citizen, but the police may be more likely to act without waiting for someone to agree to make a citizen's arrest. In a family dispute the question of public disorder does not obtain, the dispute usually stems from personal problems, and the police do not have as much legal authority. They also confront the norm of

privacy. It is one thing to arrest a man for being drunk and disorderly in a bar; it is another to arrest him in his home.

The second distinction turns on the seriousness of the situation. Most order-maintenance problems involve very trivial matters--a noisy party, a loud stereo, and so forth. Any situation has the potential for violence but in most it is not really probable. Far more serious are those situations that have erupted into violence or are on the verge of it. How strong the potential for violence is a highly subjective matter, but it is an element that a patrolman must consider. In terms of the relative seriousness of the situation, order-maintenance problems refer to two different aspects of the police function. One is simply a service function: the policeman as philosopher, friend and guide. This often requires nothing more than that the policeman be a sympathetic listener and provide the kind of advice and counsel that most people need at one time or another. Given that the bulk of these calls come from the poor, the elderly and the lonely the police--at their best--render a needed and useful service. The other aspect of order-maintenance is that of preventing violence and disorder. If many of the service functions that the police perform could be handled by other social agencies these cannot, for they often necessitate the use of coercion, legal or otherwise. In the analysis of discretion, it is

the latter problems that are of concern.

Patrolmen approach order-maintenance situations with the attitude that all that can be done is to handle the immediate problem, almost always by some means other than arrest. An arrest and subsequent prosecution is not always a very desirable solution. Consider family disputes. An arrest may simply aggravate rather than solve the problem, especially when a husband is arrested by his wife. He will eventually get out of jail, and he may return home, more angry than before, and pick up where he left off. If a patrolman does decide to arrest he confronts formidable constraints. Legally, any arrest may be dubious and, more important, in deciding to arrest the officer may be acting counter to the wishes of the victim. To this extent he decreases the legitimacy of his authority. Yet equally important in ruling out arrest as a solution are the attitudes of patrolmen toward these situations. Because of the character of the problem, patrolmen believe that most, if not all of these situations, are not amenable to legal solutions. Also significant is the oft-quoted dislike patrolmen display toward these situations: family disputes and the like are part of the job but they are not "real police work." And because they are so intractable as a rule these situations leave an officer without a sense of having resolved anything. These attitudes underly a basic presupposition about the law as it is applied by patrolmen

in order-maintenance situations: the law is to be applied narrowly, an arrest is an appropriate course of action, as a rule, only if it will result in a prosecution. In other words, enforcement is only meaningful if it results in a sanction of some kind. The tendency of citizens not to want to prosecute reinforces the predisposition to interpret the law in this manner. The attitude of many patrolmen is "if they (the victim) won't take it seriously why should we?" An arrest without prosecution is not only futile but wasteful; it takes time away from more "serious" problems, and the courts and prosecutors will not take them seriously anyway. Needless to point out this attitude toward the law stands in stark contrast to that in crime and law enforcement situations. The complaint that prosecutors and judges are undermining enforcement is not often heard in regard to an order-maintenance problem.

What is at issue in serious order-maintenance disputes is the kind of protection extended to citizens by the police. Wide spread non-enforcement in these situations has meant de facto acceptance of violence among some groups of individuals, and has denied the protection of legality to those so affected. This is an issue despite the serious questions that may be raised as to the adequacy of a legal remedy and the necessity of coping with an overloaded judicial system.²² Protection presumably means more than the protection of property; it means freedom from violence.

At the very minimum the problem is that of preventing violence and making more than a cursory attempt to resolve matters. To be sure, these situations pose very difficult problems for the police. At one extreme, the proper solution may be the offering of some advice and taking the time to listen to someone's problems; at the other, an officer may have to resort to a dubious arrest, drunkenness perhaps, in order to prevent an outbreak of violence. Notwithstanding, the difficulties entailed by these situations, the bias of the police (and prosecutors) has traditionally been toward ignoring or minimizing the potential seriousness of these problems. And this bias is most often directed at specific groups in American society, notably Blacks and women. Historically, violence committed by the members of a minority group against other members of the same group has been considered less serious than interracial violence.²³ The analysis of discretion should not be interpreted narrowly in these situations; in a broad sense the problem turns on the adequacy of the action taken by a patrolman. There are often a variety of ways to deal with these situations, and legal action is not always required, though that might be necessary. From this point of view what really matters is how the patrolman interprets the situation and how seriously it is viewed. The reluctance of the citizen to prosecute and the fact that the prosecutor will not take action may be used as a pretext to avoid taking any action

at all.

The impact of professionalism on the way patrolmen handle order-maintenance problems is contradictory; it results in a set of dilemmas with which the patrolman must cope. Professionalism requires responsiveness in answering calls and meeting the requests of citizens. Much to the chagrin of some patrolmen very few calls are screened out, and supervisors expect their men to handle their calls to completion. What this means to a patrolman is rather vague; what it does not mean is more clear. A patrolman is ordinarily expected to take some kind of action, he is not supposed to "kiss it off" as the police like to put it. This expectation obtains in even the most trivial of calls. And as with the enforcement of the law, the patrolman is expected to treat calls equally and give every citizen his due. This does not mean that administrators expect strict enforcement; in fact, the assumption is that arrests for disturbing the peace, disorderly conduct, malicious mischief, and misdemeanor assaults will only be made on the basis of citizen's arrest. Yet these expectations of responsiveness and thoroughness conflict with the priority of crime fighting. The reliance on a citizen's arrest is partly intended as a way of resolving this conflict; it allows the police to be responsive to citizen demands while freeing them for more important tasks. Most policemen are well aware that the use of this procedure decreases the

amount of enforcement that takes place in these situations. For many disputes this is entirely satisfactory, but the conflict is never completely resolved; the question of responsiveness is always begged. Offering the victim a choice between a citizen's arrest and no action may not be a choice at all. In any event it is up to the patrolman to resolve this conflict. He is expected to be both crime fighter and philosopher, guide and friend, though the risks are often high and the rewards meager.

A further dilemma stems from the requirement of impersonality. Patrolmen are expected to act impersonally in what is a highly personal set of circumstances. Unless he is extraordinarily detached, a patrolman, whether he likes it or not, will be drawn into the situation. This may mean outright sympathy for one of the participants, but more often what is engendered are disdain, disgust and resentment at the pathos of people's lives and their personal weaknesses. Attitudes toward cleanliness, drinking and work and prejudices based on race and sex enter in and shape the response. There may even be vicarious identification with the circumstances; an officer that is having difficulties with his own wife cannot but be reminded of these in the course of a family dispute. A patrolman's personal values and his attitude toward the people may draw him toward some action. This is especially true where children are involved and the officer believes action is required to

protect their interests. Most often, though, what is reinforced is the inclination not to act or at least to take only the minimal action necessary to more or less resolve the situation. The feeling is that these are personal problems which are the result of personal weaknesses and hence no real concern of the police. Here as elsewhere there are profound differences among patrolmen: some reflect openly hostile attitudes toward these calls and they are taken as something which must be avoided or gotten through in order to get back on the street; others become skilled and effective mediators and are sometimes able to render valuable assistance to people.

How do patrolmen generally handle order-maintenance situations? What kinds of alternatives are available and what are the criteria that patrolmen employ in making a decision? What determines how seriously they will take a problem? To consider the first question, patrolmen will most often attempt to handle the problem in some way and keep both parties satisfied. This often requires some manipulation.

ILLUSTRATION NO. 21

Two patrolmen were called to a dispute between the owner of a donut shop and two female customers. The owner became irritated when the baby of one of them was playing with the straws in a dispenser, and when he asked to make the baby stop they used profanity and got hostile toward him. He asked them to leave, they refused and he called the police. One of the officers was a rookie and

he was asked by the senior officer to take charge. The rookie first attempted to find out from the women what had happened and then to explain the rights of the owner and why they should leave. They would have none of it. Believing that the rookie had lost control of the situation, the other patrolman jumped in and asked for identification from both women. He then said that if they didn't leave immediately he would arrest them. They refused and he turned to the owner and secured his consent for a citizen's arrest. At this point he put his hands on his handcuffs as if he were getting them out and said they better leave or they were going to jail. The women, aware that they had lost the game, slowly moved out of the restaurant.

ILLUSTRATION NO. 22

Two officers responded to a 415 family dispute call. The issue concerned an argument between a couple who had just separated over custody of their children. The wife had left her husband who was taking care of the children, and she returned to take custody. The husband refused to give them up. The officers immediately separated the two of them, taking the woman outside the house. What they did was to convince the woman to leave and to resolve the matter in the courts. She was reluctant, but after considerable discussion she agreed to leave.

Both of these incidents illustrate the basic structure of order-maintenance situations and the way the police go about handling them. The dispute in the donut shop is the most interesting in terms of basic strategies employed by the police. The rookie lost control, and as his mentor explained to him afterwards, "the object is to solve the problem but keep both parties satisfied. The solution in this case would have been to threaten and order the girls out of the restaurant quickly, and then to sooth their

feelings by telling them that the owner was a son-of-a-bitch." He went on to say that the story could be embellished by telling them that the owner was known to act that way all the time and the best thing was just to avoid him. Then, he counseled, one should go back into the restaurant and tell the owner if he has any more problems just to give them a call. This way he explained the problem is solved and everyone is more or less satisfied with the results. The second incident illustrates the way in which many family disputes are handled. The strategy is to separate the people, attempt to calm everybody down, and if necessary convince one of them to leave for the night. Unless an extremely serious injury has occurred and a weapon of some kind is involved, the police will attempt to solve the problem through informal mediation. While the patrolmen in the family dispute above worked to resolve the problem some patrolmen will treat the same situation perfunctorily.

Table V-10 provides some information about the attitudes of patrolmen toward these problems. Fifty-nine percent agreed that a crime that involves a dispute is better handled by warning than arrest (item D). Patrolmen in Inglewood are the most likely to agree with this statement while those in Redondo Beach are the least likely. Despite the presumption of legalism in professional police departments about one-third of the patrolmen interviewed felt that non-enforcement of laws was justified on the basis of the

Table V-10

PATROLMAN ATTITUDES TOWARD ORDER MAINTENANCE PROBLEMS

| A | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|---------------|-----------|-----------|
| AGREE | 66% (41) | 67% (34) | 68% (23) | 67% (34) | 67% (132) |
| DISAGREE | 29% (18) | 29% (15) | 29% (10) | 29% (15) | 29% (58) |
| NO OPINION | 5% (3) | 4% (2) | 3% (1) | 4% (2) | 4% (8) |
| N = | 62 | 51 | 34 | 51 | 198 |

A good policeman will sometimes make an arrest to keep order even if he knows that the charges won't stick.

| B | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|---------------|-----------|-----------|
| AGREE | 45% (28) | 29% (15) | 41% (14) | 22% (11) | 34% (68) |
| DISAGREE | 50% (31) | 69% (35) | 50% (17) | 70% (35) | 60% (118) |
| NO OPINION | 5% (3) | 2% (1) | 9% (3) | 8% (4) | 6% (11) |
| N = | 62 | 51 | 34 | 50 | 197 |

A "victim" who is party to a crime or disturbance should probably be ignored by the police and no action need be taken (for example, in the case of a man involved in a fight which he may have helped start who wishes to press battery charges).

| C | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|------------|-----------|----------|---------------|-----------|----------|
| AGREE | 56% (35) | 43% (22) | 50% (17) | 42% (21) | 48% (95) |
| DISAGREE | 42% (26) | 55% (28) | 47% (16) | 50% (25) | 48% (95) |
| NO OPINION | 2% (1) | 2% (1) | 3% (1) | 8% (4) | 4% (7) |
| N = | 62 | 51 | 34 | 50 | 197 |

Table V-10 (con't)

| C | INGLEWOOD | RAMPART | REDONDO BEACH | NORTHEAST | TOTAL |
|---|-----------|----------|---------------|-----------|-----------|
| In 415 disturbances, malicious mischief calls or petty thefts, a patrolman should never urge the victim to file a complaint. | | | | | |
| D | | | | | |
| AGREE | 71% (44) | 55% (28) | 44% (15) | 59% (30) | 59% (117) |
| DISAGREE | 23% (14) | 39% (20) | 44% (15) | 35% (18) | 34% (67) |
| NO OPINION | 6% (4) | 6% (3) | 12% (4) | 6% (3) | 7% (14) |
| N = | 62 | 51 | 34 | 51 | 198 |
| If a crime involves a dispute between two people, a fight or a petty theft, it is better to handle it informally by a warning rather than making an arrest. | | | | | |

CONTINUED

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presumed social behaviors and characteristics of different groups (see itemd D, Table VI-1). That is, these patrolmen agreed that assaults and the like were rather common among some social groups--Blacks, Mexican-Americans, and Oakies--and that an informal action was preferable to arrest. Confronted with a dispute which appears unresolvable a patrolman may first attempt to persuade the victim to make a citizen's arrest. They may point out to the victim that an arrest at this point may curb the problem in the future and so forth. As a rule an attempt to persuade the victim to make a citizen's arrest is more common when the victim is the owner or manager of a business such as a bar or bowling alley and when there have been repeated call-backs to the same place. Patrolmen attitudes toward urging the victim to file a complaint are more divided: only 48 percent agree that persuasion is not permissible, and the extent of agreement is somewhat higher in the small departments than LAPD. In the event that the victim will not act and the disturbance is serious, the patrolman is left with the choice of simply ignoring it or making an arrest for an offense which may not stand up in court. The majority of patrolmen say they will make such arrests: two-thirds agreed with the statement that, "a good patrolman will sometimes make an arrest to keep order even if he knows that the charges won't stick" (item A). There are no appreciable differences among the three departments.

If patrolmen make a pretext arrest in a serious order-maintenance dispute how much leeway do they actually have and what are the likely charges? First, patrolmen have more legal authority in dealing with juveniles, and they are often more concerned about taking action. Juveniles can be arrested under a variety of statutes; 601 and 602 of the Welfare and Institutions code are the most commonly used (incorrigible etc.). With adults weak but justifiable grounds often exist for making an arrest for felony assault, but the more common strategy is to arrest for drunkenness. If the disturbance takes place in public the patrolman can simply go ahead and make the arrest; otherwise, as most patrolmen will admit, the suspect must be lured out of his or her home and then arrested. The examination of arrest reports in Inglewood and Redondo Beach showed that about one-fourth of arrests for drunkenness were made in the context of a disturbance of some kind. Many of these arrests originated in "415 disturbance" calls and were pretext arrests. Consider two examples, one drawn from each department. In Inglewood, two patrolmen responded to a 415 fight between a Mexican-American couple. As the officers attempted to help the woman leave the house her husband followed them into the street yelling obscenities. When he reached the street and showed no intention of desisting he was arrested for drunkenness. In Redondo Beach, two officers responded to a 415 dispute between a man and his

ex-girl friend at a bar. They took the man outside, and while they were making out a field interrogation card, the man ran back into the bar and started choking his ex-girl friend. When the woman would not make a citizen's arrest the patrolmen arrested the man for drunkenness. In both departments arrests for drunkenness for reasons of "drunk and disturbing" were more likely to take place on the basis of a call for service, normally a 415 disturbance of some kind or a situation in which an assault had been committed.²⁴

There are, then, four different responses to an order-maintenance situation that may be taken by a patrolman. The disturbance may be ignored or only perfunctorily handled; various actions aimed at mediating or breaking it up may be undertaken; and there are two alternative ways of making an arrest, either by persuading the victim to make a citizen's arrest or by making a pretext arrest of some kind. Of course an officer may make an arrest because he believes that a legitimate violation has taken place, though his standards for arrest may be considerably looser than those of the prosecutor. But on what basis does a patrolman choose any of these alternatives? What is central to an order-maintenance situation and the choice that a patrolman makes is the seriousness with which the patrolman views the situation and the belief that action, especially an arrest, is necessary and will be worthwhile. Patrolmen are more

dependent on citizens in handling these problems, and whatever choice is eventually made will be partly contingent on an evaluation of the victim's claims and desires. If it is the interaction between policeman and victim that shapes the outcome of these situations, it is not a one-sided relationship: patrolmen do not simply acquiesce to a victim's wishes, they evaluate them. The decision hinges on this evaluation. A patrolman makes choices by the very options he presents to a citizen, and these options can and are manipulated to obtain the outcome that the patrolman thinks best. Thus, if there is a very real dependence of the patrolman upon the actions of the citizen, it is not complete.

Patrolmen are seemingly the most sensitive to the demands of citizens when the request is not to take an action such as an arrest. The tendency of most patrolmen is to refuse to act unless the citizen agrees to take the burden of arrest. If the citizen desires no other action than dispersal the patrolman may go along with this, though he may demand that the citizen agree to make an arrest if all else fails in order to make his threats credible.

ILLUSTRATION NO. 23

A patrolman responded to a "415 customer" call at a plumbing shop. The dispute concerned an employee who had quit and had come to the shop to get his final paycheck. Since he had some equipment that belong to the shop, the manager refused to give him his check until the equipment was returned. The

ex-employee was asked to leave and when he refused the manager called the police, and asked them to remove the man from the shop. The officer agreed to ask the ex-employee to leave but told the manager that if he refused to leave, the manager would have to make a citizen's arrest if he wanted him out. The manager agreed. An arrest was not necessary since the man agreed to leave.

ILLUSTRATION NO. 24

As two patrolmen arrived at a disturbance call, they saw a man throwing a large rock against the door of a house. He was immediately apprehended. The house was owned by the mother-in-law of the man's ex-wife. Angry at his ex-wife, the man had evidently broken into the house through a rear window, but he was met by a boy friend who hit him and threw him out. He then went around to the front and threw the rock against the door. Legally the police could have arrested on a misdemeanor, malicious mischief, but the mother-in-law said that she did not want to press charges if the damage was paid for. The suspect's mother who had been called arrived at the scene and agreed to pay for the damages. The suspect was then released.

ILLUSTRATION NO. 25

Two patrol cars responded to an assault call. A Black woman had been knifed but refused to reveal the identity of her assailant. By talking to people in the apartment building the police became aware that there was a possible suspect in the building, another woman named Alice. They had good reason to believe that she had committed the assault, but no one would identify her or make a complaint. After discussing the matter, a Sergeant, who had arrived on the scene, said, "if they don't want to do anything about it, we won't do anything about it."

The response of the patrolman in the 23rd illustration is a very common one. This patrolman had no reason to believe that there was any potential for violence, and although the incident occurred in a public place, it was a

dispute between two individuals and did not pose any problems for public disorder. In these circumstances, the patrolman was willing to put himself at the disposal of the victim (the manager) only if he was acting at the manager's request and on his authority. If the manager had refused to make a citizen's arrest, the patrolman left little doubt that he would do very little. On the whole, the tendency of patrolmen in these situations is to construe their authority far more narrowly than is actually the case.²⁵ The patrolmen in the next illustration could have legally made an arrest for malicious mischief since they witnessed the violation. Yet they were reluctant to act, not only because the woman simply wanted restitution, but because, as they said, "it would be too much of a hassle with no results..." They did not believe that the case would be filed on by the prosecutor, and since the man would be back on the street within an hour there was no reason to detain him for preventative purposes (compared this incident with Illustration No. 5 in Chapter Four). The issue for these two officers was clearly a matter of priorities: both considered themselves to be crime-fighters, concerned with felony violations. A malicious mischief violation was simply not worth the time or effort. The third incident is more complicated. The police could have arrested the woman, Alice, on probable cause, but it would never go to court since no one was willing to press charges

or testify. But beyond these considerations the policemen involved did not consider the matter to be serious. They were convinced that the incident was over and there was no potential for further violence; hence, there was no need to make an arrest for preventative purposes. Yet this was clearly a border-line situation, one could argue that a more thorough investigation was required and that the potential for retribution did exist. In some ways this is a difficult problem for the police since the victims prefer to keep such matters out of the hands of the police. On the other hand, the patrolmen were clearly happy to let the matter go. One of the officers I was riding with commented that the Sergeant was a "good man"; some Sergeants, he observed, would have demanded a more thorough investigation and a report. In all three of these incidents there was some congruence between the wishes of the victims and of the police, and thus the patrolmen acted as much in deference to the desires of the citizens as on the basis of their own subjective evaluations of the disturbance.

Where the situation is such that the victim wants the police to act or where the victim is unwilling to take the burden of arrest but some kind of decisive action is still required, the responses of patrolmen will turn on other factors. The decisive factor is the patrolman's evaluation of the victim's legitimacy. And this turns on two considerations: the culpability and the perceived social character-

istics of the victim. Policemen are rather sensitive to the fact that they are often used by the public. Calls for police assistance may be based less on an actual need than on a desire to use the police to obtain vengeance against a neighbor or spouse. Patrolmen were asked in the interviews if they believed that a crime or disturbance should be ignored when the "victim" is a party to the incident, that is in some way culpable. One-third of all patrolmen agreed with this statement, and over two-fifths of the patrolmen in the small departments agreed (item B, Table V-10). Since this statement is rather strongly worded it probably underestimates the actual amount of agreement with this criterion. Agreement requires that the patrolman ignore the problem altogether when the more likely response of a patrolman will be to take an informal action of some kind. Other evidence indicates that the inclination to take this criterion into account depends on the seriousness of the problem. Obviously, no policeman believes that murder is a justifiable response to any situation.²⁶ The kind of choice that a patrolman makes when there is some conflict between his aims and those of the victim also depends on the kind of evidence that the patrolman has that the "victim" did indeed precipitate the incident and a more subjective evaluation of the social and personal characteristics of the victim. This latter evaluation takes into account whether or not the victim has been drinking (or using drugs),

race, sex, and personality characteristics. All of these factors come into play in the following incidents.

ILLUSTRATION NO. 26

Two patrolmen responded to an "Assault with a Deadly Weapon (ADW) Ambulance" call. When they arrived they found the victim, a woman in her fifties, in the ambulance. She had a bandage over her eye and her pants were spattered with blood. The attendants said that she had a cut over her eye but was not otherwise injured, and they were taking her to the hospital. The woman told the police that she has been sweeping her back porch when her neighbor had hit her with an iron stick of some kind for no apparent reason. She lived in a small bungalow in which the rear door and porch faced the rear door and porch of an adjacent bungalow; the distance between the porches was approximately five to seven feet. The officers went to question the neighbor. He was a somewhat "hit" looking man in his late twenties with modishly long hair. He came out to meet the officers, and immediately admitted hitting the woman. But his version of the events was quite different. He claimed that he had been cooking steaks on his hibatchi on the porch when the woman came outside and began sweeping dirt (cat litter as it turned out) on his steaks. Using rather hostile language he told her to quit, and she started swearing at him and beating him on the back with a broom. At this point he lost his temper and hit her with a plate he had in his hands. He went on to say that they had been having problems for a long time: she called him a queer quite regularly and referred to he and his wife as the 'maggot' and 'faggot.' He appeared to the patrolmen to be contrite and rather sorry about the whole incident. The patrolmen told him that they would have to take a report but they didn't know if they would arrest him as they wanted to talk to the woman some more. (Privately, they agreed at this point that it looked like a case of self-defense rather than an ADW). The man was given a stern warning and the patrolmen went off to the hospital. The woman reiterated her story, but did admit after some hemming and hawing that she was having a dispute with her neighbor.

Neither officer entirely believed her version of the events; they thought that she precipitated the assault, and they decided to take a simple battery report incorporating both versions. Both of them believed that nothing should be done.

ILLUSTRATION NO. 27

An officer responded to a fight at a bar. As he pulled up, he saw a number of people and a man with a bloody face standing in a parking lot. There was a parking problem involving some of the customers: a Cadillac had been parked so close to an Oldsmobile that the driver of the latter car could not get out. The driver, looking for the owner of the Cadillac, was rather upset. The man with the bloody face said that he had been making a phone call in a phone booth nearby when the driver of the Oldsmobile dragged him out and beat him. He believed that his assailant thought he was the owner of the Cadillac. The man had been drinking, though he was not excessively drunk. The owner of the Oldsmobile denied the story and asserted that he had found the man laying on the ground behind the Cadillac; he said that the man had fallen down and hurt himself. At this point the victim told the patrolman that he wanted to file a complaint for assault and battery against the owner of the Oldsmobile. The officer simply ignored him, and when the parking problem was solved he left.

ILLUSTRATION NO. 28

Two patrolmen responded to a "415 fight" at a large apartment building. When they arrived they were met by a man who said that his common-law wife was raising hell in their apartment. She was always drunk, he said, and he thought that she was "psycho." He claimed that he had been kicked out of twelve apartment buildings because of her behavior. He requested that the officers commit her for psychiatric observation. The patrolmen went up to the apartment and found the woman, sprawled on a couch, totally drunk. They immediately recognized her as a "local wino." Despite evidence that she had been beaten earlier in the day by her common-law husband, they told her that there was nothing they could do and the best thing was for her to "sober up." They went back downstairs and told the man that they would not commit her and they could not arrest her.

They advised him to leave her, and then left.

ILLUSTRATION NO. 29

Two officers responded to a 414 family dispute where a woman claimed that she had been beaten by her husband. The apartment was in disarray: there was food and broken dishes scattered on the floor of the dining room and kitchen. The woman was tipsy and her husband, while more coherent, was not much more sober. The woman had no serious injuries that were immediately apparent but she was rather hysterical. She asked the patrolmen to do something but neither showed much inclination to take her complaint seriously; in fact one officer was openly hostile toward her. The woman became increasingly distraught and screamed at the officers. They decided to leave. As they walked toward the door she told them to stay as she hadn't dismissed them yet. They ignored her and left. This was the first of three calls at this residence. The second time the woman again claimed she had been beaten and wanted her husband out of the house. She was more calm this time and the patrolmen obliged by convincing her husband to leave for a while. Yet they still did not investigate the substance of her charges nor did they make any attempt to question the woman's husband about the alleged beating. The woman was still upset and said that the officer didn't understand the problem; the officer simply ignored her and left. The third time these two officers were called the woman again claimed she had been beaten but her husband had left. She asked them to do something, and the officer told her to get a divorce. She replied that this was impossible as she was Catholic. At this point a neighbor, who was quite drunk got involved, presumably to assist her friend. The woman also became increasingly hostile and aggressive toward the officer, and attempted to strike him. Again he ignored her. Later, he said that he would have arrested her for attempted assault on a police officer but no one would have been present to take care of her daughter.

ILLUSTRATION NO. 30

Two patrolmen responded to a 415 disturbance at a local grocery store. The owner of the store was well known to the police and generally well thought

of. His problem concerned a "26 year old wino" who had been in the store bothering customers. He had left but the owner thought the police should be alerted. The officers went looking for "Bob," and vowed that if they found him he was going to jail. As they were cruising the area they were hailed by a man who said that there was a man laying on the ground behind his store, apparently hurt. The patrolmen thought it might be Bob. It was, and he had been beaten severely around the head. When questioned, Bob, a Mexican-American, first said that he had been beaten by "two Niggers with a baseball bat"; then it was "five Niggers with a tire iron"; and finally, "some Mexicans" had beaten him. They sent Bob off in an ambulance and made out a report. They were rather unconcerned with Bob's beating and made no attempt to really investigate the matter. They did talk to a "friend" who said that he had no idea who had done the beating but observed that Bob deserved it and it was too bad that he had not been killed. Both officers said that the friend was lying and that Bob knew who beat him but wouldn't say. As far as the patrolmen were concerned the matter was closed.

In all of these situations patrolmen took only the minimal action necessary or simply ignored the problem. The decisions in each case were based on an evaluation of the victim's culpability and characteristics. Though more explicit in the last incident, the attitude in all was that the victims got what they deserved. The first is perhaps the most straightforward. The officers did have good reason to believe that the woman precipitated the fight and that she had been struck in "self-defense." In making this evaluation, though, they relied upon the young man's attitude, his contriteness, as much as anything else. Their solution was not to ignore the matter so much as to

pass the buck; by making a better report with both versions they merely shifted any decision about a criminal action to the detectives. But this was done with the knowledge that an action of any kind would probably not be forthcoming. In addition to their evaluation of the victim, the patrolmen justified their decision on the belief that the prosecutor would not take the matter very seriously. How much this was a rationalization for not taking any action is impossible to tell, but it is clear that these two justifications reinforce one another.

In the other four incidents it was not only the legitimacy of the victim that was at stake, which was not as clear as in the first, but the officers' attitudes and feelings toward the victims. The use of alcohol or drugs tend to be an important factor in a patrolman's evaluation. In illustration no. 27 the officer first justified his decision to ignore the man's request for a complaint on the grounds that he probably had fallen and hurt himself. He reasoned that the owner of the Oldsmobile did not look like he had been in a fight and that it was unlikely he would do so with his wife present. He also commented that the man looked like a reasonably solid citizen. The "victim," on the other hand, had been drinking, and besides being bloody was rather disheveled. The patrolman said that since the man had been drinking his case would not stand a chance in court. Yet it wasn't clear why the

man would have chosen to make a complaint if he had in fact fallen down nor why somebody called about a fight. From my vantage point the man looked as if he had indeed been hit. This officer, I should mention, was a tee-totaler and had an abhorrence of drinking. While he did not say so, it's possible that his attitude toward drinking colored his attitude toward the victim. The patrolman, I should make clear, made no attempt to investigate the substance of the man's charges; indeed the ease with which he ignored the whole matter is one of the most striking aspects of this incident.

The next two incidents bring sex, in addition to drinking, into the equation. The officers in both of these incidents were singularly unsympathetic to the complaints of the women. The officers in illustration 28 did in fact have only tenuous legal grounds on which to act, but because of the woman's reputation and the fact that she was drunk they saw no point in acting. Indeed, even though they had some evidence that she had been beaten (the manager told them that he was sure she had been beaten earlier in the day) it was her behavior that was in question and not her husband's. The decision was again justified on grounds that the prosecutor would not act, but perhaps more important was one of the officer's observation that "these situations are a pain in the ass." The officer's hostility toward the woman was more evident in illustration no. 29.

The woman was upset and it was difficult to tell how much she had been hurt or what had happened, but the officer showed almost no concern for her plight; and the more unconcerned he was, the more hysterical she became. In his view it was her problem and she had brought it on herself. At no point did either patrolman attempt to investigate the matter or act in more than a perfunctory manner; the only decision was whether or not to ignore the matter. The attitude that the victim got what was deserved is most apparent in the last incident. Prior to the time these officers found Bob in back of the store they had agreed that Bob "probably should get his butt kicked." What they meant, if I need to point it out, was that a beating would "straighten" Bob out. Apparently other people in the neighborhood felt the same way. Consequently, the officers believed there was no real reason to attempt to apprehend Bob's assailants.

The decisive characteristic of the exercise of discretion among patrolmen in order-maintenance situations is a reluctance to act, even in the face of reasonable cause of action. A patrolman is most sensitive to the demands of citizens when their requests are congruent with aims of the police. This is the case where the request is simply to take the minimal action necessary to restore order. A patrolman will normally make a citizen's arrest when requested, though adherence to a citizen's wishes is

not guaranteed. My impression is that patrolmen are somewhat more likely to honor such requests from the owner of a small business or a security guard of a department store since the legitimacy of the victim is not usually in question. Independent police action occurs only when a patrolman has no other way out of the situation or when his authority is at stake. This is usually in the context of either excessive violence or the strong likelihood of further violence or disorder and belligerence toward the police. Depending on the circumstances independent action by patrolmen is more likely in a disturbance that occurs in a public rather than a private place. Not only do the police have more leeway legally but there is greater pressure and incentive to act. Both the concern to prevent a larger problem and the need to maintain respect for the authority of the police are present. Indeed, the problem for administrators in these kinds of situations is often that of restraining their men.²⁷

Some idea of the overall predispositions of patrolmen to act and the differences between private and public order-maintenance situations can be gained by examining the responses of patrolmen to two hypothetical situations. In one patrolmen were presented with a situation in which a group of juveniles were raising hell at a bowling alley (Table V-11). They refused to leave, the manager called the police but declined to sign a complaint. In the other,

Table V-11
DECISIONS ON 415 JUVENILES^{a/}

| ACTION AND REASON | IPD | RAMPLAPD | RBPD | NELAPD | TOTAL |
|----------------------|----------|----------|----------|----------|----------|
| <u>ARREST:</u> | 30% (18) | 51% (26) | 46% (16) | 71% (36) | 49% (96) |
| LEGITIMATE COMPLAINT | 28% (5) | 42% (11) | 25% (4) | 33% (12) | 33% (32) |
| STRATEGIC ACTION | 11% (2) | 23% (6) | 25% (4) | 28% (10) | 23% (22) |
| CAN'T REASON | 61% (11) | 35% (9) | 50% (8) | 39% (14) | 44% (42) |
| <u>DISPERSE:</u> | 61% (37) | 45% (23) | 41% (14) | 25% (13) | 44% (87) |
| NO COMPLAINT | 35% (13) | 22% (5) | 50% (7) | 23% (3) | 32% (28) |
| STRATEGIC ACTION | 30% (11) | 26% (6) | 29% (4) | 23% (3) | 28% (24) |
| CAN'T REASON | 35% (13) | 52% (12) | 21% (3) | 54% (7) | 40% (35) |
| <u>NO ACTION:</u> | 9% (6) | 4% (2) | 12% (4) | 4% (2) | 7% (14) |
| NO COMPLAINT | 100% | 100% | 100% | 100% | 100% |
| N = | 61 | 51 | 34 | 51 | 197 |

a/ The reasons were coded as follows:

Legitimate Complaint

A crime has occurred, the youths are interfering with the man's business and officer can take action. It is a misdemeanor committed in presence of officers.

Strategic Action

Officer assumes a complaint is required but he will not get one. Action is taken to keep the peace, break up the group and prevent in the future.

Table V-11 (con't)

a/ (continued)

Can't Reason

Youths have been warned and it is apparent that they will not listen to reason anymore. Officers must stand up to youths, threats have been made and the officers must back up their threats. The juveniles have no right not to obey an officer; they refuse to leave and officer has no alternative.

No Complaint

Action will be taken only with a complaint from the victim(s). There is no crime without a victim and a complaint makes police action credible. Also the situation is not that serious and arrests are a waste of time.

officers were faced with a typical family dispute between a Black or Mexican-American couple (Table V-12). There is explicit evidence that the woman has been beaten by her husband (her cheeks are bruised) but she will not sign a complaint out of fear. Her husband is rather belligerent toward the patrolmen. Comparing the responses of all patrolmen two facts emerge. First, patrolmen are twice as likely to make an arrest of either all or some of the juveniles at the bowling alley than of the husband in the family dispute. Forty-nine percent said they would arrest in the former, only 25 percent would arrest in the latter. Patrolmen are also more likely to ignore the family dispute: 16 percent said they would take no action compared to 7 percent with the juveniles. Indeed, what is striking about the family dispute is that 44 percent would either ignore the matter altogether or simply take a minimal action such as advising the woman to leave for the night. The remaining 31 percent indicated that they would get one of the parties to leave voluntarily. On the other hand, 44 percent said they would disperse the juveniles, that is make sure they eventually left. The only difference here were those of tactics; some indicated they would be more aggressive than others. Thus, the survey data does suggest that patrolmen are more likely to take a public disturbance more seriously than a private one. The second fact is that there is not much difference in the reasons given for

Table V-12

DECISIONS ON 415 FAMILY DISPUTE^{a/}

| ACTION AND REASON | IPD | RAMPLAPD | RBPD | NELAPD | TOTAL |
|----------------------------|----------|----------|----------|----------|----------|
| <u>ARREST:</u> | 10% (6) | 45% (23) | 3% (1) | 38% (19) | 25% (49) |
| FELONY COMPLAINT | 17% (1) | 61% (14) | 100% | 53% (10) | 53% (26) |
| PREVENTATIVE ACTION | 83% (5) | 39% (9) | -- | 47% (9) | 47% (23) |
| <u>GET PARTY TO LEAVE:</u> | 47% (28) | 26% (13) | 26% (9) | 40% (10) | 31% (60) |
| NO COMPLAINT | 25% (7) | 8% (1) | 11% (1) | 10% (1) | 17% (10) |
| STRATEGIC ACTION | 54% (15) | 46% (6) | 56% (5) | 60% (6) | 54% (32) |
| WASTE OF TIME/OTHER | 21% (6) | 46% (6) | 33% (3) | 30% (3) | 30% (18) |
| <u>MINIMAL/NO ACTION</u> | 44% (27) | 29% (15) | 71% (24) | 42% (21) | 44% (87) |
| NO COMPLAINT | 85% (23) | 67% (10) | 71% (17) | 90% (19) | 79% (69) |
| STRATEGIC ACTION | 15% (4) | 13% (2) | 21% (5) | -- | 13% (11) |
| WASTE OF TIME/OTHER | -- | 20% (3) | 8% (2) | 10% (2) | 8% (7) |
| N = | 61 | 51 | 34 | 50 | 196 |

a/ The reasons for actions were coded as follows:

Felony Complaint

The officer has reasonable cause to believe a felony has been committed due to the woman's injuries.

Table V-12 (con't)

a/ (continued)

Preventative Action

Officer should take action, make an arrest, without a formal complaint. Use a pretext such as drunkenness to make arrest.

No Complaint

No action can be taken without a complaint from the victim. It is a misdemeanor not committed in officer's presence and any action would be illegal.

Strategic Action

Officer will not take formal action without complaint but believes something should be done to solve problem and prevent violence.

Waste of Time/Other

An arrest is a waste of time since woman will not file complaint; also includes hostile attitude toward the woman and miscellaneous reasons.

various actions. Patrolmen really based their actions on one of three reasons: they believed they had a legal violation and could act without a complaint; they believed the situation to be serious enough that some kind of action was required (the important difference here is between those who would make an arrest even though they believed that it would not be legal and those who would not); or they believed that they could not (would not) act without a complaint. Officers in the latter category also pointed out that an arrest would be a waste of time, and that the prosecutor would not act. Interestingly, patrolmen were slightly more likely to feel that they had a legitimate basis on which to act in the family dispute than with the juveniles--53 to 33 percent. This difference, however, is almost entirely attributable to the fact that patrolmen in LAPD were more likely to believe that a felony assault had been committed in the family dispute. Indeed, patrolmen in LAPD tended to believe they were acting legally while those in the small departments, even though they would arrest, believed that their actions were quasi-legal.

There are some rather striking differences among the three departments in these tables. In general, patrolmen in LAPD were more likely to make an arrest or otherwise act forcefully than the patrolmen in the small departments. How consistent is this with the field observations? Illustrations 26 through 30, which portray some fairly typical

attitudes and actions were drawn from all three departments (and both divisions of LAPD). Moreover, officers in all three departments were equally disdainful of family disputes and order-maintenance problems. Given the legitimacy of crime fighting in LAPD and the greater degree of autonomy that officers have in the field, patrolmen could and were observed to "kiss off" many of these calls. On the other hand, officers in LAPD did seem more inclined to act when they felt it necessary, and, more important, very few evidenced any concern that the department would not back them up. In contrast a number of officers in Redondo Beach said that they acted cautiously in 415 situations since administrators would often refuse to back up decisions made by patrolmen. And in Inglewood, of course, the pressure to deal with "crime" led many officers to take a less concerned view than might have otherwise been the case. Still, I am inclined to believe that the responses for LAPD probably overstate the propensity to take a formal action in these situations. Finally, it is worth noting that of all three departments, Redondo Beach had the highest rate of arrests for Disturbing the Peace (Tables V-2 & 3). In fact the rate for arresting juveniles for Disturbing the Peace is six times as high as the other departments; there is less difference in the case of adults though Redondo Beach is still higher. These reflect the tendency of people to swear out complaints in Redondo Beach (an exami-

nation of arrest reports revealed that almost all 415 arrests for adults are made on the basis of citizen's arrests) and, perhaps, a greater tendency to honor these requests. And the arrest rates for juveniles is not entirely inconsistent with the survey results; almost half of the patrolmen in Redondo Beach said they would arrest some or all of the juveniles at the bowling alley. Thus the results in Redondo Beach do not seem entirely inconsistent with other evidence.

PROFESSIONALISM AND NON-ENFORCEMENT OF THE LAW

In one sense, the impact of professionalism has been to narrow the grounds on which non-enforcement can be justified. Widespread non-enforcement of minor violations simply does not occur in a professional police department. Insofar as minor violations are concerned the issue--if it is that--is that of strict enforcement. Strict enforcement is not in and of itself required by the values of professionalism. Why should professionalism result in enforcement which is more strict? It cannot entirely be explained by the values of impersonality which attach to professionalism. The value placed upon strict enforcement, while serving a broader set of ideals in American society--all men are equal before the law--and minimizing discretion by policemen, cannot be detached from the preoccupation

with crime fighting, with William Parker's description of the police as the "thin blue line." At bottom, the preoccupation of police professionalism with strict enforcement is a preoccupation with order. Nobody has understood this more clearly than Vollmer and Parker, though Vollmer was more glib about it. The concept of the professional police as strict enforcers of the law overlooks the close relationship between law enforcement and crime fighting. Strict enforcement is, in many ways, part of a larger strategy of crime control which rests on the ideas of deterrence and initiative. While this preoccupation is more pronounced in the Los Angeles Police Department, partly because of Parker's legacy, it is also apparent in the small departments. The differences in enforcement practices between these departments--which will be explored in greater detail in the next chapter--stem less from the norms and values of administrators than from the fact that the degree of autonomy, and hence the ability to adopt a standard of strict enforcement, is greater in the large than the small department.

In contrast to the pattern of aggressive patrol and strict enforcement which prevails with crime fighting and minor violations, the pattern with order-maintenance problems, especially those that stem from personal disputes, is not to act and not to enforce the law. Let me sharpen the contrast. A patrolman will never refuse to arrest a drunk

driver because the city attorney will reduce the charge to reckless driving or because judges do not take drunk driving seriously; yet patrolmen consistently refuse to take action in disputes with a potential for violence because the "prosecutor won't act on it." Burglars and armed robbers are actively sought; family disputes are avoided or perfunctorily handled. In one sense we have come the full circle: non-enforcement in order-maintenance is simply the reverse side of aggressiveness in crime fighting and law enforcement. These are less different roles which the police may or may not adopt than a conscious choice of priorities. And if professionalism has minimized discretion in the case of minor violations, the policeman as judge is most clearly seen in the way these disputes are handled. To be sure, there are valid reasons for supposing that legal action will never entirely suffice in these problems, and the present trend toward diversion should certainly be pursued. And the prosecutors and courts bear as much responsibility as the police for non-enforcement. Yet it is not as if these matters could not be handled better than they presently are.

NOTES TO CHAPTER FIVE

1. August Vollmer, The Police and Modern Society, Chap. 3 and 4, passim.
2. Albert J. Reiss, Jr., The Police and the Public, pp. 53-62. Reiss concludes that more arrests for interfering or resisting arrest occur in the context of enforcement of minor violations.
3. For a lucid discussion of the 'in presence requirement' and some of its ambiguities see Wayne La Fave, Arrest: The Decision to Take a Suspect into Custody (Boston: Little, Brown and Company, 1965) pp. 231-244.
4. See The Knapp Commission Report on Police Corruption (New York: George Braziller, 1972). Traditionally, policemen in corrupt departments have drawn a distinction between "clean" and "dirty" money. The former refers to payoffs for offenses which are not considered serious and not really capable of enforcement, e.g. gambling; the latter refers to payoffs for serious offenses, e.g. murder. For a long time corruption in connection with narcotics activities, the sale and distribution of heroin in particular, was tainted. The Knapp Commission provides evidence that these standards have changed: they found deep and lucrative links between policemen and narcotics racketeers. See also the readings in Lawrence W. Sherman (ed.) Police Corruption: A Sociological Perspective (Garden City, N.Y.: Anchor Books, 1974).
5. The idea of deterrence, especially in regard to traffic, is reflected in August Vollmer's writings. And while many policemen in LAPD have mentioned the studies on deterrence, I have been unable to obtain copies and one administrator has suggested that the results are not as unambiguous as some policemen apparently believe. Indeed, he suggests that the results show that it makes no difference.
6. A decision not to enforce the law is sometimes based on a consideration of the evidence at hand and thus strict legal considerations. I believe that in the case of minor violations few decisions not to enforce the law are made for these reasons. Most patrolmen believe, with some justification, that they do not

stop people who have not committed a minor violation. The difficulty of proving an offense may be a consideration but it is not often determinant. A decision made on this basis often conceals a more important reason, a lack of confidence on the part of the patrolman in his knowledge of the law. More commonly, the lack of evidence or the anticipated action of the prosecutor or courts may be used as a pretext to cover other reasons for non-enforcement. This, as we will see, is true of order-maintenance situations. Finally, in the incidents evaluated here the question of evidence is not in contention.

7. David M. Petersen, "Police Disposition of the Petty Offender," Sociology and Social Research, (April, 1972), pg. 328.
8. Petersen reaches much the same conclusion about the impact of routine.
9. For another discussion of non-enforcement see Wayne La Fave, Arrest: The Decision to Take a Suspect into Custody, pp. 61-164; inevitably there are some overlaps between my analysis and his, though he is more concerned with the legal problems of non-enforcement.
10. A recent example of this occurred in Los Angeles. In response to complaints by women that they were being propositioned by men roving up and down Hollywood Boulevard, the police stationed undercover policewomen on the street. When propositioned they were able to contact other officers observing from a distance. Aside from the controversy over entrapment, no doubt partly the result of the fact that many well-to-do men were arrested for soliciting an act of prostitution, the most interesting aspect of this stratagem occurred when an off-duty LAPD Captain was arrested for soliciting and drunk driving. The officers initially attempted to cover for him but they were unsuccessful. All were disciplined by the department.
11. See the discussion of the way the police in Monterey, California and Bass Lake, California handled the arrival of the Hell's Angels, in Hunter Thompson, Hell's Angels (New York: Ballantine Books, 1967), pp. 23-31, esp. pg. 27ff; and "The Hoodlum Circus and the Statutory Rape of Bass Lake," pp. 133-265,
12. Wayne La Fave, Arrest, pp. 87-89.
13. See Albert J. Reiss, Jr., The Police and the Public, pp. 48-53, and 136-140.

14. This of course presumes that there is not a great deal of distortion and outright lying in the responses to these questions. The question of the attitude test is a sensitive one for the police though most are not at all reluctant to admit that it is frequently used. My feeling is that the actual degree of acceptance of the attitude test to exact deference is underestimated by the responses to this question, though the fact one-third agreed with it says something in and of itself.
15. Quoted in Alan E. Krueger, Centrifugal Justice and the Nature and Primacy of Police Discretion (mimeo, U.C.L.A., n.d.) pg. 15.
16. The sample was drawn by taking every fourth report, that is every fourth drunk arrest throughout 1972 was examined.
17. Cf. Wilson, Varieties of Police Behavior, pp. 118-128. Wilson considers drunk arrests to be largely police-invoked, something that this analysis suggest is not completely true.
18. After stopping a car with four Blacks in it, two couples, a patrolman observed that he always checked out Blacks because there was a greater chance that something was wrong. "That's not prejudice," he said, "I can't turn my back on the truth."
19. Most studies show that the primary difference between White and Blacks in terms of arrest rates is that Blacks are charged with more serious offenses by and large. In addition to Wilson, Varieties of Police Behavior, pg. 159 see Morris A. Forslund, "A Comparison of Negro and White Crime Rates," Journal of Criminal Law, Criminology and Police Science 61 (June, 1970): 214-217; T.N. Ferdinand and Elmer G. Luchterhand, "Inner-City Youth, The Police, The Juvenile Court, and Justice," Social Problems (1969): 510-525. Wilson in "The Police and the Delinquent in Two Cities," finds almost no differences in the arrest rates for White and Black juveniles in a professional department but substantial differences by race in a fraternal (Watchman) department. For an older and by now dated study of police attitudes toward Blacks see William Kephart, Racial Factors and Urban Law Enforcement (Philadelphia: University of Pennsylvania, 1957). One of Kephart's most interesting findings was that patrolmen in the Philadelphia Police Department consistently overestimated the percentage of arrests of Negroes in their districts, pp. 90-91.

20. See Armando Morales, Ando Sangrando, I am Bleeding, pp. 47-57; and Paul Jacobs, Prelude to Riot, chap. 2. Morales' analysis of drunk and drunk driving arrests in East Los Angeles compared to the all-White environs of the San Fernando Valley support this hypothesis. In fact, Morales argues that discrimination is really a matter of police deployment practices, and he offers a fairly incisive critique of the logic behind these policies.
21. Most studies which emphasize the burden of calls upon the police and the peace keeping and service aspects of the police function are based on an analysis of calls that the police receive. There is no disputing that most of the calls that the police respond to are concerned with non-criminal but nonetheless important matters. But at the same time one cannot conclude on the basis of an analysis of calls alone that peace keeping activities dominate the time of patrolmen; as I have argued in chapter four one must begin with the analysis of the activities of the patrolman and what he does with his time. See James Q. Wilson, Varieties of Police Behavior, pp. 18-19; Elaine Cumming et al., "Policeman as Philosopher, Guide, and Friend," Social Problems 12 (Winter, 1965): 276-286, for two such approaches.
22. Along these lines see the discussions of non-enforcement in Sanford Kadish, "Legal Norm and Discretion in the Police and Sentencing Processes," 913-914 and Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process," pp. 573-580. Some of the best work on the problem of family disputes has been done by Raymond I. Parnas. See his, "The Police Response to the Domestic Disturbance," Wisconsin Law Review (Fall, 1967): 914-960 and his discussion of alternative ways of dealing with these problems in "Police Discretion and Diversion of Incidents of Intra-Family Violence," Law and Contemporary Problems 36:4 (Autumn 1971): 539-565. The latter contains a good review of innovative programs adopted by the police to handle family disputes.
23. Wayne La Fave, Arrest, pp. 110-114; Kadish comments, "rather than overly strict enforcement against Negroes, what commonly is involved is a calculated non-enforcement of certain laws against the Negro population, justified on the ground that a lesser standard of morality prevails and that it is therefore unwise to apply the general legal standards to them," "Legal Norm" pg. 913-914.

24. In Inglewood, 9% of drunk arrests for reasons of drunk and disturbing were made in on-view situations and 33% were made in calls for service; arrests for plain drunk on the other hand were more likely to be made in on-view situations (73%) than calls for service (42%). The same pattern is apparent in Redondo Beach, and in both departments the null hypothesis can be rejected at a level of significant of less than .05.
25. Raymond I. Parnas observed the same tendency to interpret police authority narrowly in these situations, see "The Police Response to the Domestic Disturbance," pg. 930 and 937.
26. In other questions in the interview where officers were given the opportunity to spell out their reasons for agreement or disagreement with this criterion a scant 7 percent agreed that the rule of the culpability of the victim was generally correct. The other 10 percent that agreed said that it would depend on the seriousness of the situation and that, in any event, some kind of informal action, e.g. mediation, would be taken. The most common reasons for disagreeing were that a crime has been committed and an officer has no right to ignore it; or that an officer has an obligation to prevent further hostilities or violence from occurring. I might add that these attitudes are not entirely consistent with the field observations.
27. This seemed to be the case in the one large public disorder incident aht I observed. The incident concerned a "415 party" with upwards of 200 juveniles and young adults attending. As they arrived at the scene many of the patrolmen displayed an eagerness to go in and disperse the whole crowd and some displayed some mild peevishness when the Sergeant in charge decided to warn them first and give them a chance to disperse. Whether this was mock aggressiveness for my benefit is impossible to tell. My guess is that this was the case with some individuals who knew me and not others.

CHAPTER SIX

POLICE DISCRETION

Police discretion has thus far been viewed from the perspective of the patrolman. I have focused on the adaptation of patrolmen to a set of conflicting and ambiguous goals, to the requirements of an alternatively tedious and dangerous job, and to the difficulties of enforcing the law and keeping the peace--of making decisions in ambiguous circumstances that have profound consequences for individuals and the determination of Justice in American society. Although I offered some explanation of discretion, the intention in the preceding chapters was to describe the progress of discretion as intimately as possible. The purpose of this chapter is to go beyond description to explanation, to develop on the basis of aggregate survey data an empirical model of police discretion as it is exercised by patrolmen. This of course is a necessary step in evaluating the impact of professionalism on police discretion and various proposals for change.

In developing an empirical model of discretion I shall be guided by several questions. First, insofar as it is possible with survey data, I wish to consider the issue of the relative effects of situational versus departmental factors in the exercise of discretion. To restate the

orienting hypothesis of the study in this regard: the exercise of discretion by patrolmen is largely shaped by the values, incentives, and pressures of the police bureaucracy; the needs of the organization for stability and the maintenance of integrity and the need for individual policemen to adapt to organizational pressures determine the decision rules, values and priorities of operational law enforcement. The view that the exigencies of the situation--the demeanor of the participants, the characteristics of the situation--'determines' the outcome contains an element of truth but it may be applicable only to a narrow range of circumstances. This analysis has sought to reveal how patrolmen view their task and the problem of discretion; rather than creatures of their environment, they have been depicted as manipulators of their environment. I would submit that the issue is of more than simply academic interest. While it is true that the police, as other actors in the political system, must adapt to the realities of their task and the communities they police, they are not without choice. And the choices they make have an important bearing on the quality of justice and the issue of political control over police discretion. For these reasons one ought to understand the range of choices that patrolmen have and what influences their decisions. The broader theoretical questions will be evaluated in the concluding chapter.

A second issue is what are the best predictors of the way a patrolman will handle a particular type of situation. That is which factors 'explain' most of the observed variance. To say that the department is a more important factor in explaining discretion than the community context begs the question of what it is about the department that 'explains' discretion. The preceding analysis has suggested that there are important differences between the large department, LAPD, and the two small departments, and we have considered factor of size, and in turn the question of autonomy, as the explanation of these differences. In the analysis of the survey evidence I shall want to pursue this matter further and determine, on the basis of available measures of supervisory practices and other organizational characteristics, how adequate an explanation this is.

This matter of explanation does not resolve itself quite so easily. One of the salient facts to emerge from the preceding analysis of decision-making on the street is the latitude that patrolmen have, both in making decisions and developing an approach to the task of police work. The ethos of individuality among policemen and the limitations on formal administrative controls contribute to the tendency among patrolmen to fashion a highly individualized and in some cases idiosyncratic approach to working the street. And even if such approaches are elaborated in an organi-

zational milieu and thus constrained, the argument is that within this milieu there is sufficient latitude that distinctive approaches can and will evolve. I have referred to this as the development of operational styles among patrolmen. Given the freedom that a patrolman has to develop a style, this means that in addition to the situational and departmental factors influencing discretion, individual characteristics may also be important. That is, a particular approach to the task of police work may reflect the peculiarities of being socialized in a particular socio-economic strata of American society or individual psychological factors. One important question here is the nature of the relationship between social class and police discretion. The hypothesis of "working class authoritarianism" presumes that policemen who come from working class backgrounds will be the most aggressive and the most brutal, though this hypothesis has never been tested against the kinds of decisions patrolmen actually make.¹ Thus I shall attempt to unravel the relationship between operational style and class background. A further question is that of the relationship between operational style and the impact of departmental controls. Is it possible that different departments 'produce' different styles? Or is it that the impact of departmental controls and the like constrain some styles more than others? A brief analysis of the relationship between police discretion and operational

style is necessary to clarify these matters.

THE EXERCISE OF DISCRETION BY PATROLMEN

Police discretion has been defined as three kinds of decisions that may be made by patrolmen. These are the decision to intervene in a set of circumstances; the decision of what action to take, whether or not to enforce the law; and the decision of what tactics to use. Neither the law nor the functional goals of a police department, such as they are, are determinant factors in the exercise of discretion; but they do constrain discretion, they do pose different choices for patrolmen. For example, there is a rather profound difference in the kinds of choices a patrolman can make when he is enforcing traffic laws than when he is involved in a family dispute. Consequently, police discretion must be analyzed in terms of the functional situations that patrolmen encounter.* There are four functional situations (considered in detail in the previous two chapters): enforcement of minor violations; two types of order-maintenance function, those involving the containment of violence and disorder and those pertaining to

* The use of the word situation here refers to the kind of task patrolmen are performing and not to the situational factors which may influence discretion. The latter refer to the community context: the crime rate, the differences between the police and those being policed, and the kinds of demands made upon the police by citizens.

service; and crime-fighting. Each of these functional situations pose different legal requirements for patrolmen, imply slightly different goals, and involve different kinds of people. Moreover, two of these--the enforcement of minor violations and crime-fighting--largely turn on the decision to intervene while the others, in which patrolmen become involved through call for service, turn on the adequacy of the patrolman's response. A brief description of each of these is in order.

Enforcement of Minor Violations

Discretion in a law enforcement situation is based on the existence of a more or less clear-cut violation of the law. There is normally little question that a violation has taken place, and though misdemeanors account for most of the violation, this type of situation does include some felonies. Patrolmen usually become involved with a law enforcement problem through an independent decision to intervene in a given set of circumstances, for example, to stop a motorist for a traffic violation. If the violation is usually clear-cut and unambiguous, these situations are not always resolved by an arrest or citation; some violations may be ignored or more likely some kind of informal action such as a warning will be given. The legal requirements are not complex; since most of these are misdemeanors the major requirement is that the patrolman witness the violation being committed. Finally, these situations are

more likely to bring patrolmen into contact with middle and upper-middle class citizens, and they often create some hostility between patrolmen and citizen.

Serious Order-Maintenance

These situations are by definition ambiguous. They typically involve disputes of one kind or another between one or more people--fights in a bar, family disputes, disturbances created by groups of people such as noisy parties and the like--which have the potential of erupting into violence. It is not always clear that a violation has taken place or, even if it has, that enforcement is the best solution to the problem. The initial responsibility of the patrolman is to restore order, to calm people down and prevent an outbreak of violence. Patrolmen are reluctant to enforce the law in these situations; and because they are believed to be unresolvable, an arrest is the last resort. In fact, the police tend to underenforce the law in these situations. An arrest, if one is made, will usually be a citizen's arrest, though patrolmen will evaluate the legitimacy of the victim's claims. Legally, these problems may require the use of a pretext arrest to prevent violence, but the tendency of many patrolmen is to construe their legal powers far more narrowly than is actually the case. However, patrolmen have more leeway legally and greater incentive to act if the disorder occurs in a public rather than a private place. These situations, which usually

originate on the basis of a call for service, are more likely to involve the police with the poor and downtrodden.

Service Order-Maintenance

In a service situation a violation of the law is normally not a salient factor. These calls require that patrolmen perform some kind of service for the citizen. Many of these are of an administrative nature or exceptionally trivial, but some require that the police assist people in one capacity or another, that they act as philosopher, guide and friend. This is particularly true of a minor order-maintenance problem where a patrolman may be required to assist individuals in resolving a dispute or argument. What is at issue here is not the extent of legal protection extended to individuals as in a serious order-maintenance situation, but the kind of service that the police extend to citizens. The tendency among patrolmen is to ignore these matters or handle them in, at best, a perfunctory manner; but all three departments emphasize, as a matter of policy, the necessity of attempting to assist people in some manner. Discretion in these situations is a matter of the extent to which a patrolman lives up to these obligations, of whether or not he takes some action to resolve matters.

Crime-Fighting

Here discretion refers not to the reaction of a patrol-

man to a single concrete incident, but rather how he approaches the problem of patrolling the street in light of the objective of crime control. The objective is the prevention and detection of crime; the method is that of intervening in a set of circumstances either to apprehend a suspect or to prevent a crime from occurring. The most important legal issues arise from questions about the officer's probable cause to stop and interrogate someone and from violations of procedural rules such as search and seizure. The exercise of discretion is based on a set of beliefs about the best way to control crime and maintain order in the streets. Discretion necessitates decisions about how the laws will be enforced and what laws will be enforced; every patrolman must decide, in other words, how aggressive he will be and how selective he will be.

POLICE DISCRETION AND OPERATIONAL STYLE

A patrolman's operational style is based on his response to the central problem of a professional police force, the difficulties of controlling crime. The concept of operational style refers to the set of beliefs which guide a patrolman's choices on the street, and as such it reflects the way he uses his powers of discretion. It is through the belief system of a particular operational style that a patrolman judges events on the street and brings to bear the norms and standards which guide decision-making.

But if an operational style derives from initial decisions about how to work the street in order to cope with crime, the concept encompasses much more. It comprises a patrolman's considered reflections on the nature and difficulties of law enforcement, the various limitations on his powers that he must cope with, and the ultimate adaptations he must make to the realities of the street and the demands of police administrators. Thus, it defines not only how a patrolman will go about working the street, and how he will approach the enforcement of the laws, but how he evaluates other objectives of police work, namely, serious order-maintenance problems and service situations. In short, an operational style derives from the initial choices made in regard to crime-fighting and defines an officer's responses to the other three functional situations. However, a patrolman must also come to terms with the police bureaucracy, and to this extent an officer's style will be mediated by the demands made upon him by administrators. Indeed, the operational styles that will be defined here all manifest varying degrees of accommodation or conflict to the police bureaucracy and the pressures of police professionalism.²

An operational style is defined in terms of two core elements, the dimensions of aggressiveness and selectivity. As the previous chapters have demonstrated some patrolmen are more aggressive than others; they stop more automobiles

and individuals on the street, and they are more inclined to skulk around and get involved. Aggressiveness means more than a proclivity for action; it means a willingness to take action when a more prudent man might desist and to bend the rules once in a while. A highly aggressive patrolman is one who is inclined, if the situation requires, to adopt extra-legal tactics.

A patrolman may be aggressive but not indiscriminant in his actions. Some violations are more important than others, and a patrolman may settle upon a set of priorities. The important distinction here is between those who take the point of view that only felonies and some serious misdemeanors are important and those who believe that all laws should be enforced. Selectivity thus denotes a distinction between those who discriminate among violations on the basis of the presumed seriousness of the violation and those who are inclined to act legalistically, and believe that even the most trivial violations are worth enforcing. An officer who is not selective is legalistic in the sense that he attempts to judge behavior only in light of relevant legal standards; an officer who is selective must introduce non-legal considerations into the decision process.

With these two dimensions we can derive a four-fold typology of operational styles. These are depicted in the diagram below. Individuals who 'fit' any one of these

AGGRESSIVENESS ON THE STREET

| <u>SELECTIVITY OF ENFORCEMENT</u> | High Aggressive | Low Aggressive |
|---------------------------------------|-----------------------------|-----------------------|
| | OLD STYLE CRIME FIGHTER | SERVICE STYLE |
| Selective | | |
| Non-Selective | CLEAN BEAT CRIME FIGHTER | PROFESSIONAL STYLE |

styles were observed in all three departments in this study. And if one could say, on the basis of the field observations, that no one style dominated a department, it is still true that some styles were less likely to be observed in a particular department. In LAPD, for example, no one was observed who 'fits' the description of the Service Style. Moreover, no policeman perfectly fits any of these styles; rather these are analytical types that highlight specific characteristics of a particular approach to police work (though it is possible to operationalize them). To clarify the differences between these styles (as well as the difficulties of applying this typology) I will describe in greater detail the characteristics of each style and illustrate by a description of one officer who I think exemplifies the style.³

Old Style Crime Fighters

This patrolman is very aggressive but selective in his approach to the task. Felonies are believed to be the only violations worth pursuing; minor violations and service activities are not 'real' police work, and if possible they are avoided. Many of these officers prefer to work morning watch where they can pursue their craft unimpeded. 'Real' police work is not the fortuitous arrest of a burglary suspect, but rather the skillful application of techniques and tricks learned on the street to problems of crime: the assiduous cultivation of informants; the uncanny ability to spot a narcotics suspect walking down the street; a rough but effective method of interrogation; and above all a wealth of knowledge about people and their foibles, and the area in which they work. These officers have "street sense," the ability to judge people and situations quickly and deftly, and more often than not they are right. In some ways these men are a reminder of an earlier era of police work, the predecessors of the professional policeman. As Joseph Wambaugh put it in his sentimental recreation of such an officer, The Blue Knight, "they represent both the worst and the best in police work..." If the old style crime fighter attempts to practice the art of police work in its highest form, he does not hesitate to solve problems on the street by whatever means are necessary, legal or otherwise. From his point of view, society must decide

whether or not it wants to protect its members from predators that abound; legal restrictions sometimes do more harm than good, and it is often the case that curbstone justice does more to an offender than the courts. But if these officers are inclined to violence on occasion and have few compunctions about procedural restrictions, they can also be quite effective in dealing with the human problems of law enforcement. Some of them display extraordinary talents of mediation, though most attempt to ignore the social aspects of police work. Many of the patrolmen who fit this description are "old-timers," men with fifteen to twenty years on the force; but there are younger officers who fit the pattern, and one of the distinguishing characteristics of these patrolmen is that they learned the craft of police work in a high-crime area of the city. Many of them also specialize in narcotics, though there was often more satisfaction in catching a burglar or an armed robber.

'Bumper Morgan' This Bumper Morgan is younger and more ambitious than his namesake, the hero of Wambaugh's novel, but his attitude toward law enforcement and the department is quite similar. Morgan comes to work prepared: upon entering the car he produced a pair of high-power binoculars, black leather gloves, and a fat notebook containing the names, crimes and dates last encountered of resident hypes, burglars, thieves, and parasites. He

spent much of his time during this watch prowling down darkened streets with the lights out. He loved his work. Morgan said at one point, "I'm born to be a cop. I really know how to do it well; I can make the right decision at the right time." In a more gratuitous vein he added, "I'm the kind of guy watch commanders would like to have thirty of, whether they admit it or not..."

Morgan works selectively and aggressively. Morgan said that he would never waste his time on a trivial violation such as a misdemeanor or an arrest that involves juveniles. Juveniles take too much time to process and nothing ever comes of it. Only felonies are important, and of these burglaries and narcotics are the preferred offenses. Morgan never once stopped a car for a traffic violation (he insisted that he never writes traffic tickets), and he turned down a number of misdemeanor violations during the night. In one instance he observed three juveniles looking under the hood of a stalled car at 3:30 a.m. The juveniles were separated and interrogated, the car quickly searched, and then released. None of them had any identification and there were several different charges with which he could have made an arrest, curfew, loitering, etc., but he took no action because it would be a waste of time.

For this type of crime fighter aggressiveness is more than a matter of stopping people on the street; any stop is assiduously worked for information about the area and

the activities of various individuals. After investigating a call about some juveniles disturbing the peace, Morgan cruised the area and finally stopped to talk to some juveniles sitting in front of a house. Morgan recognized one of them as a youth who had just been released from juvenile camp, and proceeded to make small talk about a football team the police were organizing. He wanted to know if they were interested in participating, especially one heavy set youth. Under the guise of recruiting him for the football team as a tackle, Morgan obtained a very good description of the youth, his name, his address, and what he was doing. It turned out that he was interested in the youth as a potential suspect in some strong-arm purse snatches that had recently occurred. Many policemen don't take the time to cultivate this kind of information, but from Morgan's point of view not only is this what police work is all about, it also pays off.

Morgan is very much the individualist, and although he is especially ambitious, his attitude toward the department is openly disdainful. He believes that most of the supervisors are concerned with trivial matters, and he often goes out of the way to "tweak their nose." The difference between Morgan's attitude and that of supervision is exemplified by the question of tactics. Morgan's attitude, like many officers, was that success on the street is a matter of "letting people know where you are

at" all the time. The central problem for a police officer is to maintain his authority on the street; the most egregious sin that can be committed by an officer is to lose control. Thus, Morgan maintains, policemen must communicate with people at their level. This means that tactics are consciously adapted to the demeanor of the person: if the situation requires sweetness, a policeman should be sweet; if it requires yelling and swearing, then yell and swear; if it requires force, have no compunctions. Morgan claimed to have been involved in a lot of altercations, but he maintained that he has never had a brutality complaint since he only 'decks' people when they deserve it--and they know they deserve it. As a contrast Morgan mentioned the Watch Commander's attitude. During the briefing, the Watch Commander had taken time to lecture the patrolmen on consent searches and the preferred demeanor of policemen toward citizens. On the latter subject he recited Sir Robert Peel's priorities of action: "first you ask people; then you persuade them; then you tell (order) them; and then you make them." Morgan's reaction was one of disgust, and he suggested that this only demonstrated how much supervisors and administrators were out of touch with the realities of the street.

Despite his bravado and at points rather self-serving statements, Morgan typifies the old-style crime fighter. The preoccupation with 'serious' crimes, the emphasis upon

the craft of police work, and the disdainful attitude toward the department are all characteristic attitudes of this type of patrolman, though somewhat exaggerated in the case of Morgan.

Clean Beat Crime Fighter

What sets this style off from the Old Style Crime Fighter is a legalistic frame of mind. These patrolmen are equally aggressive and equally preoccupied with the goal of crime suppression, but their aggressiveness and their decisions are of a different cast. Perhaps the adjective which best describes the difference is indiscriminant. For the Old Style Crime Fighter aggressiveness is tempered with discrimination, the acquired ability to separate the innocuous and the deviant. Police work is a craft which can be learned and then refined. The proponents of the clean-beat style regard this as so much nonsense. This difference is reflected in the corresponding attitudes of each toward the function of street patrol. While both agree that the primary function of patrol is to be seen thereby preventing crime, devotees of the clean-beat style subscribe to the crime-suppression theory of fate. Working for a felony the way Bumper Morgan does--cultivating informants, poking in alleys and dark building and so forth--is a monumental waste of time. A felony pinch is often considered an act of fate; it is happenstance. A patrolman is not completely helpless in these matters, but most

felony pinches come about through aggressive enforcement of minor violations and stopping and interrogating suspicious individuals. A good patrolman looks for all kinds of violations on his beat, from jaywalking to murder, and he makes as many stops as he can. This style is more consciously preventative than that of the Old Style Crime Fighters. Crime is really controlled by keeping a clean-beat, by establishing a reputation for consistent, hard-nosed enforcement. People's behavior in regard to minor violations, especially traffic offenses, is a good indicator of how well a beat is patrolled and how orderly it is. If there are a lot of little violations frequently occurring, the area is not orderly, people are unaware of the presence of the police, and there will be a crime problem. In many respects this style reflects the basic ideas of police professionalism on crime control and many of the conflicts and frustrations of a professional police. This style is more explicitly based on the idea of deterrence through aggressive enforcement, and the goal of crime suppression is thought to be important enough to justify the abrogation of procedural rules or even bending the law to suit one's purposes, e.g. harassment. This brings the patrolman into direct conflict with the instrumental goals of police professionalism.

Officer Newman. Like most of the patrolmen who accept the tenents of the clean-beat approach, Newman is a young

and rather rigid officer. He has about four years experience, and wants, very much, to advance in the department, but he acts like a rampaging Don Quixote in his efforts to suppress crime. Newman, like many patrolmen, complains about the limitations placed on a policeman's activity by the courts and police administrators. Rarely, he believes, can a policeman satisfy those who want crime controlled and those who want a contended citizenry at the same time. Newman lives in a continual state of tension, his proclivity for aggressive action conflicting with an increasingly watchful department and a hostile public; he is, in a word, frustrated.

The most striking thing about Newman is the pace of activity: he is continually on the move, stopping cars, interrogating people, trying always "to dig something up." On this particular tour of duty Newman's frustration at being unable to turn up anything reached a crescendo, and led he and his partner to an ever more frenzied search for a crime. The first four hours had been taken up with service calls, and as the night wore on Newman and his partner became more and more aggressive. Driving down a major thoroughfare, Newman saw a man jaywalking; they stopped the man, and although he had been drinking he was not especially drunk. But he was Mexican-American and could speak very little English. Deciding he needed an arrest, Newman booked him. On the way to the jail he

wryly observed to the bewildered man, "you sir, are a victim of recap," meaning that a drunk arrest is as good as any to prove that one has been working. After this Newman proceeded to one of the more run down areas of the district and he began checking alleys, vacant lots, parked cars, and anything that moved. Noticing a parked car in a vacant lot, Newman went up to check it out. He found a young Mexican-American and his girl friend in the front seat with most of their clothes off. The two were roused out of the car and interrogated thoroughly, the car was searched from top to bottom for marijuana or other contraband, and routine warrant checks were conducted. All of this effort turned up only a packet of Zig Zag cigarette papers (which are often used to roll marijuana cigarettts). Newman was angry that he had to release the youth, and he managed to let him go only after impressing upon him that the police meant business. The final incident of the evening is, in many ways, the most instructive. Driving down a major street Newman observed a young man with long hair walk across the street, in the crosswalk but against the Don't Walk sign. The time was just after 2:00 a.m. in the morning. Newman told his partner to pull over, and as they pulled up to the curb, Newman leaned out of the window and yelled at the top of his lungs, "you, sir, have committed a violation of the law; STOP!" The man was rather perplexed by the whole incident, and he revealed that he had just arrived

in Los Angeles this night from Hawaii. For his carlessness he received a citation for jaywalking and a warning that "this is how things are done in Los Angeles," so he had better watch his step.

Newman regards family disputes and service calls as a waste of time and he handled most of his calls in as perfunctory a manner as possible. In one case, a man had called the police about some juveniles who were throwing rocks and bottles from the top of a cliff behind his house (literally--it was about fifty to sixty feet high) to the ground below. Some cars had been damaged, and the man was worried that someone might get hurt. Newman was polite but insistent that he could do nothing. He recited the usual litany of legal restrictions and suggested that the man call again if he saw any juveniles at the top of the cliff. On other occasions he was even more abrupt. He and his partner answered a disturbing the peace call in which a lady in an apartment complained that her neighbors were making so much noise that she couldn't sleep. Newman went to the door of the neighbor's apartment, banged loudly, and when the occupant, a young Black woman, answered, he abrasively told her they had a complaint that she was making noise and they wanted her to stop. The woman denied making any noise, and Newman replied that she and the "male object" in her room (her boy friend) had better "shape up" since they did not want to come back. Clearly, in some sense,

Newman "solved" the problem but how effectively? The irony about Newman is that when he set his mind to it, when he believed that a call was worth his time, he was rather effective. In an earlier call over a dispute about a possibly rabid dog that had bitten a neighbor, he patiently talked to both parties until they arrived at a mutually agreeable solution. Yet, on the whole, Newman regarded these activities as something to be tolerated and if possible manipulated.

Not all patrolmen who adopt the clean-beat style are as aggressive and frustrated as Newman. The core of Newman's approach, his dedication to the goal of crime suppression and the aggressiveness and legalism, is not regarded as harassment but sound law enforcement. Yet all are aware of the risks of this approach and all chaff at what they believe are numerous legal and departmental restrictions on their activity. Newman's frustration stands out from that of others in its virulence. As he put it at one point during the evening:

You come on the job with balls, you want to act like a man, you want to burn the world up, you want to put guys in jail, you want to solve problems and do something for people. But you find out that you can't act like a man, that you can't be the man you once were until after twenty years on the job (i.e. after retirement).

Professional Style

These officers fit the description of the ideal police-

man found in training manuals and press releases. If the clean-beat style denotes extreme aggressiveness and the frequent use of extra-legal tactics, the professional style reflects an active but no overly aggressive patrolman. There is no reluctance to stop people for purposes of a field interrogation, but it is done less often and usually with somewhat more justification. These officers are legalistic without being rigid. Perhaps flexibility is the adjective which best describes their attitude. They believe that control of crime is the major function of the police but they also accept--some with more, some with less equanimity--the legitimacy of other competing goals. Family disputes may often be trivial and petty, adults behaving like children, but people have a right to assistance and courteous treatment from the police. The law should be enforced, a patrolman does not have the right to presume innocence or guilt, but the act of enforcement should be tempered with a judicious understanding of the foibles of human nature. Yet flexibility does not mean that a patrolman should let things go by; even if a citation is not issued, a person who breaks the law should be stopped and warned. These patrolmen are tough and firm, but they do not exhibit the frenzy so characteristic of the clean-beat style; they are not overly preoccupied with order. Many of these officers are organization men; they adhere as much as possible to departmental rules and policies and they are

less likely to indulge themselves in the frequent and wanton use of extra-legal tactics. For them the conflicts inherent in police work are either sublimated or do not exist.

Officer Bill. Bill is a young officer with four years experience and strong ambitions to move into management someday. Unlike Newman he does not let the compulsion to control crime overpower him; above all he remains flexible and oriented to serving people. Indeed, prior to leaving the station, he launched into a feverish discussion of how law enforcement must be based on serving people's needs; policemen, he said, have to act with both their heads and their hearts. Bill has a strong aversion to what he calls "415 Police Officers." These men are described as "badge heavy"; they rush to every hot call, they drive at excessive rates of speed, burn (tire) rubber as they go around corners, they throw their weight around and they are usually sarcastic and abrupt with people. Bill's training officer was like this, and as he reflected on his experiences he observed, "I hated him; I thought the job was to help people." His perspective on the police task is that an officer should treat every call as unique; it should be thoroughly handled, even the "piddley" ones. In other words give people what they want. Yet the law is there to be enforced; there are criminals on the street and they have to be apprehended. In fact, Bill believes that enforcement of the law is tatamount to serving people. Two

incidents illustrate this belief. In the first, Bill and his partner stopped in front of a house where they observed a car raised on jacks parked on the street. They contacted the owner and told him that the car was illegally parked and dangerous; it could fall and injure someone, especially a child. They ordered the owner to move the car by the next day or they would issue a citation. The second incident involved a young man stopped for speeding who talked Bill out of a ticket. In not issuing a ticket, Bill said he was being "compassionate," but that simply giving the man a warning might not have been in the man's best interests. A ticket may have been more effective in suggesting to him the errors of his ways. While Bill would let people off with a warning, he was not adverse to hard-nosed law enforcement when he thought it necessary. In another incident he stopped a juvenile who fit the description of a man who had been seen in a liquor store with a shotgun. He had no idea whether a robbery had been committed, but he knew that another patrolman wanted the youth interrogated. The youth was questioned, checked for warrants, and an F.I. card made out on him.

Bill has adapted to the problems of law enforcement by consciously patterning himself after the department's image of a professional policeman. He firmly enforces the law, but he is flexible enough to know when not to. He vigorously pursues felons, crime is the major problem of the

police, but he believes that the police have an obligation to serve people in the community. Bill would doubtless accept the idea that policemen can enforce the law and cope with crime while maintaining a decent rapport with people in the community. In his mind law enforcement and service to the community do not conflict.

Service Style

There are two distinct groups of patrolmen who fall into this category, who exhibit the two basic characteristics of this style, selectivity in enforcement of the law and a lack of aggressiveness. First, there are a number of patrolmen, observed in all three departments, who neither worked very hard to enforce the law nor paid much attention to people's problems; rather their actions were calculated to keep the sergeant happy and do the minimal amount of work necessary to get by. Some of these individuals were merely using police work as a means to another occupation. They either went to school or worked at another job. And many were officers who were "burnt out"; at one time in their career, they may have been "hustlers," now they were coasting and hoping to make twenty years and retirement in one piece. Their code was to take problems as they occur and above all to please everyone.

The second group, those few individuals who advocate the service style, are quite different. They might be described as men who advocate a qualitatively different

approach to police work. What distinguishes them from the other three styles is their concept of professionalism and their belief that crime suppression is not the most important goal of a police department. Most of them refuse to enforce laws pertaining to victimless crimes, and they take the point of view that the police should take a positive role in assisting people to solve their problems. Professionalism is not associated with an impersonal and legalistic approach to law enforcement; rather discretion based on a sensitivity to community norms and needs is one of the defining characteristics of this approach. In one sense this style attempts to return to the concept of the beat cop; but if it stresses the beat cop's sensitivity to community values and his selectivity, it is modern in its emphasis upon legality, especially in regard to due process, and a code of professional conduct. It seeks, somewhat quixotically, to retain the best of the beat cop and the professional policeman.

The implications of this style are manifold. It proscribes a definite set of priorities: vice laws are de-emphasized and crimes of violence become the fundamental concern. Enforcement is selective in that it is based on the presence of a problem. However, the utility of an arrest or citation is often questioned; rather the belief is that perhaps other techniques would be more effective. To this extent these officers find themselves pushing for

diversionary approaches in handling family disputes, and while they stress strict enforcement in regard to serious crimes the strategy of crime control advocated is quite different. The approach moves away from aggressive patrol to more traditional police techniques, business checks and the like and to more modern but indirect methods, for example neighborhood watch programs. As a whole this style is ill-defined; the bits and pieces of the beliefs described here have been taken from the comments and observations of a number of patrolmen. Rather than a coherent approach what unites these patrolmen is a skepticism of present approaches to police work and no small amount of criticism of many of their fellow officers.

Joe Good-Guy. There are really very few patrolmen in any of the three departments who fully approximate the Service Style. Of those who advocate the approach, either implicitly or explicitly, Good-Guy seems the most representative. He is a young officer with eight years experience. Much of his spare time during the last eight years has been spent going to school, and he has just finished his undergraduate work at a major Southern California university. His major, appropriately enough, is sociology.

Good-Guy is severely critical of the type of law enforcement practiced by the men in his department. He caustically refers to them as "order-freaks," and challenges their conduct on the street as well as the propriety of

strictly enforcing some laws such as parking violations. The evening I rode with him, he complained bitterly about the way some members of a minority group were being treated by other officers. If he was controversial in the department for his opinions, some officers found him hard to dismiss out of hand. He was competent; among other things, he had a reputation for being able to catch burglars.

Good-Guy attempted to combine what he believed to be a different set of priorities and conduct with effective enforcement. His approach to the street was low key and informal. He believed that in most situations, except in the case of a serious crime, an arrest was the last resort. He rarely stopped people nor was he very consistent in running warrant checks on individuals. Yet when he encountered a serious situation he was able to act with dispatch. At this point, Good-Guy can only articulate his criticisms of professional police work; he has not been able to entirely define an alternative role though the beginnings of one can be seen in his selective and low key approach to police work.

Each of these styles as I have described them embody more than simply an approach to working the street. An operational style expresses the kind of choices a patrolman makes in confronting the dilemmas of police work and the nature of his accommodation to the police bureaucracy. The characteristics and attitudes of each style and the

examples chosen to exemplify the styles have been purposely exaggerated for purposes of exposition. The differences are not as sharp as they appear in the typology and most officers do not completely fall into one category or another. While the typology is most useful for analytical purposes, it does reflect something of the variety of approaches to police work among patrolmen.

Since these styles illustrate the way patrolmen attempt to accommodate themselves to the demands of the police bureaucracy, they may also be viewed developmentally, as stages in the evolution of the police. Of the four, the Clean-Beat and Professional styles are predominant in the three departments. These two styles incorporate most of the beliefs and values of professionalism and both are bureaucratic styles of action. The differences between the two turn on the ways that various individuals accommodate themselves to organizational and community pressures. The Old-Style Crime Fighter is more likely to be found in a large department like LAPD where its emergence is facilitated by a surfeit of resources and a tradition which legitimizes sleuthing. But this style is anachronistic in many ways. It was more pervasive in an earlier era of policing when departments were less bureaucratic. The Old Style Crime Fighter is above all an individual, a craftsman in an increasingly rationalized world. Unlike his two professional counterparts he is decidedly anti-bureaucratic.

He derives the respect he obtains in a police department from his skill and experience, his ability to do the job. In a way he earns the right to flout his rules to which other policemen are subject.⁴ But this kind of police work comes at a high price; Wambaugh is right when he suggests that this style represents both the best and the worst in police work. These men dominated law enforcement when there were fewer constraints on police actions than now; they were (and are) brutal and given to the worst kind of abuses of police power.

The Service Style, more than anything else, reflects submerged ideological conflicts which presently animate the practitioners of the police craft. This is partly a matter of the changing values among young policemen, who like many of their contemporaries were influenced by the upheavals of the late sixties; but it is also indicative of the responses of policemen to the social and political turmoil of these years. Be that as it may, the few individuals who, to a greater or lesser degree, practiced this style were individuals who had little affinity for the ideology and beliefs of most policemen. They are like many patrolmen in that they demand relief from the petty harassments of authoritarian supervisors--a chance to let their hair grow longer, etc. What differentiates them is their advocacy of a fundamentally different role for the police. What this portends for police work is not clear

(it may be that the most important effect of changing values among younger police officers will be to move away from many of the authoritarian controls over the minutiae of behavior). What I do want to emphasize is that the beliefs of this style, even though they are accepted by very few patrolmen, reflect some of the conflicting currents of thought among policemen.

To conclude: an operational style the decisive factor in determining how a patrolman will exercise his powers of discretion, though it will be modified by the demands of police administrators and the impact of organizational controls. A patrolman's choices in crime-fighting, the enforcement of minor violations, and serious and service order-maintenance situations hinge to a considerable degree on the kind of style he has adopted. I would suggest that this style is independent of the department (that is departments do not 'produce' particular styles) but that it may be modified by the department. For example, the Clean-Beat Crime Fighter would prefer to ignore most order-maintenance situations but he may have to take some kind of action simply to keep the sergeant off his back. Or a priority conscious patrolman, if he is ambitious, may have to occasionally enforce minor violations in a department such as LAPD where patrolmen are expected to enforce all the laws. Finally, given the variety of styles and the assumption that style is independent of the department, the

importance of an officer's background and personality characteristics are enhanced in the exercise of discretion. Indeed, it may be that different styles manifest different processes of childhood socialization and personality attributes.⁵ These questions will be evaluated on the basis of survey data, but prior to turning to an analysis of the data a short digression on the measurement of discretion is in order.

THE MEASUREMENT OF POLICE DISCRETION

The survey data used in this analysis is based on 198 interviews of patrolmen in each of the three police departments. Thirty-four patrolmen were interviewed in Redondo Beach; sixty-two in Inglewood; and fifty-one in each division of LAPD. A discussion of my reasons for using survey research methods to study discretion, the validity and reliability of the data collected, and the analytical methods used in evaluating the data can be found in the methodological appendix (Appendix I). The reader may wish to consult this prior to reading the analysis; here I simply wish to indicate how the dependent and independent variables have been measured and how the analysis will proceed.

The exercise of discretion by patrolmen, the dependent variable, is measured by seven questions based on hypothetical discretionary situations. The respondent was required either to make a decision of some kind or to evaluate a

decision that had already been made. Of the four incidents in which the officer must decide what to do, that is make an arrest, take an informal action of some kind or do nothing, one involves the enforcement of a minor violation (a drunk driver) and the other three present three types of serious order-maintenance problems: a family dispute, rowdy juveniles disturbing the peace at a bowling alley, and a man interfering with a police investigation. In the other three questions officers were presented with an incident in which an officer(s) had already made a decision, and they were asked to evaluate it first by indicating whether or not they agreed with the decision (using a five point, agree-disagree, Likert scale) and second by specifying why they agreed or disagreed. These evaluative questions included a dispute between two neighbors over a trivial matter (i.e. a service order-maintenance problem); a petty theft involving an officer's evaluation of the victim's claims; and a hypothetical patrolman's style of patrol. (See Appendix II for the survey instrument and the complete wording of each question.)

The independent variables (aside from size of department and the contextual factors) are measured in terms of attitudinal scales and a variety of questions drawn from the survey instrument. The attitudinal scales are based on seven-point, agree-disagree, Likert type questions, and include measures of the two dimensions of operational style,

aggressiveness and selectivity in enforcement, as well as measures of the perception of supervisory controls, the punitiveness of supervision, and a scale measuring an officer's intolerance of ambiguity (a personality characteristic). Where relevant questions pertaining to an officer's personal ambitions, departmental practices and policies, and background information have been used. The latter measures have been introduced both to test for spurious relationships and hopefully as a way of further specifying the relationship between discretion and the principle independent variables, department and operational style.⁶

Measures of Police Discretion (Dependent Variables)

The marginal frequencies and percentages for the seven discretionary situations for each department are presented in Table VI-1. The first four incidents, the open-ended questions, were coded according to the alternative chosen by the respondent. The reasons given for these decisions have also been coded but they are not employed in this analysis. The last three, the evaluative incidents, have been categorized according to whether or not the respondent agreed or disagreed with the action taken by the officers in the hypothetical situation and their reasons for agreement or disagreement. Coding the responses in this manner facilitates an interpretation of the answer, that is it enables us to understand what a respondent means when he says that he agrees (or disagrees) with Officer Newman's

Table VI-1

RESPONSES TO DISCRETIONARY INCIDENTS BY POLICE DEPARTMENT

| TYPE OF INCIDENT* | LOW-CRIME | | HIGH-CRIME | | TOTAL |
|---|-----------|----------|------------|----------|----------|
| | RBPD | NELAPD | IPD | RAMPLAPD | |
| <u>DRUNK DRIVING:</u> | | | | | |
| ARREST | 35% (12) | 73% (37) | 21% (13) | 67% (34) | 49% (96) |
| NO ARREST | 65% (22) | 27% (14) | 74% (46) | 33% (17) | 51% (99) |
| $\chi^2 = 63.90$; DF = 3; Significant @ .001 | | | | | N - 195 |
| <u>415 JUVENILES:</u> ^{a/} | | | | | |
| ARREST ALL | 9% (3) | 27% (14) | 16% (10) | 20% (10) | 19% (37) |
| ARREST SOME | 38% (13) | 43% (22) | 13% (8) | 31% (16) | 30% (59) |
| DISPERSE FORCEFULLY | 24% (8) | 18% (9) | 39% (24) | 33% (17) | 30% (58) |
| DISPERSE FIRMLY | 18% (6) | 8% (4) | 21% (13) | 12% (6) | 15% (29) |
| TAKE NO ACTION | 12% (4) | 4% (2) | 10% (6) | 4% (6) | 7% (14) |
| $\chi^2 = 25.80$; DF = 12; Significant @ .05 | | | | | N - 197 |
| <u>415 FAMILY DISPUTE:</u> ^{b/} | | | | | |
| ARREST PARTY | 4% (1) | 37% (19) | 10% (6) | 45% (23) | 25% (49) |
| GET PARTY TO LEAVE | 26% (9) | 20% (10) | 45% (28) | 25% (13) | 31% (60) |
| ADVS PARTY TO LEAVE | 44% (15) | 20% (10) | 32% (20) | 20% (10) | 28% (55) |
| DO NOTHING | 26% (9) | 22% (11) | 11% (7) | 10% (5) | 16% (32) |
| $\chi^2 = 41.08$; DF = 9; Significant @ .001 | | | | | N = 196 |

Table VI-1 (con't)

| TYPE OF INCIDENT* | LOW-CRIME | | HIGH-CRIME | | TOTAL |
|--|-----------|----------|------------|----------|----------|
| | RBPD | NELAPD | IPD | RAMPLAPD | |
| <u>148 PC ACTION:c/</u> | | | | | |
| ARREST MAN | 26% (9) | 25% (13) | 15% (9) | 24% (12) | 23% (43) |
| ADVISE FORCEFULLY | 47% (16) | 59% (30) | 35% (22) | 55% (28) | 50% (96) |
| ADVISE FIRMLY | 21% (7) | 8% (4) | 24% (15) | 12% (6) | 17% (32) |
| IGNORE MAN | -- -- | 6% (3) | 23% (14) | 4% (2) | 10% (19) |
| $x^2 = 28.94$; DF = 9; Significant @ .001 | | | | | N = 190 |
| <u>594 NEIGHBOR DISPUTE:d/</u> | | | | | |
| OFFICERS CORRECT | 43% (13) | 29% (14) | 55% (34) | 38% (19) | 42% (80) |
| P.O. SHOULD EXPLAIN | 7% (2) | 8% (4) | 21% (13) | 20% (10) | 15% (29) |
| PROTECT SELF | 20% (6) | 13% (6) | 3% (2) | 6% (3) | 9% (17) |
| NOTHING SOLVED | 30% (9) | 50% (24) | 21% (13) | 26% (18) | 34% (64) |
| $x^2 = 24.07$; DF = 9; Significant @ .01 | | | | | N = 190 |
| <u>484 OLD LADY:e/</u> | | | | | |
| AGREE W/OFFICER | 41% (12) | 34% (17) | 46% (28) | 29% (14) | 38% (71) |
| HANDLE OTHER WAY | 35% (10) | 16% (8) | 26% (16) | 22% (11) | 24% (45) |
| MAKE CITIZEN ARREST | 24% (7) | 50% (25) | 28% (17) | 49% (24) | 39% (73) |
| $x^2 = 11.79$; DF = 4; Significant @ .02 | | | | | N = 189 |

Table VI-1 (con't)

| TYPE OF INCIDENT* | LOW-CRIME | | HIGH-CRIME | | TOTAL |
|---|-----------|----------|------------|----------|----------|
| | RBPB | NELAPD | IPD | RAMPLAPD | |
| <u>EVAL NEWMAN'S STYLE</u> | | | | | |
| CLEAN-BEAT STYLE | 32% (11) | 45% (23) | 47% (29) | 43% (22) | 44% (85) |
| FLEXIBLE STYLE | 9% (3) | 33% (17) | 19% (12) | 31% (16) | 25% (48) |
| PRIORITY STYLE | 18% (6) | 10% (5) | 18% (11) | 8% (4) | 13% (26) |
| SERVICE STYLE | 35% (12) | 10% (5) | 15% (9) | 16% (8) | 18% (34) |
| x ² = 20.62; DF = 9; Significant @ .02 | | | | | N = 193 |

* See Appendix II for complete wording of each incident.

- a/ Juveniles disturbing the peace at a bowling alley.
- b/ Dispute involving an assault between a man and his wife.
- c/ Man interfering with attempt by patrolmen to investigate assault in a bar.
- d/ Malicious mischief dispute between two neighbors.
- e/ Old lady arrested by store owner for petty theft.

style of patrol.⁷

In order to scale these measures of discretion each situation was dichotomized according to alternative courses of action and/or explanations of that action. For example, the drunk driving incident was dichotomized into a dummy variable with two values: arrest and no arrest.. This was done with all seven situations. These dummy variables were then analyzed by means of key cluster analysis and scaled. The result is a set of scales which measure whether or not the respondent would take (or approve of taking) a formal action, that is make an arrest or issue a citation, in a broad range of situations. Five different versions of this scale were created and tested in the analysis. The only difference between each of these scales is in terms of the range of situations that are included, specifically whether or not the two types of order-maintenance situations have been included. The scales are presented in Table VI-2.

The best and most discrete measure of formal action is version three. This scale includes three variables: whether or not the respondent would arrest the drunk driver; whether or not he would attempt to talk the store owner out of arresting the old lady for petty theft; and whether or not he thinks that the laws should be strictly enforced, as Officer Newman believes. This scale is really a measure of a respondent's propensity to enforce the law in a law enforcement situation. When other measures of discretion

Table VI-2
FORMAL ACTION SCALES

| SCALES | LOW-CRIME | | HIGH-CRIME | |
|-----------------------------|-----------|--------|------------|----------|
| | RBPB | NELAPD | IPD | RAMPLAPD |
| <u>FORMAL ACTION # 1:</u> | | | | |
| MEAN | 46.00 | 55.33 | 43.47 | 55.12 |
| STD. DEV. | 9.27 | 8.41 | 7.65 | 9.26 |
| <u>FORMAL ACTION #2:</u> | | | | |
| MEAN | 45.47 | 55.53 | 44.00 | 54.69 |
| STD. DEV. | 8.70 | 8.13 | 8.04 | 9.56 |
| <u>FORMAL ACTION #3:</u> | | | | |
| MEAN | 46.27 | 53.45 | 45.29 | 54.55 |
| STD. DEV. | 9.48 | 9.32 | 8.72 | 9.95 |
| <u>FORMAL ACTION #4:</u> | | | | |
| MEAN | 45.09 | 54.61 | 44.65 | 55.00 |
| STD. DEV. | 8.93 | 8.45 | 8.58 | 9.51 |
| <u>FORMAL ACTION # 5:</u> | | | | |
| MEAN | 45.65 | 54.67 | 44.10 | 55.82 |
| STD. DEV. | 9.09 | 8.53 | 8.48 | 9.30 |
| <u>SCALE RELIABILITIES:</u> | | | | |
| No. 1 | .51 | No. 3 | .48 | |
| No. 2 | .51 | No. 4 | .49 | |
| | | No. 5 | .49 | |

are added (formal action in the other incidents) the reliability of the scale is not appreciably changed; but the inclusion of these items does yield somewhat different results in the analysis. (I should point out that the factor loadings and similarities are strongest for the third version of the scale, though none of the loadings or similarities are as strong as they should be. While these scales are acceptable they are not as reliable as I should like them to be, and the results must be interpreted with care). For this reason the additional four scales are treated as composite measures of discretion, or the propensity to take a formal action in a broad range of situations.

The formal action scales meet the assumptions of an equal-interval level of measurement, but the range of responses in the order-maintenance situation and the evaluation of Officer Newman's style do not. The responses in these four questions, however, do form ordinal scales. An attempt was made to assign these four variables values approximating an equal-interval assumption with canonical correlation. This was successful only with the evaluation of Newman's style, and this measure is treated in the analysis as an equal-interval variable.⁸ Since multiple regression cannot be used for the separate analysis of the order-maintenance situations, the results are based on two-way cross tabulations. Because of the small number of cases (198) the level of confidence that obtains when a

test factor is introduced is rather low. Reducing the number of categories does not help matters since the loss of information outweighs any advantages obtained by increasing the stability of the associations. Thus these results must be interpreted with a great deal of caution. There is one exception to this however. Since the question pertaining to the dispute between the two neighbors was based on a Likert type item, which is usually classified as an ordinal scale variable, it was treated as if it met an equal-interval assumption.⁹

In summary, the analysis is based on the following measures of discretion:

- (a) Crime Fighting. Evaluation of Officer Newman's operational style.
- (b) Law Enforcement. Version three of Formal Action scale and drunk driving incident.
- (c) Serious Order-Maintenance. Two order-maintenance incidents: rowdy juveniles at a bowling alley and a family dispute.
- (d) Service Order-Maintenance. Dispute between neighbors over malicious mischief.
- (e) Composite Measures of Formal Action. Propensity for formal action over a broad range of situations.

Measures of Police Attitudes (Independent Variables)

All of the attitudinal scales used as independent variables are based on summations of Likert type questions. The means and standard deviations for each scale by department and the scale reliabilities are presented in Table

VI-3. Since the loadings and similarities are generally higher for these measures than the measures of discretion the reliabilities are much higher than for the formal action scales. Most of these scales have been presented previously; here it is merely necessary to summarize the scales used in the analysis. A complete description of each scale can be found in Appendix I.

Two scales measure a patrolman's attitudes toward police work, his aggressiveness and selectivity in enforcing the law. The Aggressiveness/Extra-Legal scale combine items which measure an officer's inclination to be aggressive on the street and items which measure the extent to which an officer considers extra-legal factors such as the attitude test as relevant. All of these items measure the underlying dimension of aggressiveness; an officer who is high on this scale is one who has presumably adopted an aggressive style of patrol and has few compunctions about breaking procedural rules and the like. (A high score is based on agreement with the items and is reported as a low overall score.) The scale, because of the wording of some items, is responsive to differences in the community context; a patrolman who is highly aggressive as measured by this scale is more aggressive than other patrolmen, but he does not necessarily believe that such aggressiveness is warranted in all places and at all times. However, I am inclined to believe that an officer who is high on this

Table VI-3

POLICE ATTITUDINAL SCALES

| ATTITUDE SCALE | LOW-CRIME | | HIGH-CRIME | |
|------------------------------|-----------|--------|------------|----------|
| | RBPD | NELAPD | IPD | RAMPLAPD |
| <u>DISCRETION SCALES:</u> | | | | |
| <u>AGGRESSIVENESS</u> | | | | |
| MEAN | 54.441 | 51.471 | 45.471 | 51.078 |
| STD. DEV. | 8.493 | 9.756 | 9.287 | 10.126 |
| <u>RULE-BREAKER</u> | | | | |
| MEAN | 55.194 | 51.922 | 44.952 | 51.020 |
| STD. DEV. | 9.266 | 10.219 | 8.169 | 9.939 |
| <u>PRIORITIES OF L.E.</u> | | | | |
| MEAN | 49.059 | 51.137 | 48.597 | 51.314 |
| STD. DEV. | 8.442 | 10.369 | 9.830 | 10.928 |
| <u>SUPERVISION SCALES:</u> | | | | |
| <u>SUPV & DISCRETION</u> | | | | |
| MEAN | 46.44 | 52.39 | 47.33 | 53.18 |
| STD. DEV. | 9.57 | 9.59 | 10.47 | 8.66 |
| <u>SUPV. STYLE</u> | | | | |
| MEAN | 50.65 | 49.04 | 51.26 | 48.86 |
| STD. DEV. | 10.49 | 11.60 | 8.69 | 9.46 |

Table VI-3 (con't)

| ATTITUDE SCALE | LOW-CRIME | | HIGH-CRIME | |
|------------------------------------|-----------|--------|------------|----------|
| | RBDP | NELAPD | IPD | RAMPLAPD |
| <u>SUPERVISION SCALES: (con't)</u> | | | | |
| <u>RULE ENFORCEMENT</u> | | | | |
| MEAN | 48.12 | 49.74 | 49.64 | 51.88 |
| STD. DEV. | 9.52 | 9.30 | 9.79 | 11.19 |
| <u>SUPV. BEHAVIOR</u> | | | | |
| MEAN | 53.21 | 52.26 | 44.15 | 53.14 |
| STD. DEV. | 10.88 | 8.16 | 10.07 | 8.36 |

SCALE RELIABILITIES:

| | |
|-------------------------------------|-----|
| AGGRESSIVENESS/EXTRA-LEGAL SCALE | .72 |
| RULE BREAKERS SCALE | .63 |
| PRIORITIES OF LAW ENFORCEMENT SCALE | .55 |
| SUPERVISION & DISCRETION SCALE | .77 |
| SUPERVISION STYLE SCALE | .51 |
| RULE ENFORCEMENT SCALE | .67 |
| SUPERVISOR'S BEHAVIOR SCALE | .65 |

scale will be aggressive more often, no matter what the context, than someone who is low. Patrolmen in Inglewood are the most aggressive and those in Redondo Beach the least.

The Priorities of Law Enforcement scale measures selectivity in terms of whether or not a patrolman emphasizes felony violations over misdemeanors. An officer who is low on this scale (that is he agrees with the items) is one who believes that most misdemeanor violations, traffic laws, drunks and so forth, are not as important as felony violations. Not surprisingly, there are few differences between the three departments in terms of this scale, though about one-third of the patrolmen in the three departments could be considered as selective.¹⁰

Attitudes toward supervision were measured with three scales. The Supervision and Discretion scale measures a patrolman's perception of how much discretion the department actually allows him and whether or not administrators support (and reward) aggressive police work. An officer who has a low score on this scale (that is he agrees with the items) is one who views supervisors as limiting the discretion of patrolmen and failing to back-up patrolmen. It is thus more than just a measure of the perceived limits on discretion; it provides some indication of an officer's satisfaction with the actions of supervisors with regard to his task. The lowest mean scores are to be found in Redondo Beach and Inglewood; the highest in LAPD. The

Supervision Style Scale measures the perceptions of patrolmen about the strictness of rule enforcement and whether or not supervisors rely upon punishment and reprimands to maintain discipline and induce effective performance. There are no substantial differences among the three departments on this scale. A low score indicates strict enforcement of rules and a punitive orientation toward discipline. The Supervisor's Behavior scale is a measure of a patrolman's perception of the actual behavior of supervisors in the field. A low score (agreement with the questions) indicates a perception that supervisors frequently observe patrolmen and intervene in calls. Inglewood has a very low mean score in contrast to Redondo Beach and the two divisions of LAPD, indicating a perception of aggressive supervision in this department.

In addition to these measures of police attitudes, measures of the number of years of experience, career aspirations, background (class, ethnicity, religion) and education are included in the analysis. These will be discussed as relevant.

THE ANALYSIS OF DISCRETION

Three questions will be of concern in the following analysis:

- (1) To what extent are departmental factors a better predictor of police discretion than contextual (community) factors.

- (2) What are the best predictors of the way a patrolman exercises his discretion? The argument is that an officer's operational style is the decisive factor, although it is modified by the department. A subsidiary question is what explains the differences in discretion between the three departments? Size and the attitudes and practices of supervisors are the factors that will be considered.
- (3) What is the relevance of background and personality characteristics in the exercise of discretion? Do they independently influence discretion or do they operate through an officer's operational style, i.e. is operational style associated with either background or personality characteristics? (I should point out that only one personality attribute is included in the analysis, that of Intolerance of Ambiguity).

The variables size of department and the community context have been included in the analysis through the research design. If the community context is the controlling element in the exercise of discretion, the hypothesis would be that there will be few differences in the choices made by patrolmen between Redondo Beach and Northeast Division of LAPD, the low-crime areas, and between Inglewood and Rampart Division, the high-crime areas. Substantial differences between these would demonstrate, at least in terms of the survey evidence, that factors other than the immediate community context are the significant elements in determining the exercise of discretion. This question can be more adequately evaluated after an examination of the data. I will begin with a consideration of operational style since I have argued that a patrolman's operational style is more than just a particular method of working the

street, that it is a set of beliefs and values which affect choices in other situations.

Operational Style

In the description of Officer Newman, patrolmen were presented with a fairly accurate portrayal of the Clean-Beat style of patrol. The responses were coded into four categories. Those classified as Clean-Beat were those who agreed with Newman's approach, though some made minor qualifications, and seven individuals who said they disagreed with Newman but in elaborating on their response qualified it to such an extent that it is apparent they would advocate essentially the same style. Their disagreement was not over his basic approach, but rather minor elements of the style; their qualifications, in fact, were similar to those made by patrolmen who agreed with Newman. These seven respondents disagreed with Newman because of the qualifications rather than the basic approach, and for this reason they are classified as Clean-Beat. The other three categories include all other respondents who disagreed with Newman; they differ from one another in terms of the reasons they officer. Those classified as Flexible said that Newman was too rigid in his approach, that he over-emphasized traffic violations, and that even if he stopped cars frequently he should not issue a citation every time. Those classified as Priorities were respondents who believed that Newman had no priorities, and said that he

should be more selective in enforcing laws. Finally, those classified as Service displayed general disapproval of Newman and his approach to law enforcement. Some believed that he would alienate the citizenry and thus he was a public relations problem; but the majority felt that Newman's approach left no room for "people."

There are some rather interesting differences between the departments on this question (see Table VI-1). Patrolmen in LAPD either fall into the Clean-Beat or Flexible categories; very few officers could be classified as Priorities or Service. Inglewood has the highest percentage of officers falling into the Clean-Beat category (47 percent), but the remainder are fairly evenly distributed. Redondo Beach presents a sharp contrast with these two departments: it has the lowest percentage of officers who could be classified as Clean-Beat (32 percent) and the highest percentage in the Service category (35 percent)--more than twice the percentage in the other departments.

How closely do these responses approximate the typology of operational styles defined earlier? What do these responses mean in terms of an officer's approach to the street and the problem of discretion? An analysis of the relationship between the evaluation of Newman's style and the Aggressiveness/Extra-Legal and Priorities scales provides an initial answer. The results are presented in Table VI-4. There is a strong and clear association between

Table VI-4

EVALUATION OF NEWMAN'S OPERATIONAL STYLE BY
DISCRETION SCALES

| | CLEAN- BEAT | FLEXIBLE | PRIOR- ITIES | SERVICE | TOTAL |
|-----------------------|----------------|---------------|-----------------|---------------|---------------|
| <u>AGGRESSIVENESS</u> | | | | | |
| HIGH | 60.0% (38) | 14.0% (9) | 14.0% (9) | 11.0% (7) | 33.0% (63) |
| MODERATE | 41.0% (27) | 30.3% (20) | 15.2% (10) | 13.6% (9) | 34.7% (66) |
| LOW | 28.3% (17) | 31.7% (19) | 10.0% (6) | 30.0% (18) | 31.6% (60) |
| N = | (82) | (48) | (25) | (34) | 189 |

Chi Square = 21.8241 with 8 Degrees of Freedom
Significant @.0053

| | | | | | |
|-------------------|---------------|---------------|---------------|---------------|---------------|
| <u>PRIORITIES</u> | | | | | |
| HIGH | 28.0% (17) | 25.0% (15) | 25.0% (15) | 22.0% (13) | 32.0% (50) |
| MODERATE | 43.1% (28) | 27.7% (18) | 9.2% (6) | 20.0% (13) | 34.2% (65) |
| LOW | 57.8% (37) | 23.4% (15) | 6.3% (4) | 12.5% (8) | 33.7% (64) |
| TOTAL | 43.2% | 25.3% | 13.2% | 17.9% | |
| N = | (82) | (48) | (25) | (34) | 189 |

Chi Square = 19.5925 with 8 Degrees of Freedom
Significant @ .0120

the evaluation of Newman's style and the two scales. Those who agree with Newman and presumably reflect the Clean-Beat style in their work are more likely to be high on the Aggressiveness scale and to be low on the Priorities scale (read down the columns): of those classified as Clean-Beat 60 percent are in the upper one-third of the Aggressiveness scale compared to 28 percent in the lower one-third. These percentages reverse for the Priorities scale; those in the Clean-Beat category are more likely to be low on the scale (58 percent to 28 percent). The pattern for those in the Service category is just the opposite. They are more likely to be low on the Aggressiveness scale (30 percent to 11 percent) and high on the Priorities scale (22 percent to 12 percent). What this suggests is that those who agree with Newman accept both his aggressiveness and his legalistic approach to law enforcement, while those who disagree for what I have called Service reasons reject both these elements of Newman's approach.

What we find with the two intermediate categories is that each disagrees with Newman on only one aspect of his approach, and that these are different for each. Those who felt that patrolmen should be more Flexible than Newman were more likely to be low on the Aggressiveness scale (32 to 14 percent), and the differences on the Priorities scale are negligible. This pattern simply reverses for those classified as Priorities. These officers are more

likely to be high on the Priorities scale (25 to 6 percent) and there are few differences in terms of the Aggressiveness scale.

Thus those in the Clean-Beat category meet the criteria for the Clean-Beat operational style: high aggressiveness and low selectivity. Those in the service category meet the presumptive criteria for the Service style: low aggressiveness and high selectivity. The Flexibles approximate the Professional style in at least one respect, they are more likely to be low on the Aggressiveness scale; and they do not necessarily reject a legalistic approach to law enforcement. Indeed the fact that many of these officers are from LAPD tends to buttress the argument since patrolmen in LAPD are, in general, somewhat more legalistic. Finally, those in the Priorities category approximate the Old Style Crime Fighters by selectively enforcing the law while remaining aggressive. Thus, the evaluation of Officer Newman's style of patrol provides a reasonably good measure of the four different operational styles (of course this does not imply that officers who said they agree with Newman always behave the way he does).

Are attitudes toward aggressiveness and selectivity in enforcement of the laws the most important factors influencing a patrolman's operational style or are there other factors which influence this relationship? Do the traditions, training and policies of a particular depart-

ment "produce" a style of law enforcement? To what extent does an officer's background shape the kind of style he adopts? Multiple regression was used to answer these questions, and the results are presented in Table VI-5. The analysis shows that in addition to the two scales the most important variable in predicting operational style is subjective social class (all three are statistically significant). Patrolmen were asked which social class they considered themselves to be in at the present time and which social class they were in when they were growing up. Officers who considered themselves to be in the working class at the present time are more likely to take the Clean-Beat approach while officers who think of themselves as middle class are more likely to take the Service approach (see Table VI-6). Yet when we look at the results for past subjective social class the pattern reverses: patrolmen who come from a middle class (and working class background to a slightly lesser extent) background are more likely to adopt the Clean-Beat style while it is patrolmen from a lower class background who are more likely to adopt the Service style.¹¹ The apparent contradiction in these data is resolved when we look at the relationship between subjective class mobility and the evaluation of Newman's style (the measures of present and past subjective social class were combined to develop an index of subjective class mobility). What these data show is that it is

Table VI-5
REGRESSION ON OPERATIONAL STYLE

| Independent Variables | B (Standard Error) | | Beta | F |
|---|--------------------|----------|-------|---------------------|
| Aggressiveness/Extra-Legal Scale | -0.03 | (0.007) | -0.25 | 11.653 ^a |
| Priorities of Law Enforcement Scale | 0.02 | (0.007) | 0.21 | 9.010 ^b |
| Present Subj. Class: Middle & Upper Class | 0.48 | (0.17) | 0.22 | 8.324 ^c |
| Past Subj. Class: Working Class | -0.33 | (0.16) | -0.16 | 4.098 ^d |
| Lower Class | -0.63 | (0.22) | -0.22 | 8.066 ^e |
| Redondo Beach P.D. | -0.25 | (0.22) | -0.09 | 1.295 |
| Northeast Div. LAPD | 0.17 | (0.19) | 0.08 | 0.802 |
| Rampart Div. LAPD | 0.06 | (0.19) | 0.03 | 0.096 |
| Supervision & Discretion Scale | 0.007 | (0.008) | 0.07 | 0.870 |
| Decision Influence Scale | 0.001 | (0.0008) | 0.13 | 3.622 |

R = 0.47561

R² (Variance Explained) = 0.22621

Standard Error = 0.91539

a/ Significant @ .001
b/ Significant @ .01
c/ Significant @ .01
d/ Significant @ .05
e/ Significant @ .01

Table VI-6

EVALUATION OF NEWMAN'S OPERATIONAL STYLE BY
SUBJECTIVE SOCIAL CLASS 1/

| | CLEAN- BEAT | FLEXIBLE | PRIOR- ITIES | SERVICE | TOTAL |
|--|----------------|---------------|-----------------|---------------|----------------|
| <u>PRESENT SUBJ. CLASS: *</u> | | | | | |
| MIDDLE CLASS | 40.0% (50) | 26.0% (33) | 15.0% (19) | 20.0% (26) | 69.0% (128) |
| WORKING CLASS | 54.0% (31) | 23.0% (13) | 11.0% (6) | 12.0% (7) | 31.0% (57) |
| N = 185 | | | | | |
| Chi Square = 4.2281 with 3 Degrees of Freedom Not Significant @ .05 | | | | | |

PAST SUBJ CLASS: **

| | | | | | |
|---|---------------|---------------|---------------|---------------|---------------|
| MIDDLE CLASS | 47.0% (40) | 28.0% (24) | 14.0% (12) | 11.0% (9) | 46.0% (85) |
| WORKING CLASS | 44.0% (32) | 21.0% (15) | 16.0% (12) | 19.0% (14) | 40.0% (73) |
| LOWER CLASS | 35.0% (9) | 23.0% (6) | 4.0% (1) | 39.0% (10) | 14.0% (26) |
| N = 184 | | | | | |
| Chi Square = 12.6779 with 6 Degrees of Freedom Significant @ .05 | | | | | |

SUBJ. CLASS MOBILITY:

| | | | | | |
|---|---------------|---------------|---------------|---------------|----------------|
| MOVE UPWARD | 33.0% (22) | 23.0% (15) | 12.0% (8) | 32.0% (21) | 36.0% (66) |
| STAY THE SAME | 49.0% (51) | 25.0% (26) | 15.0% (16) | 11.0% (11) | 57.0% (104) |
| MOVE DOWNWARD | 57.0% (8) | 29.0% (4) | 7.0% (1) | 7.0% (1) | 8.0% (14) |
| N = 184 | | | | | |
| Chi Square = 14.9663 with 6 Degrees of Freedom Significant @ .0205 | | | | | |

Table VI-6

- 1/ Respondents who designated upper class have been combined with middle class because of the very low number of cases.
- * Respondents were asked: What social class do you think of yourself as being in at the present time?
- ** Respondents were asked: What social class would you say your family was in when you were growing up?

officers who feel that they have merely maintained their class status or even slipped downward in the social structure who are most likely to agree with Newman and least likely to accept the Service approach. And it is those officers who feel that their position in the class structure has improved, especially those from the lower class, who are most likely to adopt the Service style. Thus the key factors in predicting a patrolman's operational style are his attitudes toward discretion and his subjective evaluation of his place in the class structure and how this may have changed. Together these factors explain 19 percent of the variance. (Of course one would expect attitudes toward aggressiveness and selectivity to be important since these are the defining dimensions of an operational style. In this regard the analysis simply demonstrates the validity of these dimensions).

The most important finding in Table VI-5 is negative: no other variables are related to operational style nor do they mitigate the relationship between operational style and the attitudinal scales and subjective class status. Membership in a particular department has no discernable effect nor do any of the measures of supervision. Consistent with the argument presented throughout this analysis, operational style is independent of departmental influences and it is largely shaped by attitudes toward the task of police work, namely, the problem of crime

control. Thus, there is strong empirical justification for concluding that not only do patrolmen have the latitude to fashion diverse approaches to police work but they do so. Finally, the fact that subjective social class is the only other variable of any importance in predicting operational style suggests the general importance of background and personality characteristics in an operational style; indeed a reasonable hypothesis would be that these factors affect discretion through an operational style. This opens the door to a profitable line of future research.¹²

Law Enforcement

Law enforcement situations are usually unambiguous; there is rarely a question of whether or not a violation has actually occurred. The principle measure of discretion in a law enforcement situation is an incident concerning a drunk driver stopped five blocks from his home. Two-thirds to three-quarters of the patrolmen in the two divisions of LAPD said they would make an arrest; in contrast the same proportion in the two small departments said they would not make an arrest (see Table VI-1 and Tables V-4A and V-4B). If patrolmen in the two small departments are less likely to make an arrest, they also tend to evaluate the situation somewhat differently. Patrolmen in Redondo Beach refused to arrest for reasons of sympathy to the man's marital problems or because "everybody has one too many now and then"; in Inglewood patrolmen were more inclined to

evaluate the situation strictly on the basis of whether or not the man was drunk enough to be arrested. Thirty-four percent said that they would not arrest because the man was a "border-line drunk."

Aside from these evaluations three other factors are related to the decision in this incident. First, as we would expect operational style is related; patrolmen who are selective in enforcement, who assign felonies a higher priority, are less likely to arrest than those who are not (Table VI-7). Similarly the Clean-Beat's are more likely to make an arrest than those who adopt the Service style, though the association is somewhat stronger for the Priorities scale than the evaluation of Newman's style. And the relationship between the evaluation of Newman's style and the decision to arrest the drunk driver must be treated with some caution since we know that patrolmen in Redondo Beach are less likely to make an arrest in this incident and more likely to adopt the Service style. Second, there is a strong and rather interesting relationship between the amount of experience and the decision to arrest. It is the most and least experienced patrolmen who would not arrest the drunk driver. Those with less than one year of experience (probationers) and those with more than ten years experience are more inclined to let the man go home than patrolmen with two to nine years experience (Table VI-8). This finding is less perplexing than it first seems.

Table VI-7

DRUNK DRIVING INCIDENT BY OPERATIONAL STYLE

| | WOULD ARREST | WOULD NOT ARREST | TOTAL |
|--------------------------|-----------------|---------------------|---------------|
| <u>PRIORITIES SCALE:</u> | | | |
| HIGH | 41.0% (25) | 59.0% (36) | 31.3% (61) |
| MODERATE | 44.0% (29) | 56.0% (37) | 33.8% (66) |
| LOW | 62.0% (42) | 38.0% (26) | 34.9% (68) |

N = 195

Chi Square = 6.67343 with 2 Degrees of Freedom
Significant @ .0356

NEWMAN'S STYLE:

| | | | |
|------------|---------------|---------------|---------------|
| CLEAN-BEAT | 57.0% (47) | 43.0% (36) | 45.0% (83) |
| FLEXIBLE | 50.0% (24) | 50.0% (24) | 25.0% (48) |
| PRIORITIES | 46.0% (11) | 54.0% (13) | 13.0% (24) |
| SERVICE | 35.0% (12) | 65.0% (22) | 18.0% (34) |

N = 189

Chi Square = 4.56052 with 3 Degrees of Freedom
Significant @ .2070

Table VI-8

DRUNK DRIVING INCIDENT BY NO. YEARS POLICEMAN, FATHER'S
OCCUPATION AND SUBJECTIVE UPWARD MOBILITY

| | WOULD ARREST | WOULD NOT ARREST | TOTAL |
|---|-----------------|---------------------|---------------|
| <u>NO. YRS. POLICEMAN:</u> | | | |
| ONE YEAR OR LESS | 26.0% (7) | 74.0% (20) | 14.0% (27) |
| TWO TO FOUR YEARS | 51.0% (43) | 49.0% (41) | 43.0% (84) |
| FIVE TO NINE YEARS | 62.0% (40) | 39.0% (25) | 33.0% (65) |
| TEN YEARS OR MORE | 32.0% (6) | 68.0% (13) | 10.0% (19) |
| | | | N = 195 |
| Chi Square = 12.3041 with 3 Degrees of Freedom Significant @ .0064 | | | |

FATHER'S OCCUPATION:

| | | | |
|----------------------------------|---------------|---------------|---------------|
| UPPER-WHITE COLLAR ^{1/} | 60.0% (29) | 40.0% (19) | 26.0% (48) |
| LOWER-WHITE COLLAR ^{2/} | 72.0% (13) | 28.0% (5) | 10.0% (18) |
| UPPER-BLUE COLLAR ^{3/} | 43.0% (38) | 57.0% (51) | 49.0% (89) |
| LOWER-BLUE COLLAR ^{4/} | 41.0% (11) | 59.0% (16) | 15.0% (27) |

N = 182

Chi Square = 8.46 with 3 Degrees of Freedom
Significant @ .0373

Table VI-8 (con't)

| | WOULD ARREST | WOULD NOT ARREST | TOTAL |
|-------------------------------|-----------------|---------------------|----------------|
| <u>SUBJ. UPWARD MOBILITY:</u> | | | |
| MOVE UPWARD | 37.0% (25) | 63.0% (42) | 36.0% (67) |
| STAY THE SAME | 55.0% (58) | 45.0% (47) | 56.0% (105) |
| MOVE DOWNWARD | 53.0% (8) | 47.0% (7) | 8.0% (15) |

N = 187

Chi Square = 5.4026 with 2 Degrees of Freedom
Significant @ .0671

-
- 1/ Professional, Technical and Kindred and Managers and Administrators
 - 2/ Sales Workers and Clerical and Kindred Workers
 - 3/ Craftsmen and Kindred Workers and all Operatives except Transport
 - 4/ Service Workers and Laborers of all types

Inglewood is the department with the largest proportion of officers on probation, that is, with less than one year of experience, at the time the survey was administered, and it is the department where one-third of the respondents said they would not arrest because the man was only a border-line drunk. The fact that many of these refused to arrest is understandable since an officer on probation is likely to be less sure of himself and to know (or at least be confident) whether a specific behavior meets appropriate legal criteria. More experienced officers, on the other hand, tend to be more selective, they are more likely to treat drunk driving as a trivial offense and ignore it. The third factor, not surprisingly, is social class. Officers who come from a middle class background as measured by their father's occupation are much more likely to arrest than those from a working class background. Differences between strata of middle and working class are not important. Moreover, we find the same relationship between the decision to arrest in this incident and subjective class mobility that we found with the evaluation of Newman's style. Officers who believe they have moved up in the class structure are less inclined to arrest than those who have remained in the same position or moved down (see Table VI-8).

When these and other variables are entered in a regression on the third formal action scale we find that

CONTINUED

7 OF 10

five variables are important in predicting how a patrolman will handle a law enforcement situation. These are department, the Priorities scale, objective (past) class status, number of years of experience, and whether or not the respondent believes that the purpose of the police function is to provide services (Table VI-9). Together these variables explain 27 percent of the variance, but most of this is attributable to the department. Experience does not have an independent effect on the propensity to take a formal action in law enforcement situations, but it is included because it enhances the effect of the Priorities scale.¹³ Neither the Aggressiveness scale nor the proxy for operational style, the evaluation of Newman's style, have any effect when entered into the analysis. Thus the key variables determining the exercise of discretion in a law enforcement situation are department size, a professional norm which emphasizes impersonal enforcement of the law, and social class. Rather than the context it is the department which seems most important. Finally, the analysis does not provide an explanation of what it is about the departments that leads to the difference in outcomes; controlling for the measures of supervision does not bring about any change in the relationship.

Service Order-Maintenance

The kind of situation that we are concerned with here is a minor dispute where there is little potential for

Table VI-9

REGRESSION ON LAW ENFORCEMENT SITUATIONS

| Independent Variables | B (Standard Error) | | Beta | F |
|--|--------------------|--------|-------|---------------------|
| Redondo Beach P.D. | 0.47 | (2.17) | 0.02 | 0.048 |
| Northeast Div. LAPD | 7.38 | (1.93) | 0.32 | 14.645 ^a |
| Rampart Div. LAPD | 8.68 | (2.03) | 0.37 | 18.217 ^b |
| Father's Occupation: White Collar | 5.01 | (1.42) | 0.24 | 12.434 ^c |
| Priorities of Law Enforcement Scale | 0.15 | (0.07) | 0.07 | 4.892 ^d |
| Years Experience: Probationer | -0.27 | (2.21) | -0.01 | 0.015 |
| Five to Nine Years | 2.27 | (1.62) | 0.10 | 1.965 |
| Ten Years & More | -1.06 | (2.46) | -0.03 | 0.184 |
| Police Provide Services | 0.73 | (0.35) | 0.14 | 4.309 ^e |

$R = 0.52043$

R^2 (Variance Explained) = 0.27085

Standard Error = 8.92059

a/ Significant @ .001
b/ Significant @ .001
c/ Significant @ .001
d/ Significant @ .05
e/ Significant @ .05

violence and no clear-cut violation of the law. The issue posed is how patrolmen treat these situations, whether they ignore them or attempt to provide some kind of assistance to the parties. The patrolmen were presented with a trivial dispute between two neighbors in which the patrolmen, obviously angered by the childish behavior of the men, ignored the matter. Respondents were asked whether or not they agreed with the actions of the patrolmen and why. Patrolmen in LAPD were more inclined to believe that the incident had not been handled in an appropriate manner, and to suggest that since nothing had been solved the patrolmen should take further action of some kind. Fifty percent of the respondents in Northeast Division and 36 percent in Rampart felt this way compared to 30 percent in Redondo Beach and 21 percent in Inglewood (see Table VI-1). Most often those who believed that nothing had been solved suggested that the patrolmen take a report and turn the matter over to the city attorney or that the patrolmen in the incident should take more time and explain what legal remedies were available and offer some friendly advice. Patrolmen in the two small departments were more likely to believe that the incident had been handled properly; 43 percent in Redondo Beach and 55 percent in Inglewood felt this way compared to 29 percent in Northeast Division and 38 percent in Rampart. The percentage difference between those in Redondo Beach who agreed with the officer's actions

and those in Rampart who agreed is quite small (five percent) but note that patrolmen in Redondo Beach were more likely to take action simply to cover themselves (20 percent).¹⁴ In other words, they agreed but thought they should act otherwise. Again the striking difference in responses is between patrolmen in LAPD and the two small departments.

In addition to the department three other variables are strongly related to the evaluation of this incident. Patrolmen who are more aggressive are, in general, more likely to agree with the decision to ignore the incident; the least aggressive, on the other hand, treat it more seriously (see Table VI-10). This relationship should be judged in light of the fact that patrolmen in Inglewood are the most aggressive (as measured by the Aggressiveness Scale) and the ones most likely to agree with the decision to ignore the plight of the two men. The second variable that is related is experience: those patrolmen with the least experience are more likely to treat the matter as trivial while those with the most experience are the ones who believe that some kind of ameliorative action is required (Table VI-11). Finally, there is a relationship between military service and the evaluation of this incident. Interestingly, it is the officers who have not served in the military who are most likely to ignore this incident; those who have served are more inclined to believe that a crime has been committed and some action should be taken

Table VI-10

594 NEIGHBOR DISPUTE BY AGGRESSIVENESS SCALE^{a/}

| | ACTION USELESS | EXPLAIN ACTION | COVER YOURSELF | TAKE ACTION- CRIME COMMITTED | TOTAL |
|---|-------------------|-------------------|-------------------|---------------------------------|---------------|
| <u>AGGRESSIVENESS SCALE:</u> | | | | | |
| HIGH | 54.4% (37) | 16.2% (11) | 8.8% (6) | 20.6% (14) | 34.5% (68) |
| MODERATE | 36.5% (23) | 17.5% (11) | 7.9% (5) | 38.0% (24) | 33.1% (63) |
| LOW | 33.9% (20) | 11.9% (7) | 10.2% (6) | 44.0% (26) | 31.0% (59) |
| | | | | | N = 190 |
| Chi Square = 10.4177 with 6 Degrees of Freedom Not Significant @ .05 | | | | | |

^{a/} Section 594 of the California Penal Code refers to malicious mischief.

Table VI-11

594 NEIGHBOR DISPUTE BY NUMBER OF YEARS POLICEMAN, MILITARY SERVICE
AND YEARS IN MILITARY

| | ACTION USELESS | EXPLAIN ACTION | COVER YOURSELF | TAKE ACTION- CRIME COMMITTED | TOTAL |
|--|-------------------|-------------------|-------------------|---------------------------------|----------------|
| <u>NO. YEARS POLICEMAN:</u> | | | | | |
| 1 YEAR AND LESS | 55.6% (15) | 18.5% (5) | 3.7% (1) | 22.2% (6) | 13.7% (27) |
| 2-4 YEARS | 46.0% (40) | 15.0% (13) | 8.0% (7) | 31.0% (27) | 44.2% (87) |
| 5-9 YEARS | 36.0% (22) | 14.8% (9) | 9.8% (6) | 39.3% (24) | 32.1% (61) |
| 10 YEARS AND LESS | 20.0% (3) | 13.3% (2) | 20.0% (3) | 46.6% (7) | 7.9% (15) |
| | | | | | N = 190 |
| Chi Square = 30.20 with 6 Degrees of Freedom Significant @ .001 | | | | | |
| <u>MILITARY SERVICE:</u> | | | | | |
| SERVED | 36.3% (48) | 14.4% (19) | 10.6% (14) | 38.6% (51) | 70.2% (132) |
| DID NOT SERVE | 57.1% (32) | 17.9% (10) | 5.4% (3) | 19.6% (11) | 29.8% (56) |
| | | | | | N = 188 |
| Chi Square = 9.7994 with 3 Degrees of Freedom Significant @ .05 | | | | | |

(the are also more likely to take action in order to cover themselves). An explanation for this relationship is suggested by the next table where the association between the evaluation of the decision and the length of time a patrolman has spent in the military is displayed. What the table shows is that the longer a man was in the armed forces the more likely he is to disagree with the decision made by the officers to ignore the incident. This suggests that officers who have served in the military are more likely to follow rules or the desires of administrators or at least to take such action as would protect themselves.

Entering these variables and others into a regression we find that department, service in the military and experience are the variables which best predict how a patrolman would evaluate the actions of the two officers in the incident (Table VI-12). Aggressiveness is related, but when it is controlled for these other variables, only weakly so (compare the simple correlation coefficient with the beta, the standardized regression coefficient). The scale measuring perception of supervisor's behavior is included because it enhances slightly the effect of the Aggressiveness scale. These variables explain 18 percent of the variance, but two-thirds of this is the result of two factors--department and service in the military. Again department turns out to be the most important factor in predicting what kind of decision a patrolman will make.

Table VI-12

REGRESSION ON SERVICE ORDER-MAINTENANCE

| Independent Variables | B (Standard Error) | | Beta | F |
|----------------------------------|--------------------|--------|-------|--------------------|
| Redondo Beach P.D. | 0.50 | (0.38) | 0.12 | 1.745 |
| Northeast Div. LAPD | 0.99 | (0.33) | 0.27 | 8.778 ^a |
| Rampart Div. LAPD | 0.97 | (0.35) | 0.27 | 7.831 ^b |
| Served in Military | 0.67 | (0.25) | 0.19 | 7.233 ^c |
| Aggressiveness/Extra-Legal Scale | 0.02 | (0.01) | 0.13 | 3.037 |
| Years Experience: | | | | |
| Probationer | 0.13 | (0.37) | 0.03 | 0.117 |
| Five to Nine Years | 0.21 | (0.27) | 0.06 | 0.629 |
| Ten Years & More | 0.91 | (0.41) | 0.16 | 4.897 ^d |
| Supervisor's Behavior Scale | -0.02 | (0.01) | -0.13 | 2.920 |

$R = 0.42203$

R^2 (Variance Explained) = 0.17811

Standard Error = 1.48029

a/ Significant @ .01
b/ Significant @ .01
c/ Significant @ .01
d/ Significant @ .05

However, the responses in Inglewood might be explained as contextual factors, specifically the crime problem. Under these circumstances patrolmen feel that they have to make definite choices about priorities, that they must ignore complaints and problems that they might otherwise take the time to handle. Moreover, patrolmen in Inglewood are younger than officers in the other departments, and it is the patrolmen with less than four years experience who are the most aggressive.¹⁵ These facts explain the extreme responses in Inglewood. The other striking fact about these data is the responses of patrolmen in Redondo Beach. Only 30 percent of the patrolmen in Redondo Beach considered this situation as one which required some action, yet patrolmen in Redondo Beach are more inclined to take a Service approach, to assert that the police should assist people. Evidently service does not mean that all situations are to be treated as requiring some kind of action by the police.

Serious Order-Maintenance

The difference between these situations and the previous hinges on the potential seriousness of the situation. Though many of the same issues are involved--shared culpability, the ambiguity of the law, and the tendency to ignore these matters--these situations involve more than a trivial dispute between two people. The threshold for violence is much lower and some kind of an assault may have

been committed. The issue is not just a matter of providing some kind of service to an individual, of presenting the police in the best possible light, but rather of taking action to resolve a serious problem and extending the protection of legality to citizens. We will examine two incidents here: a family dispute and juveniles causing a disturbance at a bowling alley. These have already been considered in the previous chapter so I will simply offer some additional observations on the results and proceed with the analysis. These results must be treated with more caution by the reader since the analysis is based on tabular analysis and because of the small number of cases the introduction of test factors decreases the stability of the relationships.

Patrolmen responded to the family dispute in one of four ways. Twenty-five percent either thought a felony assault had been committed or thought that a pretext arrest should be made and arrested the husband. Patrolmen in LAPD were more likely to take this action (see Table VI-1). Thirty-one percent believed that an arrest should not or could not be made, but they thought the situation serious enough to get one of the parties to leave the house. Many of the officers said they would threaten the husband or even offer to drive the woman to a relative's home. Patrolmen in Inglewood were more likely to select this alternative than officers in the other two departments. The third

alternative was to advise the people to settle their differences, to get a divorce if possible, and maybe, as an afterthought, advise one of them to leave for the night. Despite the fact that the woman had been assaulted these officers did not take the problem very seriously, though they did feel obligated to do something. Twenty-eight percent of the respondents selected this alternative, and the majority were in Redondo Beach (44 percent) and Inglewood (32 percent). Finally, some officers said they would do nothing. Officers who said they would ignore the problem either believed that there was nothing they could do or that it was typical of these kind of people and better ignored. Only sixteen percent of the patrolmen chose to ignore this situation, but officers in Redondo Beach and Northeast Division were twice as likely to choose this alternative as officers in the high-crime areas.

Several pertinent observations can be culled from these results. Not surprisingly patrolmen in LAPD were more predisposed to make an arrest than patrolmen in the small departments. But officers in Inglewood did appear to take the matter seriously: 55 percent would either make an arrest or make sure that one of the parties left for the night. It is patrolmen in Redondo Beach who did not take the problem seriously, who believed that nothing more than some friendly advice was required or that it could be ignored.

An important part of an officer's operational style is the set of attitudes and beliefs he holds in regard to problems like family disputes. We have seen that patrolmen who are selective will be more likely to ignore and not arrest a drunk driver and that officers who are young and aggressive will ignore a trivial dispute. We might expect, then, that the more aggressive an officer is, the more he reflects the Clean-Beat style of patrol, the more likely he will be to ignore a family dispute, no matter how serious it might be. This expectation is not really confirmed by the survey evidence. Table VI-13 presents the association between the respondent's decision in the family dispute and the Aggressiveness scale and the evaluation of Newman's style. There is some tendency for those that are in the upper one-third of the Aggressiveness scale to be more reluctant to make an arrest than those in the lower one-third, but the differences are not large. Nor are the more aggressive patrolmen more likely to ignore the dispute; in fact, it is the least aggressive patrolmen who choose to leave without taking steps to resolve the problem. The results for the evaluation of Newman's style only confuse matters. Those who profess the Clean-Beat and Priorities approaches have the greatest propensity to ignore the family dispute, but they are just as likely to make an arrest as the other patrolmen.

Do the effects of operational style depend on the

Table VI-13

415 FAMILY DISPUTE BY OPERATIONAL STYLE AND AGGRESSIVENESS SCALE

| | ARREST PARTY | GET PARTY TO LEAVE | ADVISE PARTY TO LEAVE | DO NOTHING | TOTAL |
|--|-----------------|-----------------------|--------------------------|---------------|---------------|
| <u>AGGRESSIVENESS:</u> | | | | | |
| HIGH | 21.0% (14) | 42.0% (28) | 25.0% (17) | 12.0% (8) | 34.0% (67) |
| MODERATE | 24.0% (16) | 24.0% (16) | 33.0% (22) | 18.0% (12) | 34.0% (66) |
| LOW | 30.0% (19) | 25.0% (16) | 25.0% (16) | 19.0% (12) | 32.0% (63) |
| | | | | | N = 196 |
| Chi Square = 7.50 with 6 Degrees of Freedom Not Significant @ less than .05 | | | | | |
| <u>NEWMAN'S STYLE:</u> | | | | | |
| CLEAN-BEAT | 27.0% (23) | 28.0% (24) | 21.0% (18) | 24.0% (20) | 45.0% (85) |
| FLEXIBLE | 28.0% (13) | 30.0% (14) | 34.0% (16) | 9.0% (4) | 25.0% (47) |
| PRIORITIES | 17.0% (4) | 29.0% (7) | 38.0% (9) | 17.0% (4) | 13.0% (24) |
| SERVICE | 21.0% (7) | 35.0% (12) | 32.0% (11) | 12.0% (4) | 18.0% (34) |
| | | | | | N = 190 |
| Chi Square = 9.32 with 9 Degrees of Freedom Not Significant @ less than .05 | | | | | |

department? Table VI-14 shows the results when the association between style and the family dispute is controlled for department. Operational style is an inconsequential factor in Inglewood, but the effect of operational style is approximately the same in the other two departments: those who advocate the Service style are more likely to make an arrest while those who agree with Newman are somewhat more likely not to make an arrest. These patterns are sharpest for Redondo Beach and Rampart Division. However, these results are not really very enlightening; what they do show is the predominant effects of the departments.

Does a patrolman's background and experience have any influence on the way he responds to family disputes? Unlike operational style and law enforcement situations social class is not an important factor; but education and the extent of an officer's experience does have a bearing on his choices (Table VI-15). The results show that it is well educated patrolmen who take the family dispute less seriously: they are more reluctant to make an arrest and much more ready to drop the matter and leave. And if they do take action, it will be low key and informal. Those patrolmen with a high school education or less, on the other hand, are the ones who tend to make an arrest, and they are less likely to ignore the situation. The relationship with number of years of experience is quite different and more interesting. The more experienced patrolmen, those

Table VI-14

415 FAMILY DISPUTE BY OPERATIONAL STYLE CONTROLLED FOR DEPARTMENT

| | ARREST PARTY | GET PARTY TO LEAVE | ADVISE PARTY TO LEAVE | DO NOTHING | TOTAL |
|---------------------------------|-----------------|-----------------------|--------------------------|---------------|---------------|
| REDONDO BEACH POLICE DEPARTMENT | | | | | |
| NEWMAN'S STYLE: | | | | | |
| CLEAN-BEAT | -- | 27.3% (3) | 27.3% (3) | 45.5% (5) | 34.4% (11) |
| FLEXIBLE | -- | -- | 100.0% (3) | -- | 9.4% (3) |
| PRIORITIES | -- | 16.7% (1) | 50.0% (3) | 33.3% (2) | 18.8% (6) |
| SERVICE | 8.3% (1) | 33.3% (4) | 41.7% (5) | 16.7% (2) | 37.5% (12) |
| | | | | | N = 32 |
| INGLEWOOD POLICE DEPARTMENT | | | | | |
| CLEAN-BEAT | 13.8% (4) | 41.4% (12) | 27.6% (8) | 17.2% (5) | 49.2% (29) |
| FLEXIBLE | 8.3% (1) | 41.7% (5) | 50.0% (6) | -- | 20.3% (12) |
| PRIORITIES | -- | 44.4% (4) | 33.3% (3) | 22.2% (2) | 15.3% (9) |
| SERVICE | 11.1% (1) | 55.6% (5) | 33.3% (3) | -- | 15.3% (9) |
| | | | | | N = 59 |

Table VI-14 (con't)

| | ARREST PARTY | GET PARTY TO LEAVE | ADVISE PARTY TO LEAVE | DO NOTHING | TOTAL |
|-------------------------|-----------------|-----------------------|--------------------------|---------------|---------------|
| NORTHEAST DIVISION LAPD | | | | | |
| NEWMAN'S STYLE: | | | | | |
| CLEAN-BEAT | 43.5% (10) | 17.4% (4) | 13.0% (3) | 26.1% (6) | 46.9% (23) |
| FLEXIBLE | 31.3% (5) | 25.0% (4) | 18.8% (3) | 25.0% (4) | 32.7% (16) |
| PRIORITIES | 60.0% (3) | -- | 40.0% (2) | -- | 10.2% (5) |
| SERVICE | -- | 40.0% (2) | 40.0% (2) | 20.0% (1) | 10.2% (5) |
| | | | | | N = 49 |
| RAMPART DIVISION LAPD | | | | | |
| CLEAN-BEAT | 40.0% (9) | 22.7% (5) | 18.2% (4) | 18.2% (4) | 44.0% (22) |
| FLEXIBLE | 43.8% (7) | 31.3% (5) | 25.0% (4) | -- | 32.0% (16) |
| PRIORITIES | 25.0% (1) | 50.0% (2) | 25.0% (1) | -- | 8.0% (4) |
| SERVICE | 62.5% (5) | 12.5% (1) | 12.5% (1) | 12.5% (1) | 16.0% (8) |
| | | | | | N = 50 |

Table VI-15

415 FAMILY DISPUTE BY EDUCATION, NUMBER OF YEARS POLICEMAN AND SUPERVISION

| | ARREST PARTY | GET PARTY TO LEAVE | ADVISE PARTY TO LEAVE | DO NOTHING | TOTAL |
|-------------------|-----------------|-----------------------|--------------------------|---------------|---------------|
| <u>EDUCATION:</u> | | | | | |
| 12 YEARS & LESS | 40.0% (19) | 21.0% (10) | 29.0% (14) | 10.0% (5) | 25.0% (48) |
| 13-14 YEARS | 19.0% (18) | 35.0% (33) | 29.0% (27) | 17.0% (16) | 48.0% (94) |
| 15-16 YEARS | 27.0% (12) | 22.0% (10) | 31.0% (14) | 20.0% (9) | 23.0% (45) |
| 17 YEARS & MORE | -- | 78.0% (7) | -- | 22.0% (2) | 5.0% (9) |
| | | | | | N = 196 |

Chi Square = 21.69 with 9 Degrees of Freedom
Significant @ .0099

NO. YEARS POLICEMAN:

| | | | | | |
|-----------------|---------------|---------------|---------------|---------------|---------------|
| 1 YEAR & LESS | 15.0% (4) | 56.0% (15) | 15.0% (4) | 15.0% (4) | 14.0% (27) |
| 2-4 YEARS | 20.0% (17) | 33.0% (28) | 34.0% (29) | 14.0% (12) | 44.0% (86) |
| 5-9 YEARS | 37.0% (24) | 23.0% (15) | 23.0% (15) | 17.0% (11) | 33.0% (65) |
| 10 YEARS & MORE | 22.0% (4) | 11.0% (2) | 39.0% (7) | 28.0% (5) | 9.0% (18) |
| | | | | | N = 196 |

Chi Square = 20.64 with 9 Degrees of Freedom
Significant @ .0143

Table VI-15 (con't)

| | ARREST PARTY | GET PARTY TO LEAVE | ADVISE PARTY TO LEAVE | DO NOTHING | TOTAL |
|---|-----------------|-----------------------|--------------------------|---------------|---------------|
| <u>SUPERVISION:</u> * | | | | | |
| HIGH | 16.0% (10) | 39.0% (24) | 34.0% (21) | 10.0% (6) | 31.0% (61) |
| MODERATE | 25.0% (18) | 28.0% (20) | 25.0% (18) | 22.0% (16) | 37.0% (72) |
| LOW | 33.0% (21) | 25.0% (16) | 25.0% (16) | 16.0% (10) | 32.0% (63) |
| | | | | | N = 196 |
| Chi Square = 10.22 with 6 Degrees of Freedom Significant @ .1157 | | | | | |

* Supervision and Discretion Scale

with five years or more, are more likely to make an arrest and to ignore the dispute. Thirty-four percent of this group would make an arrest compared to 19 percent of those with less than four years experience (the last two categories have been collapsed for purposes of analysis). And yet these officers are also more likely to ignore the situation. In contrast, patrolmen with less than four years experience tend to select one of the two intermediate alternatives; that is they are inclined to take some kind of action but only one that does not involve the use of their legal power to arrest. The fact that 56 percent of those on probation said they would make sure one party leaves explains the large proportion of responses for this alternative in Inglewood.

Controlling the relationship between the decision in the family dispute and operational style for the effect of years of experience shows the salience of particular styles for different levels of experience. In Table VI-16 we see that the most striking differences are between those on probation and those with more than five years experience, on the one hand, and those with only two to four years experience. The argument that the most aggressive officers, those who adopt the Clean-Beat style, would take a serious order-maintenance situation like this family dispute less seriously than others, holds only for those patrolmen with two to four years experience and not for the other two

Table VI-16

415 FAMILY DISPUTE BY OPERATIONAL STYLE CONTROLLED FOR NUMBER YEARS POLICEMAN

| | ARREST PARTY | GET PARTY TO LEAVE | ADVICE PARTY TO LEAVE | DO NOTHING | TOTAL |
|------------------|-----------------|-----------------------|--------------------------|---------------|---------------|
| LESS THAN 1 YEAR | | | | | |
| NEWMAN'S STYLE: | | | | | |
| CLEAN-BEAT | 23.1% (3) | 46.2% (6) | 7.7% (1) | 23.1% (3) | 50.0% (13) |
| FLEXIBLE | -- | 62.5% (5) | 25.0% (2) | 12.5% (1) | 30.8% (8) |
| PRIORITIES | -- | 50.0% (1) | 50.0% (1) | -- | 7.7% (2) |
| SERVICE | -- | 20.0% (3) | -- | -- | 11.5% (3) |
| TOTAL | 11.5% (3) | 57.7% (15) | 15.4% (4) | 15.4% (4) | N = 26 |
| 2-4 YEARS | | | | | |
| CLEAN-BEAT | 14.6% (6) | 29.3% (12) | 34.1% (14) | 22.0% (9) | 50.0% (41) |
| FLEXIBLE | 33.3% (6) | 22.2% (4) | 38.9% (7) | 5.6% (1) | 22.0% (18) |
| PRIORITIES | 9.1% (1) | 36.4% (4) | 45.5% (5) | 9.1% (1) | 13.4% (11) |
| SERVICE | 25.0% (3) | 50.0% (6) | 16.7% (2) | 8.3% (1) | 14.6% (12) |
| TOTAL | 19.5% (16) | 31.7% (26) | 34.1% (28) | 14.6% (12) | N = 82 |

Table VI-16 (con't)

| | ARREST PARTY | GET PARTY TO LEAVE | ADVISE PARTY TO LEAVE | NO NOTHING | TOTAL |
|------------------------|------------------|-----------------------|--------------------------|---------------|---------------|
| | 5 YEARS AND MORE | | | | |
| <u>NEWMAN'S STYLE:</u> | | | | | |
| CLEAN-BEAT | 45.0% (14) | 19.0% (6) | 10.0% (3) | 26.0% (8) | 38.0% (31) |
| FLEXIBLE | 33.0% (7) | 24.0% (5) | 33.0% (7) | 10.0% (2) | 26.0% (21) |
| PRIORITIES | 27.0% (3) | 18.0% (2) | 27.0% (3) | 27.0% (3) | 13.0% (11) |
| SERVICE | 21.0% (4) | 16.0% (3) | 47.0% (9) | 16.0% (3) | 23.0% (19) |
| TOTAL | 34.0% (28) | 20.0% (16) | 27.0% (22) | 20.0% (16) | N = 82 |

groups. The Clean-Beats in the least and most experienced groups are more likely to make an arrest or vigorously persuade one party to leave, and the Clean-Beats with two to four years experience are more likely to do nothing or merely advise one of the parties to leave.

Insofar as one can tell the most important factor influencing a patrolman's decision in this incident is whether he comes from one of the small departments or a large department like LAPD. Yet operational style is important for some groups of patrolmen, those who are the most aggressive, the least disillusioned, and the most ambitious; those officers with two to four years of experience. Probationers may be equally aggressive but they do not always have the freedom to indulge their whims and they will take the safest course of action. There is an additional feature of this situation which ought to be mentioned. We can look at the decision in this dispute as necessitating difference degrees of risk. The most risky decision for an officer is to make an arrest which may be legally dubious or to ignore the matter which may precipitate a complaint and bring down the wrath of the sergeant. Taking an informal action is clearly the safest course of action. What the results so far suggest is that it is the youngest, best educated, and presumably the most ambitious officers who chose the intermediate alternatives. The question is to what extent does the desire for some kind of promotion

influence an officer's decision in this situation. Table VI-17 shows the relationship between the decision and an officer's personal career ambitions for each department. The results clearly show that whether or not an officer wants a promotion influences his decision in LAPD but not in either of the small departments. Those who do not want a promotion in LAPD are more likely to choose one of the risky alternatives. Given the few opportunities for promotion in the small departments, it is not surprising that this factor has no effect. It appears, then, that the decision to arrest in this situation can only be made by an officer who feels that he has nothing to lose. In the LAPD at least the desire to ignore this situation is reinforced by incentives within the department.

A public disturbance will be taken more seriously by the police because there is a greater potential for a larger disturbance occurring and the police often have more legal authority. To get at this kind of situation patrolmen were presented with a group of juveniles raising hell at a bowling alley. Patrolmen chose one of three alternative responses: they could arrest some or all of the juveniles; they could disperse them; or they could simply refuse to take any action. Forty-nine percent of the patrolmen interviewed said they would make an arrest of either all of the juveniles or some of them. Officers who said they would arrest only some of the juveniles frequently

Table VI-17

415 FAMILY DISPUTE BY PATROLMAN AMBITIONS CONTROLLED FOR DEPARTMENT

| | ARREST PARTY | GET PARTY TO LEAVE | ADVISE PARTY TO LEAVE | DO NOTHING | TOTAL |
|--|-----------------|-----------------------|--------------------------|---------------|---------------|
| <u>REDONDO BEACH POLICE DEPARTMENT</u> | | | | | |
| <u>PERSONAL ASPIRATIONS:</u> | | | | | |
| PROMOTION* | -- | 16.7% (2) | 50.0% (6) | 33.3% (4) | 35.3% (12) |
| NO PROMOTION** | 4.5% (1) | 31.8% (7) | 40.9% (9) | 22.7% (5) | 64.7% (22) |
| | | | | N = | 34 |
| <u>INGLEWOOD POLICE DEPARTMENT</u> | | | | | |
| PROMOTION | 10.0% (4) | 45.0% (18) | 32.5% (13) | 12.5% (5) | 66.7% (40) |
| NO PROMOTION | 10.0% (2) | 50.0% (10) | 35.0% (7) | 5.0% (7) | 33.3% (20) |
| | | | | N = | 60 |
| <u>NORTHEAST DIVISION LAPD</u> | | | | | |
| PROMOTION | 35.0% (14) | 22.5% (9) | 22.5% (9) | 20.0% (8) | 80.0% (40) |
| NO PROMOTION | 50.0% (5) | 10.0% (1) | 10.0% (1) | 30.0% (3) | 20.0% (10) |
| | | | | N = | 50 |

Table VI-17 (con't)

| | ARREST PARTY | GET PARTY TO LEAVE | ADVISE PARTY TO LEAVE | DO NOTHING | TOTAL |
|------------------------------|-----------------|-----------------------|--------------------------|---------------|---------------|
| RAMPART DIVISION LAPD*** | | | | | |
| <u>PERSONAL ASPIRATIONS:</u> | | | | | |
| PROMOTION | 39.5% (17) | 27.9% (12) | 23.3% (10) | 9.3% (4) | 86.0% (43) |
| NO PROMOTION | 85.7% (6) | -- | -- | 14.3% (1) | 14.0% (7) |
| | | | | | N = 50 |

* Respondent desires a promotion to supervisory or investigative position.

** Respondent does not want a promotion or intends to leave department.

*** Chi Square = 6.5217 with 3 Degrees of Freedom. Significant @ .08.

said that this was done to show the others that they meant business, and they hoped that this would give them some incentive to leave the premises. Patrolmen in LAPD are again more likely to make an arrest, though 47 percent of the patrolmen in Redondo Beach would also arrest (see Table VI-1). Forty-five percent said they would disperse the juveniles, and the difference between those who said they would act forcefully and firmly is that of tactics and how seriously they viewed the problem. Those who said they would disperse forcefully believed they had little legal authority to act but were determined to get the juveniles out of the bowling alley; and many indicated they would make arrests if they had to. Those who would disperse firmly viewed the situation as one of "kids will be kids" and thought that they could talk them out of the bowling alley. Patrolmen in Inglewood were most likely to choose one of these alternatives and those in Northeast Division the least likely. Finally, some said they would take no action; note that the percentage who refused to take any action at all is considerably lower than in the family dispute.

The most interesting relationship to be discovered is with the Aggressiveness scale. What we find when this relationship is controlled for department is that those who are high on the Aggressive scale are more likely to make an arrest in Redondo Beach and Northeast Division (Table VI-18).

Table VI-18

415 JUVENILES BY AGGRESSIVENESS SCALE CONTROLLED FOR DEPARTMENT

| | ARREST JUVENILES | DISPERSE FORCEFULLY | DISP-FIRM/ NO ACTION | TOTAL |
|---------------------------------|---------------------|------------------------|-------------------------|---------------|
| REDONDO BEACH POLICE DEPARTMENT | | | | |
| AGGRESSIVENESS SCALE: | | | | |
| HIGH | 75.0% (3) | 25.0% (1) | -- | 11.8% (4) |
| MODERATE | 50.0% (6) | 33.0% (4) | 17.0% (2) | 35.3% (12) |
| LOW | 39.0% (7) | 17.0% (3) | 44.0% (8) | 52.9% (18) |
| | | | N = | 34 |
| INGLEWOOD POLICE DEPARTMENT | | | | |
| HIGH | 22.0% (7) | 41.0% (13) | 38.0% (12) | 52.5% (32) |
| MODERATE | 32.0% (7) | 46.0% (10) | 23.0% (5) | 36.1% (22) |
| LOW | 57.0% (4) | 14.0% (1) | 29.0% (2) | 11.5% (7) |
| | | | N = | 61 |
| NORTHEAST DIVISION LAPD | | | | |
| HIGH | 87.0% (13) | 7.0% (1) | 7.0% (1) | 29.4% (15) |
| MODERATE | 69.0% (11) | 19.0% (3) | 13.0% (2) | 31.4% (16) |

Table VI-18 (con't)

| | ARREST JUVENILES | DISPERSE FORCEFULLY | DISP-FIRM/ NO ACTION | TOTAL |
|---------------------------------|---------------------|------------------------|-------------------------|---------------|
| NORTHEAST DIVISION LAPD (con't) | | | | |
| <u>AGGRESSIVENESS SCALE:</u> | | | | |
| LOW | 60.0% (12) | 25.0% (5) | 15.0% (3) | 39.2% (20) |
| | | | | N = 51 |
| RAMPART DIVISION LAPD | | | | |
| HIGH | 47.0% (8) | 41.0% (7) | 12.0% (2) | 33.3% (17) |
| MODERATE | 56.0% (9) | 31.0% (5) | 13.0% (2) | 31.4% (16) |
| LOW | 50.0% (9) | 28.0% (5) | 22.0% (4) | 35.3% (18) |
| | | | | N = 51 |

And those who are low on the scale are more likely to disperse firmly or take no action (the categories have been collapsed to eliminate the large number of empty cells that would otherwise occur with this control). This pattern simply reverses for Inglewood and Rampart Division: here the highly aggressive patrolmen are less likely to arrest and in Inglewood at least more likely to take no action. While the pattern does not hold very well for Rampart, presumably because patrolmen there are more likely to make an arrest anyway, these data would appear to indicate that in the low-crime areas aggressive patrolmen, possibly because of a lack of anything else to satisfy the need for action, will make arrests. In Inglewood, on the other hand, where there is great pressure to deal with other crimes these officers will treat this kind of situation less seriously. The other measures of operational style are not related to the decision in this incident.

Two background variables are slightly related to the decision in this incident. First, there is a very weak relationship with military service. Those who served in the military are somewhat more likely to make an arrest or take a hard-nosed action to disperse the juveniles than those who have not. However, the percentage differences for this association are rather small. A stronger relationship is apparent for education. With the family dispute we found that, paradoxically, rather than increasing an

officer's sensibilities toward social problems, education seemed to preclude effective action. As Table VI-19 shows the same tendency is apparent in public disturbances. Examine the extreme categories, arrest all and take no action. The propensity to arrest is inversely related to education and the tendency to take no action is directly related. Thus highly educated patrolmen are not inclined to take the problem very seriously. Social class was not related, and the pattern of number of years of experience shows no clear relationship. All that can be said about the latter is that patrolmen with more than ten years experience preferred not to make an arrest and were more likely than others to take no action. The relationship between the Aggressiveness scale and the decision in this incident was controlled for education and number of years experience. The results are not as clear as in the family dispute, but they show that of the highly aggressive patrolmen it is those with two to four years experience who are least likely to make an arrest. The control for education shows that the highly aggressive officers with some college (13 to 15 years) are less likely to arrest than those with 16 or more years of education, but does not otherwise modify the relationship.

Since the decision to arrest or take no action is as risky in this disturbance as the family dispute we have examined the relationship with the desire for a promotion

Table VI-19

415 JUVENILES BY MILITARY SERVICE AND EDUCATION

| | ARREST ALL | ARREST SOME | DISP- FORC. | DISP- FIRM | NO ACTION | TOTAL |
|--|---------------|----------------|----------------|---------------|--------------|----------------|
| <u>MILITARY SERVICE:</u> | | | | | | |
| SERVED | 18.2% (25) | 31.4% (43) | 32.8% (45) | 12.4% (17) | 5.1% (7) | 70.3% (137) |
| DID NOT SERVE | 20.7% (12) | 25.9% (15) | 20.7% (12) | 20.7% (12) | 12.1% (7) | 29.7% (58) |
| | | | | | | N = 195 |
| Chi Square = 7.23 with 4 Degrees of Freedom Significant @ .1240 | | | | | | |
| <u>EDUCATION:</u> | | | | | | |
| 12 YEARS & LESS | 27.7% (13) | 23.4% (11) | 25.5% (12) | 19.1% (9) | 4.3% (2) | 23.9% (47) |
| 13-14 YEARS | 18.1% (17) | 36.2% (34) | 30.9% (29) | 9.6% (9) | 5.3% (5) | 47.7% (94) |
| 15-16 YEARS | 13.0% (6) | 28.3% (13) | 32.6% (15) | 15.2% (7) | 10.9% (5) | 23.4% (46) |
| 17 YEARS & MORE | 10.0% (1) | 10.0% (1) | 20.0% (2) | 40.0% (4) | 20.0% (2) | 5.1% (10) |
| | | | | | | N = 197 |
| Chi Square = 18.12 with 12 Degrees of Freedom Significant @ .1122 | | | | | | |

(Table VI-20). Insofar as the decision to arrest some or all of the juveniles is concerned the results for LAPD duplicate those with the family dispute; those officers who do not want a promotion are more likely to arrest than those who do. This variable makes no difference in Inglewood, but in Redondo Beach patrolmen who say they want to be promoted are considerably more likely to arrest than those who don't. It's not immediately clear how the finding in Redondo Beach should be interpreted, and of course it's impossible to run further controls with only 34 cases.

In some respects, these results parallel those for the family dispute, despite the fact that the public disturbance was taken more seriously than the private one. In both incidents patrolmen in LAPD chose to make arrests, to enforce the law, while patrolmen in the small departments were more reluctant. Second, education appears to be related in an inverse way, the more education an officer has, the less seriously he takes order-maintenance problems. Curiously, the measures of class status are not related to the decisions in the order-maintenance incidents (and education has no effect on the law enforcement situation). Third, the desire for a promotion has an effect on the officers in LAPD; those who do not want a promotion, feel they have less to lose by being decisive in these incidents, and are more likely to either arrest or ignore the problem. Finally, we find that it is the young, and highly aggressive

Table VI-20 .

415 JUVENILES BY PATROLMAN AMBITIONS CONTROLLED FOR DEPARTMENT

| | ARREST ALL | ARREST SOME | DISP- FORC. | DISP- FIRM | NO ACTION | TOTAL |
|---------------------------------|---------------|----------------|----------------|---------------|--------------|---------------|
| REDONDO BEACH POLICE DEPARTMENT | | | | | | |
| <u>PERSONAL ASPIRATIONS:</u> | | | | | | |
| PROMOTION* | 8.3% (1) | 58.3% (7) | 8.3% (1) | 16.7% (2) | 8.3% (1) | 35.3% (12) |
| NO PROMOTION** | 9.1% (2) | 27.3% (6) | 31.8% (7) | 18.2% (4) | 13.6% (3) | 64.7% (22) |
| | | | | | | N = 34 |
| INGLEWOOD POLICE DEPARTMENT | | | | | | |
| PROMOTION | 17.5% (7) | 15.0% (6) | 42.5% (17) | 17.5% (7) | 7.5% (3) | 66.7% (40) |
| NO PROMOTION | 10.0% (2) | 10.0% (2) | 35.5% (7) | 30.0% (6) | 15.0% (3) | 33.3% (20) |
| | | | | | | N = 60 |
| NORTHEAST DIVISION LAPD | | | | | | |
| PROMOTION | 24.4% (10) | 41.5% (17) | 19.5% (8) | 9.8% (4) | 4.9% (2) | 80.4% (41) |
| NO PROMOTION | 40.0% (4) | 50.0% (5) | 10.0% (1) | -- | -- | 19.6% (10) |
| | | | | | | N = 51 |

Table VI-20 (con't)

| | ARREST ALL | ARREST SOME | DISP- FORC. | DISP- FIRM | NO ACTION | TOTAL |
|------------------------------|---------------|----------------|----------------|---------------|--------------|---------------|
| RAMPART DIVISION LAPD | | | | | | |
| <u>PERSONAL ASPIRATIONS:</u> | | | | | | |
| PROMOTION | 18.6% (8) | 27.9% (12) | 37.2% (16) | 14.0% (6) | 2.3% (1) | 86.0% (43) |
| NO PROMOTION | 28.6% (2) | 57.1% (4) | 14.3% (1) | -- | -- | 14.0% (7) |
| | | | | | | N = 50 |

* Respondent desires a promotion to supervisory or investigative position.

** Respondent does not want a promotion or intends to leave department.

officers who show a marked tendency to ignore and treat these problems less seriously. It is this group of patrolmen who reflect, moreso than other patrolmen, the Clean-Beat style of police work. In fact, the description of Officer Newman presented earlier is in many ways fairly typical of this group of patrolmen. The one anomaly here is that the more aggressive patrolmen in the low-crime areas appeared more likely to take decisive action; while it is rather difficult to test (it would require the introduction of two test factors) I suspect that the aggressive officers who said they would make arrests in these departments are generally more experienced and less likely to accept the Clean-Beat approach.

A regression on the first version of the formal action scale which includes the order-maintenance situations shows that in addition to department and social class the other important factors which have an independent effect are education and the indifference to a promotion. Education is negatively related and no promotion is positively related. (It's worth noting that the desire for a promotion was not related to the law enforcement situation; this factor appears to have a negative effect, that is it minimizes the choice of a risky course of action in a large department but does not act as an incentive. This is entirely consistent with the overall structure of promotional systems in professional police departments). Together these

variables explain 38 percent of the variance, though three-quarters of this is attributable to the department (Table VI-21).

Two qualifications of this data are in order. With the exception of the relationship between discretion and department, which is really a difference between LAPD and the two small departments, most of the variables have only weak relationships to discretion. The correlations range from .15 to .25, a degree of association which is weak by standards. Moreover, the relationships, such as they are, tend to be stronger for situations which concern only the question of law enforcement; the relationships in the order-maintenance situations are weaker and more unstable. This suggests that, other things being equal, there is probably more of a tendency for an officer to attempt to judge the intangibles in an order-maintenance situation; in a law enforcement situation, on the other hand, the grounds for taking action or not are much narrower. What this means is that patrolmen are more sensitive to the immediate dynamics of the situation in a disturbance, and thus there is more variability in responses which is attributable to these dynamics. Finally, I should note that while the analysis has demonstrated the pervasive effect of being in a large or small department, I have been unable to derive, through analysis, any explanation of the difference. Controlling for supervision and other variables does not sub-

Table VI-21

REGRESSION ON COMPOSITE MEASURE OF POLICE DISCRETION

| Independent Variables | B (Standard Error) | | Beta | F |
|--|--------------------|--------|-------|---------------------|
| Redondo Beach P.D. | 1.13 | (1.91) | 0.04 | 0.350 |
| Northeast Div. LAPD | 11.05 | (1.67) | 0.48 | 43.770 ^a |
| Rampart Div. LAPD | 10.64 | (1.70) | 0.46 | 39.207 ^b |
| No. Years Education | -1.11 | (0.43) | -0.17 | 6.630 ^c |
| Father's Occupation: White Collar | 3.55 | (1.29) | 0.17 | 7.564 ^d |
| Officer's Ambitions: Desire Promotion | -1.32 | (1.97) | -0.05 | 0.450 |
| Promotion Investig. | 0.51 | (1.72) | 0.02 | 0.088 |
| Leave Department | -1.25 | (2.05) | -0.04 | 0.372 |
| No Promotion | 5.38 | (1.92) | 0.20 | 7.905 ^e |

$R = 0.62301$

R^2 (Variance Explained) = 0.38814

Standard Error = 8.13498

-
- a/ Significant @ .001
b/ Significant @ .001
c/ Significant @ .05
d/ Significant @ .01
e/ Significant @ .01

stantially modify this relationship. In terms of the measures of discretion and other factors that we have the relationship is not spurious but neither can we explain it in terms of an empirical analysis.

POLICE DISCRETION AND ORGANIZATION

The analysis of the survey data clearly demonstrates the predominance of departmental factors in determining the exercise of discretion by patrolmen. To be more specific, what I have shown is that patrolmen in the two divisions of LAPD are more formalistic, they are more willing to invoke the law across a broad range of circumstances while their counterparts in Redondo Beach and Inglewood are more likely not to enforce the law in these same circumstances. The analysis was less successful in unraveling the relationship between discretion, a patrolman's operational style, and the department. Style is not unimportant; the more selective patrolmen will be less likely to enforce the law and in order-maintenance situations there is some evidence that young and highly aggressive patrolmen, those devoted to the Clean-Beat approach, will take these situations less seriously than other patrolmen. Yet the relationships are so weak that firm conclusions on this matter cannot be drawn. About all one can really say is that there is some empirical basis for the typology and that style influences an officer's approach to crime fighting but is otherwise

modified by the department. Actually, operational style seems to be an intervening variable between discretion and a patrolman's background characteristics. Class status, especially a patrolman's feelings of how his status has changed, tends to be one of the most important factors in explaining the kind of style a patrolman adopts. In fact, this is one of the most intriguing findings to emerge from the study. Contrary to the research which asserts that it is patrolmen from a working class background who are the most authoritarian and aggressive, it turns out that it is middle class patrolmen who are the most aggressive and legalistic. Moreover, the finding that educated officers are less likely to take order-maintenance situations seriously contradicts most reform dogma, the naive belief that education will necessarily make individuals more sensitive to social problems (this of course raises the question of what kind of education most policemen are getting). Thus in addition to the differences between the large and small police departments, the most significant findings pertain to the effects of class status and education on discretion.

How can the differences between the large and small departments be explained? I have suggested throughout that the key difference between these departments is that of size, and that the differences in discretion turn on this. But is it so? And if so what makes size so important? Leaving aside the question of distortion in the survey

results, is it not possible that these results merely reflect the peculiarities of the Los Angeles Police Department and its approach to professional law enforcement? More specifically, do these results reflect the legacy of William Parker through present administrators? There is no question that Parker casts a haunting spell over the Los Angeles Police Department (even to the extent that the present Chief of Police emulates him in many ways). Most of the top administrators in the department began their careers just prior to or after the time that Parker took over the department. Many of the central ideas of professionalism--the ideas of deterrence and initiative--were ideas which Parker made a central part of his philosophy of policing. And Parker, more explicitly than most advocating professionalism, linked his ideas to the social problems of an urban civilization. In Parker's view not only was strict enforcement proper but it was necessary. These views are part of the process of socialization in LAPD. There is little ambivalence among administrators about the value of impersonal and strict enforcement. In contrast, the views of the administrators in small departments are more equivocal, and not so much emphasis is placed upon strict enforcement. Is it possible that these differences in discretion are the result of the differing expectations that administrators convey to patrolmen? While there is no doubt that this has some effect I am not inclined to believe

that this is the whole story. Part of the difficulty here is that aside from my impressions we really don't know what administrators, especially first line supervisors, expect of patrolmen. Survey data similar to that obtained for patrolmen is available for sergeants and watch commanders in all three departments, but unfortunately it is not presently available for analysis. An analysis of this information should enable one to determine the consistency between the views of administrators in the three departments. This will permit a more adequate assessment of this argument.¹⁶

Despite the views of administrators I believe that there are more fundamental factors at work. The tendency toward strict enforcement in LAPD is facilitated by the size of the department. Size has two important effects. Internally, it makes a difference in the organizational control and promotional systems. Under the system of administration at the time of the study administrators in LAPD had to rely upon impersonal measures of a patrolman's performance to a much greater extent than administrators in the small departments. Despite the feelings of some administrators that a man's "stats" should be de-emphasized, there is still more emphasis upon how much an officer 'produces' than in the small departments. Moreover, from a patrolman's point of view the problem, if he is at all ambitious, is to be noticed, to be recognized as a competent

and aggressive patrolman. Given these facts the tendency for a patrolman in LAPD is to act, to enforce the law more often than not. In the small departments, on the other hand, the evidence appears to indicate that control can be maintained without resorting to quotas or other impersonal measures of a man's performance. In fact, a patrolman in the small departments does not face the difficulty that his counterpart in LAPD must deal with, being noticed. His problem is just the reverse, that of escaping scrutiny of administrators.

The size of the department may make a difference in other terms as well. It means a difference in available resources and flexibility insofar as a patrolman is concerned. A patrolman in a small department has less opportunity to move around and he has to make a more conscious choice of priorities. The tendency not to enforce the law in Inglewood is partly the result of conscious choices in priorities, the decision to pursue the more important crime problem. These kinds of choices do not have to be made in a large department like LAPD; patrolmen can indulge himself, if you will, and enforce any law he so desires.

But I believe that the crux of the matter turns on the differences in relative autonomy from community pressures in these three departments. Professionalism has attempted to increase the autonomy of the police; the isolation of

the police from the community has been viewed, from the time of the earliest arguments over the extension of police power until the present, as fundamentally necessary to strict enforcement. Indeed, the doctrines of professionalism imply that effective law enforcement and control of crime can only come about with substantial autonomy from community politics and pressures. What I want to suggest is that this is really only obtained beyond a certain size of organization (and city by implication). Because small departments are less autonomous, more subject to community pressures, they are therefore constrained from enforcing the law as strictly as they might like. In other words, the drive of professionalism to insulate the police from the community is partially attenuated in small police departments. Yet this development in the evolution of policing is not without an ironical twist. Patrolmen in the small departments are more sensitive to community pressures and administrators do have greater control of the actions of patrolmen. The result of this is to facilitate a strategy of leniency but, depending on the reasons for non-enforcement, the law may be enforced unequally. In a large, professional department such as LAPD the law will be enforced more strictly and to this extent more equally; but administrators will ultimately have less control over the actions of their men. It would seem that if patrolmen are inclined to enforce the law this would give administrators

more control over their men; after all it is non-enforcement that is least susceptible to administrative control. This is true but only in a very narrow sense. One consequence of the autonomy required for strict enforcement is greater autonomy for patrolmen to enforce those laws they see fit, to move about and dig things up. In other words, the freedom to enforce the law grants the freedom to act without restraint in other situations. This is partly a matter of the dysfunctions of control systems in large organizations; but it is also the price professionalism pays for the autonomy necessary for a strategy of strict enforcement. In small departments, the impact of the control system is largely negative, it achieves control by precluding action (though it is also true that enforcement action can be more easily directed toward those problems the "community" feels important). Thus while there may be greater overall control over police actions in small departments the consequence of this may be unequal law enforcement. I shall attempt to put this into a broader perspective in the concluding chapter.

NOTES TO CHAPTER SIX

1. Most of the studies which attempt to relate background and personality characteristics to performance are based not on measures of the way a patrolman exercises his discretion but rather department evaluations of an officer's performance. There is some question about the adequacy of these measures. See, for example, Bernard Cohen and Jan M. Chaikan, Police Background Characteristics and Performance, (Santa Monica: The Rand Corporation, 1972); and Melany E. Baehar, et al., Psychological Assessment of Patrolmen Qualifications in Relation to Field Performance (Washington, D.C.: U.S. Government Printing Office, 1968). Further, so far as I know, the hypothesis of 'working class authoritarianism' has never been explicitly tested against independent measures of police performance.
2. The reader may wish to refer to the introduction to chapter four where the concept of operational style was initially defined.
3. After developing this typology, I was gratified to discover that it is confirmed by observations other than my own. Working independently and in another part of the country but in a professional police department (Minneapolis, Minn.) Susan O. White arrived at a typology which is exactly the same as the one presented here (or rather I should say that I arrived at a typology which parallels her own). She uses different criteria to distinguish among policemen, and I don't know that I find all of them plausible, but there is little difference between her four types and mine. She distinguishes between "tough cops" and "problem solvers" who are like the Old Style Crime Fighters and the Service style; and between "rule appliers" and "crime fighters" who are like the Professional and Clean-Beat Crime Fighters. See Susan O. White, "A Perspective on Police Professionalization," Law and Society Review (Fall 1972), pp. 61-85, especially pp. 70 ff.
4. For a description of an Old Style Crime Fighter doing just that see Joseph Wambaugh, The Onion Field (New York: Delacourte Press, 1973), pp. 229-233.

5. In this regard, Alexander George points out that, "one of the attractive features of the operational code construct for behaviorally-inclined political scientists /is/ that it can serve as a useful "bridge" or "link" to psychoanalytic interpretations of unconscious dimensions of belief systems and their role in behavior under different conditions. Thus, once an actor's approach to political calculation has been formulated by the researcher, he can proceed--if he so wishes and is able to do so--to relate some of the beliefs in question to other motivational variables of a psychodynamic character." Alexander George, "The 'Operational Code': A Neglected Approach to the Study of Political Leaders and Decision-Making," The Rand Corporation, Memorandum RM-5427-PR, pp. 6-7.
6. The reader may wish to refer to the discussion of the supervision scales in chapter three and the Aggressiveness and Selectivity scales in chapter four. Procedures used to scale the questionnaire items are discussed in the methodological appendix. The Intolerance of Ambiguity scale, which unfortunately did not work out, was drawn from J.G. Martin and F.R. Westie, "The Tolerant Personality," American Sociological Review 24 (1959): 521-528. One of the reasons for using it is that it is highly correlated with the Adorno F-scale which measures authoritarianism. For a general discussion of the analytical procedures used in this analysis see Morris Rosenberg, The Logic of Survey Analysis (New York: Basic Books, Inc., 1968).
7. The problem with many of these questions is that one never knows if all of the respondents interpret the questions in the same way. As the analysis will show disagreement with Officer Newman's approach meant several different things. For a good discussion which attempts to get around this problem by having respondents specify what they mean by their answer see Howard Schuman, "The Random Probe: A Technique for Evaluating the Validity of Closed Questions," American Sociological Review 31 (1966): 218-222; reprinted in Forcese and Richer, Stages of Social Research, pp. 240-246.
8. This procedure was suggested to me by Carl P. Hensler, Department of Political Science, U.C.L.A., and I used the SPSS canonical correlation program.
9. This is somewhat dubious but as S.S. Stevens suggests it is not always possible to meet all statistical assumptions, and that the use of parametric statistics with measures which do not completely meet the equal-

interval assumption overrides the loss of information and efficiency in the analysis which is entailed by dropping to a lower level of measurement. See S.S. Stevens, "Measurement, Statistics, and the Schemapiric View," Science 161 (1968): 849-856. This matter is discussed further in the methodological appendix.

10. One item used in this scale deals with marijuana violations, a felony at the time the survey was administered. This item read, "It's a waste of time and takes time away from more important things to arrest someone for possession of 2 or 3 marijuana cigarettes." Although this item had the lowest factor loading, .49, of the three items it did have the highest similarity. Given the feelings surrounding the marijuana issue this is a rather stringent measure of selectivity; indeed it is possible that had other measures been used the proportion of officers who are selective would be higher.
11. An objective measure of past class status yields approximately the same results as the subjective measure. The beta for the objective measure which distinguishes between officer's whose fathers were white collar or blue collar is $-.18$.
12. The Intolerance of Ambiguity Scale, the sole measure of an officer's psychological attributes used in this study, was not related to this measure of operational style in any way. However, I am inclined to believe that this is more a matter of the inadequacy of the scale than the absence of a relationship. Even so, it should be clear that the investigation of the relationship between operational style and an officer's personality traits may indeed be very profitable. See n. 5 and 6.
13. In this respect, number of years of experience is what is commonly called a suppressor variable, that is one which is related to the dependent and independent variable but in such a way that it suppresses the original relationship. For a discussion of these see Morris Rosenberg, The Logic of Survey Analysis (New York: Basic Books, Inc., 1968) pp. 84-94.
14. One can raise an interesting question about these responses. Is it not possible that some officers who responded that nothing had been solved and further action was required said that not because they really believed this to be true but because they were also interested in protecting themselves from a complaint? I have no way of knowing, and I simply raise the

question so the reader can bear it in mind in judging the data. It should be apparent that an answer to this question would help choose between alternative explanations, viz., are patrolmen more likely to act according to the rules in LAPD or are they more conscious of the need to protect themselves.

15. The correlation between the Aggressiveness scale and the number of years experience is rather weak, .14, though it is somewhat stronger for age, .24. However, there is a relationship, younger officers are more aggressive.
16. Some caution has to be exercised in interpreting the survey data. There is good reason to believe that if the survey responses are biased, they are biased toward decisions to enforce the law in LAPD. There is less reasons to suspect the responses of patrolmen in the two small departments. To the extent this is true much of the argument would be undermined. This matter is fully discussed in the methodological appendix.

CHAPTER SEVEN

POLICE DISCRETION AND POLITICAL CONTROL: THE LIMITS OF REFORM

The idea of constitutional democracy entails the concept of accountability. Public accountability implies responsibility for the character and consequences of a public official's actions, though this begs the question of what is meant by responsibility and to whom the official is responsible. Historically, the concept of accountability in a constitutional democracy has referred to the restraint of the arbitrary use of power by the state either through elections or the rule of law.¹ Electoral accountability remains important, but the problem of political accountability in the modern nation state is really a matter of administrative responsibility. The growth and expansion of government in the twentieth century has increased the reliance upon bureaucracy as a mechanism of social and political control and to provide a wide variety of governmental services. There are many facets to the problem of administrative responsibility, but the heart of the matter lies in the use of administrative discretion.²

Discretion is a pervasive element of modern public administration, and as I argued in the Introduction the use of discretion by an administrator is as much a political

decision as the formulation of a law by legislators. This is especially true of the municipal police. These men are not minions of the law applying the letter of the law to each unique situation nor even crude but competent artisans buffeted by the vagaries of circumstance. They are a modern day condottieri for whom adventure and risk are important rewards. In performing their task these men are not so much bureaucrats as political actors. Their decisions have enormous political consequences: they determine who will be incarcerated and for what, who will be extended the protection of legality, and ultimately life and death. As Brian Chapman has so eloquently put it, "the police are involved in society in a unique way...they are profoundly concerned with some of the most fundamental problems of justice, equity, retribution, punishment, charity and remorse."³ The police pose in a rather profound way all of the dilemmas and difficulties inherent in the problem of administrative responsibility.

The analysis of administrative discretion entails two aspects: an appreciation of the standards which guide the exercise of discretion (the factors which influence an administrator or patrolman); and the degree to which discretion is subject to political controls of one kind or another. Thus far the analysis has been confined to the former question, though some attention has been devoted to the efficacy of internal administrative controls over

police discretion. My intention in this conclusion is to examine the contemporary problem of political control over the exercise of police discretion. This will require first a restatement of the major conclusions of this study; and second a brief analysis of major proposals for police reform in light of these conclusions.

The Exercise of Discretion by Patrolmen

The police task is based on the routine use of coercion to regulate social behavior in the interests of a broader set of societal goals. The patent distinction between the law enforcement and order-maintenance functions of the police is misleading to the extent that it obscures the fact that both of these functions necessitate the use of coercion. The police never simply enforce the law; rather, the laws are a set of tools used to manipulate social behavior in light of putative social goals. Order-maintenance is not merely a matter of settling a dispute; it puts the police in the role of resolving conflict and preventing further disorder by any means possible. It is the routine use of these coercive powers which set the police apart from other social agencies.

Though modern police departments are characterized by a high degree of specialization, it is the lowly patrolman who is the central actor in performing the police task. Not only do patrolmen initially respond to emergency calls and thus decide how they should be handled, but they have wide

latitude to intervene in a variety of circumstances to enforce the law and maintain order. To say that the police, through the exercise of discretion, determine the meaning of law and order is to say, largely, that patrolmen determine the meaning of law and order. For better or worse, the societal goals to which police action is directed are served by the intelligence, whims, caprice, desires, and craftsmanship of patrolmen.

Any discussion of the way patrolmen exercise their discretion and any explanation of their behavior must consider two aspects of police behavior. First, the impact of the police bureaucracy in shaping a patrolman's priorities, the approach he takes to his task, and the kinds of limits imposed on his actions. Due to professionalism police departments have become more bureaucratic. They are organized on the basis of the legitimacy of rational-legal (hierarchical) authority; they are highly specialized and there is reliance upon technology and scientific knowledge to the extent possible; appointment and promotions are based on merit; emphasis is placed on the impartial enforcement of the law; and a strict separation between politics and administration is maintained. One consequence of the bureaucratization of police departments is to insulate the police from the communities they police. Discretion is thus less a matter of the kind of community a policeman patrols, though that is important, than the

character of organizational incentives and constraints he confronts. The second aspect of importance concerns the way a patrolman responds to the conflicts and opportunities of his task and the limitations imposed by the department. Here I have argued for a different view of patrolmen, an alternative to the view of patrolmen as demand driven, working-class ciphers, and suggested that in fact they are motivated by the ideal of the inner-directed policeman, although there are a variety of approaches, or operational styles as I have called them, which patrolmen adopt.

The Impact of Bureaucracy. Insofar as I have been able to adequately measure the exercise of discretion by patrolmen in Redondo Beach, Inglewood and the two divisions of LAPD, it is clear that the department, or more precisely the size of the department, is a better predictor of how a patrolman will exercise his discretion than situational (community) factors. Thus, situational factors (crime-rate, heterogeneity of community) are relatively unimportant in explaining discretion. What is striking about the evidence is that the difference between the large and small departments and the unimportance of situational factors are sustained in a variety of law enforcement and order-maintenance situations. The literature (particularly Wilson) suggests that differences in discretion in law enforcement situations between communities are largely due to departmental factors (e.g. administrative styles) but that

differences in some order-maintenance situations reflect community characteristics. To the contrary, my analysis demonstrates this is not the case. What this means is that patrolmen are insulated from the communities they police, and their discretion is largely a product of the incentives and pressures of the police bureaucracy.

However, aside from the factor of size, the analysis was unsuccessful in isolating specific organizational variables--for example, differences in the style of supervision as perceived by patrolmen--which may explain the differences in discretion between the two small departments and the two divisions of LAPD. There is impressionistic evidence that these differences may be due to differing expectations of supervisors and administrators, though a conclusive answer must await an analysis of interviews of management personnel in these departments.

I have sought to demonstrate that the issue of the impact of hierarchical controls on the use of discretion by patrolmen is far more complex than the mere assertion that administrators can, through their expectations, attain a reasonable degree of control. If there is reason to believe that the application of hierarchical controls may be crucial in shaping the exercise of discretion, there is also reason to believe there are significant internal limits on these controls. The defining characteristic of hierarchical controls in a police department is that they are negative.

Administrative controls such as rules and the actions of supervisors are directed toward limiting the actions of patrolmen, toward minimizing conduct considered deleterious to the department and its public image. Supervisors are more concerned with the length of a man's hair or the quality of his written reports than his conduct on the street--though most supervisors offer the rationalization that serious misconduct simply occurs less often than violations of trivial rules. Beyond vague exhortations to "enforce the law," "honor due process," "maintain good rapport with the public" and to "be professional," supervisors offer patrolmen little in the way of direct guidance. This is partly a result of the difficulties of closely supervising men who work alone and partly the inability (as well as reluctance) of administrators to completely eliminate a patrolman's discretion through specifying policy guidelines. Police administrators are inclined to believe that adherence to organizational rules is indicative of suitable performance on the street. However, the truth is that police administrators are really capable of controlling only the more trivial and mundane aspects of a patrolman's behavior. This is because of the systemic limits on the use of hierarchical controls in a police department.

These systemic limits on administrative controls derive from two attributes of police departments. First, the centrality of coercion in the police task results in

pressures on policemen which create a need for loyalty and solidarity among the police. These pressures are augmented and sustained by five additional characteristics of the police task, all of which increase the uncertainty and complexity of police work. These are the ambiguous and conflicting goals of police departments (e.g. control crime but honor due process); uncertainty over who it is the police serve, the community, victims, the state?; the presence of danger; and the reliance upon a craft technology. The key consequence of the need for loyalty and solidarity is the formation of a set of normative limitations on hierarchical controls. These norms serve to legitimize the autonomy of patrolmen. One of these norms precludes second-guessing the decisions of patrolmen. The belief is that the policeman on the spot is most aware of the situation and in the best position to make an adequate decision. Regardless of what happens he has to be backed up. Another norms, based on an ideology of individualism, grants patrolmen considerable freedom to develop their own approach to police work. No officer need work exactly like another and any situation can be handled in a variety of ways. A second limitation is a result of the fact that patrolmen possess enormous power within a police department due to their ability to control the outcome of a task of great importance to the organization. Administrators are dependent on patrolmen to perform their task in a reasonably

satisfactory way; to make arrests and control crime without creating hostility from the community. This dependence on patrolmen creates the basis for organizational power which further limits the ability of administrators to control patrolmen.

A professional police department is really an admixture of bureaucratic and professional characteristics: it combines a system of control based on the legitimacy of hierarchical authority and impersonal rules with a system of control based on the regulation of an individual policeman's behavior through a set of rigidly enforced group norms. The combination of these two structural characteristics in a police department represents a peculiar compromise between police professionalism and the police culture. The system of group controls rests on the police culture which in turn derives from the unique pressures of the police task (described above) and the low status of the police occupation in American society. The drive for professionalism is both an attempt to improve the quality of police work and to raise the status of its practitioners. However, professionalism has neither eliminated the pressures which cause the police culture (it hardly could) nor has it fundamentally altered the values and norms of the police culture. To be sure, some of the more odious elements of traditional police work have been minimized and some of the more pernicious values modified (the

legitimacy of violence for example); but much of the police culture remains intact. And it could hardly be otherwise. What professionalism has done is to centralize formal administrative controls within police departments. Although these two systems of control are potentially in conflict they co-exist because they are directed at essentially different aspects of police behavior. The system of hierarchical controls is directed toward the extrinsic requirements of police work, those indulgences believed to detract from the professionalism of the department and the more mundane and trivial aspects of the job. The system of group controls are directed at those behaviors which are of immediate concern to the performance of the police task: those pertaining to the exercise of discretion. The compromise between police professionalism and the police culture substitutes spit and polish for control.

This compromise between hierarchical and group controls is not without significant consequences. First, the tensions endemic to a police bureaucracy arise from the ever present conflict between the values of the police culture and the attempt to maintain strict hierarchical control. The police culture idealizes individualism, crime fighting--"making a good pinch"--, and the shared loyalties among men performing an arduous task. The police bureaucracy demands conformity to trivial rules and asks policemen to serve contradictory goals: they are expected to

aggressively pursue the goal of controlling crime but not so aggressively so as to incur the wrath of the community. The pressures and uncertainty (from the organization) with which a patrolman must cope are greatly augmented by this tension. What ought to be recalled is that the excessively punitive and rigid system of hierarchical controls that develop in a police department flow from the combined effects of professionalism and public pressure. In a professional police department, hierarchical control is seen as an alternative to external, public, controls over police behavior. Public pressure in the form of vitriolic criticism serves to increase the pressure to use hierarchical controls. In other words, one way police administrators respond to such criticism is by "tightening down the screws"; but this simply increases the pressures and uncertainty impinging on a patrolman without really restricting his autonomy. Though it is impossible for supervisors to influence the way a patrolman uses his discretion, they do not casually breach the compromise between hierarchical and group controls. Rather, they turn their attention to those matters they can control--violations of organizational rules--and often with vengeance. The presumption, fallacious though it may be, is that such action will effectively curtail misbehavior by patrolmen. For a patrolman's part, he is confronted by a punitive control system more likely to punish than reward him. This

inevitably encourages a stay-low-protect-your-ass ethos among patrolmen, discourages the inclination to work hard and take risks, and increases a patrolman's dependence on his immediate peer group.

While the evidence presented here is far from conclusive it does suggest that this theory of police bureaucracies deserves further consideration. The evidence presented in chapter three suggests that if supervisors are in a position to influence patrolmen, many of their activities are nonetheless taken up with the enforcement of minor violations of rules and other mundane activities (this is confirmed by both the survey evidence and field observations). What was striking was the reluctance of supervisors to aggressively attempt to control the way a patrolman exercises his discretion. The argument that motivation declines among patrolmen due to the pressures created by the system of hierarchical controls is partly substantiated by John Van Maanen's study of socialization of patrolmen into a large urban police department. Frustration among patrolmen over departmental controls was also observed in all three departments. Yet the most intriguing finding is that the extent of pressures generated by administrative controls depend on the size of the department. The most adequate measure that I have of the degree to which patrolmen believe their discretion is limited by the actions of supervisors, the Supervision and Discretion

scale, indicates these pressures are more strongly felt in the two small departments than in either division of LAPD. I have explained this difference by arguing that in the small departments there is a highly developed system of informal controls which augment normal administrative controls. These informal controls are based on the smaller workload and fewer levels in the administrative hierarchy. This facilitates the flow of information up and down the hierarchy, especially in regard to indiscretions and mistakes, and allows administrators to develop more adequate knowledge of the performance of patrolmen. If they so desire, and there is no guarantee they always will, police administrators can take steps on the basis of this information to modify a patrolman's behavior.⁴ The size of a department such as LAPD imposes limits on the ability of administrators to be aware of every incident and, consequently, patrolmen have more latitude. Ironically, in a small department the problem for a patrolman is to escape scrutiny while the problem for a patrolman in a large department, if he is ambitious, is to be noticed.

The overall effect of these informal and formal controls in small departments is to make patrolmen reluctant to act, to enforce the law with less than the vigor deemed necessary by the canons of professionalism. One would expect, therefore, that patrolmen in a small department would pursue a more lenient, or at least less risky, style

of enforcement. If the evidence shows that patrolmen in the small departments are less likely to enforce the law in a variety of situations, it does not demonstrate that this is a result of the informal system of controls (in other words, the measure for these controls does not mitigate the relationship between department and the exercise of discretion as one might expect if it is an intervening variable). Thus, one can only conclude that although the impact of administrative controls are stronger in small departments, it is not clear precisely how these are related to discretion. But it is a reasonable hypothesis that it leads to a more lenient style of enforcement.⁵

If one consequence of the conflict between bureaucratic and group controls within a police department is to increase the organizational pressures on a patrolman, another is that patrolmen attain considerable autonomy. Because of this autonomy the "policies" of a police department are really a reflection of the pattern of choices made by patrolmen. It is their interpretation of a situation in the street which ultimately counts. Given this autonomy how do patrolmen respond?

The Development of Patrolmen: Artisan or Artist?

Police work is mysterious; policemen are enigmatic. The police inspire fear, loathing, hatred, respect, and sometimes sympathy but little else. But what are policemen

like? What motivates them? What rewards do they derive from their work? The most prevalent attitude toward the police (one shared by academics and segments of the public alike) is based on the view of the policeman as a demand driven, working-class cipher. In a different context, Brian Chapman has called this the "artisanal" view of policemen. According to Chapman this is,

the view that the police function is essentially workmanlike, pragmatic and plodding. Seen this way policemen are essentially working-class professionals, with authoritarian personalities, engaged in hard and uninspired labour keeping their equals in order. They are regarded in the same light as charge hands or leading seamen, directly descended from the old nightwatchman. Their experience reinforces their authoritarian personalities, and they can become disgruntled and conscious of 'status discrepancies,' the feeling that no segment of society really appreciates their contribution to society or the risks they run. They are fundamentally amoral...⁶

These men are Wilson's subprofessionals, Reiss's demand-driven patrolmen, and MacNamara's authoritarian working-class policemen. Patrolmen are creatures of circumstance: their actions and behavior are determined by the nature of their task and the community in which they carry out this task. Patrolmen provide services, manage domestic disputes, find lost children, talk suicidal people down from rooftops, and perform a variety of administrative chores. The complexity and difficulty of this task depends on the nature of the community, and it is more difficult in an all Black, lower-class ghetto than the environs of suburbia.

To the contrary, I have argued that policemen adhere to the ideal of the aggressive, inner-directed policeman, and that far from being captives of their circumstances or even plodding subprofessionals, they are calculating, manipulative men. If they are not "danger-lovers" neither do they crave security. Rather, they seek the awesome and unpredictable in a society where men are reduced to the routine of the assembly line or paper-shuffling in a large bureaucracy. Police work is action, it is the chase on the street. It means crushing crime, aggressively seeking out felons. The hot call, skulking through alleys and buildings, the stake-out, stopping and interrogating suspects on the streets are the situations that allow a patrolman to act out this role. And it is this role that is most rewarding to a working policeman.⁷

This is assuredly a romantic view of policemen and police work, though it is hardly new. It is a view of policemen which can be traced back, according to Chapman, to nineteenth century French novelists, Balzac in particular, and it accurately reflects the Don Quixote in every policeman. Doubtless, the police would find some consolation in Balzac's view that police work is the noblest of professions because policemen alone embody the roles of three other noble professions. A policeman is first a soldier, he always stands vigilant against internal enemies. A policeman also resembles a priest in his attraction to

and hatred of wrong, his insistence on guilt and atonement, and the hope of remorse and repentance. Like the priest, the policeman is a moral guardian. Finally, the policeman is an artist. As Chapman explains,

Both policeman and artist attempt to understand the human condition: to explore motive, to understand the mainspring of action, to inquire into the substance behind the facade. For each the world is the raw material from which to fasten a resemblance to a shadow, and a likeness to an accident. From a jumble of impressions each has to fashion some pattern of order and capture a fleeting moment of truth. The artist, like the policeman, waits for the moment of crisis which may suddenly bring illumination and fix one unique solution from among the welter of inconsequential impressions and glimpses of partial truth. ⁸

What ultimately links the policeman to the soldier, priest, and artist is a fear of chaos and a desire to order the world. ⁹

Balzac's view may be somewhat overwrought but this should not obscure its obvious virtues nor its basic accuracy. It affords insight into policemen that is clearly precluded by the artisanal view. It illuminates the political role of a policeman, his profound involvement with fundamental questions of justice. A policeman is never simply another functionary providing services nor literally applying rules. For better or worse, he trades in good and evil. This view also more accurately depicts what policemen think of their task and what they derive from it. The preoccupation with crime control to the almost total exclusion of anything else (and the con-

comitant mania for all kinds of technological gadgets to combat crime) may have been substantially augmented by police professionalism, but it has been an important element of police work from the beginning. The artisanal view of policemen had considerable validity in the nineteenth century; today it is irrelevant. For a policeman, and this specifically includes patrolmen, it is the preoccupation with crime and order that defines his role and almost nothing else. (This view of patrolmen also explains why proposals to make policemen all-purpose social workers usually fall on deaf ears. It is not just that policemen are insensitive to the plight of the poor, though many are; it is not police work.)

The ideal of the inner-directed, aggressive policeman is shared by most patrolmen, but they are not granted complete freedom to act out this role. They confront a complex task enveloped with legal restrictions and punitive administrative controls within the department. And their working lives are embedded in a social fabric, a network of personal relationships and shared values. But the function of the police culture is mainly that of protection: it provides a place to assuage real and imagined wrongs inflicted by a (presumably) hostile public; protection from aggressive administrators; and the bond of loyalty necessary to perform a difficult task. What the police culture demands of a man is loyalty; a man must back his partner up

(no questions asked) and he must support his fellow officers. What the police culture grants each man is the autonomy to fashion his own approach to police work.

Patrolmen adapt to the demands of their task through the development of an operational style. An operational style represents a distinctive approach to police work, and reflects the evolution of two processes: a two-stage process of socialization and a process of coming to terms with the demands of supervisors and administrative controls. First, the values and beliefs woven into an operational style are based, in part, on a patrolman's background, especially the social class in which he was socialized as a child. The second stage of this process involves socialization into the police occupation, a process which is dominated by the rookie's Field Training Officer. Here a patrolman acquires many of the values of the police culture as well as an initiation to the craft of police work. The kind of operational style a patrolman eventually adopts may depend partly on the approach his Field Training Officer takes and the character of the relationship with him. Second, a patrolman must come to terms with the rules and regulations of the department and the demands made upon him by supervisors. To some degree an operational style reflects the character of this accommodation.

An operational style is defined by two choices a patrolman must make: How aggressive he shall be in pursuit

of felons and in the enforcement of the law; and how selective he shall be in enforcing the law, that is to what extent he adopts a conscious set of priorities. Four different styles were observed. An Old Style Crime-Fighter is aggressive but selective: he deemphasizes misdemeanors, preferring the clear-cut felony violation, and his approach is that of a serious but methodical craftsman. A patrolman who adopts the Clean-Beat style is also aggressive but in a random way; he is inclined to stop cars and individuals on the slightest pretext. Unlike the Old Style Crime-Fighter he is legalistic, he treats all violations of the law as equal. Arresting a drunk is not as rewarding as arresting a burglar, yet both are violations of the law. Both of these types are frustrated with court rulings and departmental rules which limit their freedom, though the Clean-Beat officer is more likely to vehemently express his frustration. And both avoid the service aspects of police work.

The Professional style represents an officer who has managed to accommodate himself with less frustration than either the Old Style Crime-Fighter or the Clean-Beat style to the demands of the department and the job. Like the Clean-Beat officer he is legalistic, he does not adopt a conscious set of priorities. But he is not as aggressive, and if he is inclined to believe that service calls are usually a waste of time, he still feels the police are

obligated to respond and handle these calls to the best of their ability. He may complain about the rulings of the Supreme Court or departmental rules, but he is not especially frustrated. He is the consummate organization man. There were few officers observed who fit the Service style, yet these men are perhaps the most interesting. They are not aggressive and they are not legalistic. They manifest dissatisfaction with police professionalism and the preoccupation of their peers with order. In a sense, they reflect current dissatisfaction among some policemen with the strictures of police professionalism. In their own quixotic way they seek to combine the best of the beat cop with the best of the professional.

The evidence for these conclusions is promising if not conclusive. And I believe this research indicates the general lines that future research on police discretion ought to take. First, my view of the patrolman as an inner-directed and aggressive policeman is substantiated by some attitudinal measures, though most of the evidence is derived from participant-observation. There is no denying the limitations of participant-observation.¹⁰ My account differs substantially from others, though most of these are not based on extensive participant-observation. On the other hand, patrolmen have been observed by others. It is possible that regional differences account for the differences between my observations and those of men like

Wilson and Reiss; but the available evidence would seem to belie this conclusion.¹¹ In any event, the issue is certainly not closed.

Second, there is strong evidence for the four operational styles and for the conclusion that these styles develop independent of the department. The evidence in chapter six demonstrates the importance of childhood and peer group socialization within a police department and that particular departments do not produce identifiable styles. With the exception of the Service style all of the operational styles were observed in all three departments. This conclusion marks the most serious difference between this study and the only other comparable study of police discretion, Wilson's Varieties of Police Behavior. Wilson's analysis, I should point out, is based largely on the rational approach to the study of organization. While his study does not betray the simplicities of the scientific-management movement by viewing organization in a completely mechanistic vein, his approach is certainly compatible with the work of Chester Barnard and Herbert Simon (especially Simon's earliest work, Administrative Behavior).¹² Accordingly, if Wilson believes there may be limits to the use of administrative controls (and in his view these are dictated by the kind of task a patrolman is performing, that is it is more difficult to control a patrolman's behavior in an order-maintenance than law enforcement

situation), he nonetheless believes that administrators can and do impose a view, an administrative style, on patrolmen. In contrast, I have assumed that there is no necessary relationship between an administrator's preferences and a patrolman's decisions; rather, I have argued the impact of administrative controls on discretion is problematic. This is not to say that patrolmen do not respond to the directives of administrators; only that the process is far more complex and there are many more limits than Wilson examines. And most important, these limits do not stem entirely from the kind of task patrolmen are performing nor the context of the community (the survey evidence and the discussion of disputes in chapter five demonstrates the range of choice that patrolmen actually have in these situations). The conclusive evidence in this regard is the fact that patrolmen can and do choose alternative styles and these are not associated with particular departments.

Yet the evidence shows that the department rather than operational style is the best predictor of the way a patrolman will exercise his discretion. The measures of operational style employed were important in explaining the behavior of patrolmen in some situations (e.g. drunk driving and the rowdy juveniles at the bowling alley) but they were overshadowed by the department. This discrepancy suggests the relationship between operational style and the impact of the department is a complex one that bears

further research. Aside from possible deficiencies in the data (the fact that the differences between the departments may be attributable to biases in the survey responses) there are a number of important questions that should be addressed in future research. How do patrolmen of various styles respond to administrative controls and sanctions? Under what conditions will a patrolman modify his style to suit the preferences of administrators? Is it only ambitious patrolmen who do so? To what extent is an operational style a function of the process of peer group socialization? With better measures of discretion it ought to be possible to determine more precisely the relationship between an officer's operational style and the kind of decisions he makes. Is operational style simply a matter of the way an officer patrols the street or does it dictate choices in a variety of situations as I have argued? What is the relationship between operational style, the impact of organizational controls, and organization size? Finally, these questions ought to be directed to a variety of police departments in different regions of the country.

The Limits of Political Control

Professionalism is the most widely accepted solution to the problem of political control of police discretion. It is presumed to be an effective way to maintain an efficient yet accountable police. Much of what early reformers like Arthur Woods and August Vollmer advocated is

now more or less accomplished fact, and evaluations of the police, at the level of mass public opinion, reflect these changes. The municipal police enjoy the reputation of competent and efficient professionals who perform a complex and arduous task; and even a majority of Blacks, who are more critical of the police than Whites, are inclined to say the police are doing a good or excellent job.¹³

Yet beyond these rather vague and positive evaluations there is evidence of profound concern over the police and police professionalism. Widespread antipathy toward the municipal police has subsided (at least it is not as manifest as it was five or six years ago) but an unease remains. Blacks (and other minority groups) believe--justifiably or not--the police are guilty of routine misconduct, ranging from brutality and discourteousy to corruption. More relevant than public opinion polls, however, is the disquieting evidence of police misconduct. If the police are now reasonably honest and less likely to engage in the widespread brutality characteristic of the Wickersham era (as one observer put it, the citizenry face, "the arbitrary use of club, blackjack, and gun") neither do they approach the ideals of professionalism. One is made aware of widespread corruption in putatively professional police departments, evidence of substantial law breaking by the police themselves--from violations of due process to theft, burglary and the like--brutality and a persistent incivility

in the relations between police and public.¹⁴ During this study I did not observe widespread misconduct, but I did observe several violations of due process, the manipulation of probable cause, and in one instance excessive force.¹⁵

Contemporary criticism of the police extends beyond the traditional concern over misconduct and the abuse of police power. It is now commonplace to challenge the effectiveness of the police (among other elements of the American system of criminal justice) in coping with crime and disorder. Much of the criticism is directed at the use of preventative patrol, and it does not seem to be confined to liberal pundits.¹⁶ More fundamental are the questions raised about the role of the police; their preoccupation with crime control when in fact much of police work, it is argued, consists of providing services and managing trivial disputes. If the police are largely concerned with activities which do not involve enforcement of the law, then they should adapt their approach and activities accordingly. The police are also charged with differential law enforcement. They are accused, with some justification, of racial discrimination and of enforcing the law largely against the lower-class and the poor. Ironically though, the accusation of differential law enforcement, especially in regard to Blacks, charges the police with both sins of commission and omission. On the one hand, they are accused of excessive zeal in enforcing the law, of harassment; on the

other, with tolerating a variety of crimes such as vice and ignoring assaults and other crimes of violence. This is not attributed to a few "rotten apples" among otherwise dedicated and professional policemen; rather it is seen as a reflection of the extant racism of the police and American society.¹⁷ Or alternatively as a manifestation of the class bias of the American political system.¹⁸

The cutting edge of these questions rests on a broader critique of police professionalism; which, in turn, is only one part of a critique of bureaucracy and professionalism in American society. Professionalism, it is argued, has not resulted in the fair, equitable, and humane approach to social problems its advocates assumed it would. Rather, it has only served to centralize decision-making and to insulate professionals from client pressures (and needs) through an ideology of rule by the competent and a measure of bureaucratic autonomy. Decisions are not based on the welfare of the client but universal rules which, even though they may be applied more or less equitably, are in fact discriminatory since they sustain the status quo. The application of formal justice precludes, as Weber predicted, substantive justice. This system of decision-making is not only unresponsive to external pressures, especially by the poor and downtrodden, but it is incapable of innovation.¹⁹ Thus professionalism, particularly in the case of the police, has led to a bureaucratic ideology

which suppresses the (original) humane and idealistic thrust of professionalism.²⁰

This analysis has shown, I believe, what in fact are the consequences of police professionalism. Police professionalism has sustained the illusion of political control over police actions when in fact it has resulted in greater autonomy for the police. It has not greatly modified the values of the police culture. It may have made the police more legalistic and therefore putatively equitable in the enforcement of the law, and it may have minimized many of the traditional abuses of police power, but many of the more pernicious values and practices remain. Yet it is not clear that the change in values precipitated by police professionalism is entirely for the better. What it has done is to take a view of police work, the policeman as artist, and make of it an ideology. Under police professionalism the goal of crime control has become the only purpose and justification of police work. And the ideas of initiative and deterrence have become the mainstays of an ideology predicated on crime control and order.

The implications of this development for the problem of political control of the police are profound. The policeman as artist is, in many ways, far more dangerous than the nightwatchman. The nightwatchman had a capacity for crudity and corruption, but he was not given to crusades. The ideology of the inner-directed, aggressive

policeman, preoccupied with order, who views himself as the thin blue line between order and anarchy, greatly enhances the capacity of the police to act lawlessly and without compunction. Moreover, it ought to be clear that political control of discretion is not just a matter of the legality of police action. The search for ways to bring police action in closer conformity with legal rules is misdirected and would only result, as Egon Bittner points out, in a specious kind of control.²¹ Empowered to use coercion to attain social objectives the police use the law much as a doctor uses his black bag: as a set of tools. And there seems no effective way to bring non-enforcement, one of the central problems of police discretion, under the purview of legal rules and the courts. Thus, the problem of political control of the police is a serious one, and it has not been solved by police professionalism.

What can be done? At this juncture what kinds of reforms make sense? And what, if any, are the limits of reform? There are three broad types of reforms offered these days. The least noxious to the police, one that is based on the extant model of police professionalism, attempts to control discretion by treating the police as a policy-making agency. Discretion is to be controlled by structuring it through the proliferation of policies and rules. The other proposals are based on critiques of police professionalism. The professional model argues that

the police are not truly professional and steps should be taken to make of the police "legal actors" rather than "command bureaucrats." The third, community control, is in some ways anti-professional; it advocates extreme decentralization and participation of one kind or another by citizens in policy-making for the police.

Each of these proposals can be evaluated in terms of a variety of criteria. There are important differences in the way each interprets the problem of administrative responsibility and the values which are emphasized. For example, the policy-making and professional models stress equality, impartial enforcement of the law; while the community control model is based on responsiveness, acquiescence to popular demands. An extended discussion of each of these proposals is beyond the scope of this analysis. What I wish to do is merely indicate some of the limitations and possibilities of each in light of the conclusions of this study.

The Policy-Making Model. This approach has evolved from the (belated) recognition by some students of the police that the police have wide powers of discretion and in effect make policy decisions. In this sense it is a straightforward attempt to make policy decisions now made covertly (or not at all) overt and open to scrutiny. The development of rulemaking in police agencies would lead, in the opinion of one proponent, to "an improved system of

regulating police conduct."²² In fact, rulemaking is seen as an alternative to other forms of control over police conduct, namely, the use of the exclusionary rule by the courts, conventional tort remedies, and civilian review boards. It is common knowledge that the police, by and large, detest recent court decisions (specifically those of the Warren Court), and have devoted an uncommon effort in criticizing those decisions. What is less well-known is that a number of police officials now argue that this method of control is ineffective. As Jerry V. Wilson and Geoffrey M. Alprin put it, "the net effect of court decisions⁷ many times is a hazy rule, announced in a judicial opinion obviously not written for policemen, and enforced in the courts on a rather haphazard basis, sometimes with diametrically opposite results in cases presenting identical fact patterns. Such is not the stuff out of which the police are effectively policed."²³

What is proposed is the elaboration of rules which guide and therefore limit a patrolman's discretion. For example, the Washington, D.C. Metropolitan Police Department developed a rule regarding uncounseled confrontations between a victim and an alleged suspect. The rule stated that if the suspect was picked up within one hour from the time of the commission of the offense, the officer was to return the suspect to the scene of the crime for purposes of identification. Otherwise, any confrontations had to

take place with the suspect's counsel. Similar rules dealing with other situations have been elaborated in other departments.²⁴

These rules would provide an improved basis for holding police officers accountable for their actions. At the present time, Herman Goldstein points out, even if the actions of an officer appear improper there is usually no justifiable basis on which he can be disciplined since his actions may be neither in violation of the law nor any existing departmental rule. Thus, "the promulgation of policies to which police officers are required by regulation to adhere would provide a basis for disciplining those who violate such policies.../and/ it would serve in a positive way to inform members of a force what is expected of them."²⁵

What underlies this approach is a belief in the efficacy of hierarchical control; the presumption is that if the rules are made explicit and if they are enforced, the police can be made accountable. Indeed, Wilson and Alprin argue that "police officers want to be told what to do... Where clear-cut guidelines are laid down, and particularly when they are laid down and enforced by the police organization itself, policemen tend to comply with them, and whether they like it or not, learn to live with them."²⁶ The problem is not an intrinsic difficulty in enforcement of rules; rather that neither prosecutors (and judges) nor

police departments have displayed any interest or willingness to devise such rules.

This approach has some obvious advantages. Doubtless, patrolmen would be better off if they had a clearer idea of how administrators expected them to handle different situations, and the process of devising rules ought to facilitate a more thorough-going examination of the goals of police agencies and their relationship to community problems and demands. But at the same time one ought to have no illusions about the effectiveness of policy-making. Just as there are limits to specifying all contingencies when devising a law, there are limits to the ability of police administrators to devise rules which will cover the wide variety of situations patrolmen encounter. The development of rules to guide discretion may be most effective in rather clear-cut situations in which there is an unambiguous problem (such as the issue of uncounseled confrontations between victim and suspect); but it would be difficult to devise satisfactory rules which tell a patrolman when to stop someone on the street, how to proceed in a family dispute, or how much force should be used to quell a dispute. In fact rules devised for these situations are likely to be vague and ambiguous at best and misleading at worst.

The crucial deficiency with this approach is the set of assumptions on which it is based. Jerry Wilson's and

Geoffrey's belief in the effectiveness of hierarchical controls and the malleability of policemen is myopic if not fatuous. This betrays more than anything else in their argument the implicit set of unrealistic assumptions on which they base their proposal. It ought to be clear from this analysis that the mere formulation of rules does not guarantee they will be followed. It seems obvious that any proposal which fails to come to terms with the realities of the police task and the resultant police culture is bound to be ineffective. If I am right about the relationship between the demands of the police task and the consequent effects for organizational control there seems to be no reason to believe that such rules could be adequately enforced. It is crucial to remember that the blunt edge of enforcement rests with the first line supervisors, the men most exposed to the pressures exerted by patrolmen and the most cautious about breaching the compromise between hierarchical and group controls. However, even if I am wrong or if police administrators are able to break the power of the police culture difficulties remain. There are obvious difficulties in supervising men who patrol the street alone, who make difficult judgments in a "low-visibility" situation.²⁷ Moreover, patrolmen have not found difficult in the past to evade rules or manipulate reports to meet external constraints. Non-enforcement poses a special problem here: how does an administrator tell when a law that should be

enforced has not been enforced? The organizational literature suggests that even under the best of conditions there are limits on hierarchical controls. The most important of these have to do with cognitive limits on the ability of administrators to have full information about deviance from rules (though this may depend, as this study has suggested, on the size of the organization). Yet even if all of these difficulties can be overcome (which is doubtful) there is a final problem: it is still possible that administrators will refuse to act on information of misconduct for other reasons.²⁸

Aside from naive assumptions about policemen and the effectiveness of hierarchical controls, the danger of the policy-making model is that it could result in illusory controls. Well-formulated policy statements may be used to satisfy the public that the police are under administrative control when in fact these policies are only imperfectly implemented. It is rather premature to suggest that rule-making by the police become an alternative to the use of the exclusionary rule (however imperfect it may be) of conventional tort remedies. This does not mean that police agencies should not attempt to formulate rules and enforce them; only that reliance upon rule-making alone will not solve the problem of political control.

The Professional Model. The Professional model, as a method of attaining administrative responsibility, is based

upon the idea of the "inner check." Members of a professional group are to be held accountable for their judgments to a set of ethical and technical principles by other members of the group. Carl Friedrich argued, "administrative officials seeking to apply scientific 'standards' have to account for their action in terms of a somewhat rationalized and previously established set of hypotheses. Any deviation from these hypotheses will be subjected to thorough scrutiny by their colleagues in what is known as the 'fellowship of science!...' "²⁹ Since professionalism usually involves a high degree of technical competence, professional controls are thought to be a means of maintaining accountability without sacrificing technical competence. The underlying supposition is that these standards are based upon scientific knowledge and are more or less "objective"; if this is the case, then only professional colleagues are in a position to assess whether a decision is based upon appropriate criteria. Normally, these technical standards are coupled with moral principles and ideals.

Many policemen would insist that the police do regulate the behavior of their colleagues through internal professional controls, whether these are codes of ethnics or more formalized mechanisms such as a bureau of internal affairs. Those who advocate the professional model, however, believe the real problem with the police is they are not truly pro-

fessional. Jerome Skolnick, for example, believes the police are better described as craftsmen than legal actors. A policeman is a craftsman due to distinctive features of his occupational environment; these serve to undermine his adherence to the rule of law and sustain his image of himself as a skilled workman. This image of the craftsman is joined to an ideology based on the nontotalitarian relationship between work and authority which stresses initiative. These values lead the craftsman to an emphasis on efficiency and the maintenance of order rather than legality. Thus, "the more police tend to regard themselves as 'workers' or 'craftsmen' the more they demand a lack of constraint upon initiative. By contrast, legal actors are sympathetic toward the necessity for constraint and review."³⁰

Although there is much I admire in Skolnic 's study of the police, his distinction between craftsmen and legal actors is overly simplistic and ultimately misleading. The idea of the policeman as legal actor, who is responsive to demands for external control assumes that the problem of discretion is susceptible to legal remedies, which it is not, and it belies the reality of police work. It is a concept external to police work, one which denies the existential reality of the police task and the character of relationship between policeman and citizen. Rather than a proposal for reform, Skolnick leaves us with a facile distinction.

A better (and more sophisticated) argument for making the police truly professional is that of Egon Bittner. Bittner may believe, like Skolnick, that the police are not really professionals (and for much the same reasons) but he attempts to elaborate the requirements of professionalism without falsifying the realities of police work. Bittner's proposal is for the police to abandon the concept of professionalism based on the ideas of the policeman as gendarme and managerial efficiency in place of a concept based, like other professions, on scientific knowledge. He advocates the creation of professional schools for police work, the main purpose of which is to "make specific education, and the range of meaning associated with it, part of the conception of the occupation."³¹ What Bittner wants is a policeman who is the "informed, deliberating, and technically efficient professional who knows that he must operate within the limits set by a moral and legal trust."³²

Bittner's view has much to commend it, grounded as it is in a thorough knowledge of the police task and patrolmen. Furthermore, he usefully elaborates the kind of knowledge that a scientific concept of police work could be based on. Of all those advocating the professional model, he comes closest to setting forth the conditions necessary to meet Friedrich's concept of "corporate objectivity." There may be some value in putting police work on a more scientific

basis, but I believe Bittner's proposal is subject to severe limitations. To be specific, I believe Bittner is guilty of what Max Weber used to refer to as "scientism." Unlike most contemporary social scientists, Weber had a keen sense of the limits of science, of the questions it could not resolve. Science might provide one with factual and even causal knowledge, but it could never answer the fundamental questions, those pertaining to what should be done.³³ It is precisely these issues that are at the heart of the problem of discretion: on what basis should an officer decide not to enforce the law? When should he intervene and stop someone on the street for purposes of investigation? Under what circumstances should a group of juveniles, hanging around a street corner, be broken up and moved along? These are exactly the questions that a professional knowledge grounded in science cannot answer. Nor do we really want science to provide this kind of knowledge; the danger, as Weber feared, is that science and technology would encroach upon the realm of values, of politics, and political decisions would be made on the basis of scientific or pseudo-scientific knowledge or worse used to rationalize decisions.

There are other limitations. Bittner usefully delineates a variety of areas in which knowledge of police work can be rationalized, taken out of the realm of police lore and subjected to scrutiny. I find his suggestions

imaginative but I am rather skeptical of how far this approach can be taken. I would not deny the importance of scrutinizing present police practices, but the knowledge of the social sciences is so rudimentary that it is not a solid enough foundation on which to build a scientific knowledge of police work. Further, some policemen are not as crude as either Bittner or public mythology believe (to be fair, Bittner seems aware of this in places); in many instances they have developed effective techniques for coping with difficult situations. Bittner is most persuasive when he suggests the real problem is that police work is not recognized as the difficult craft it is, and many continue to believe police work is a refuge for those who cannot get work any place else. Rather, police work should be taken seriously and the knowledge that is the foundation of police work subjected to critical scrutiny. This ought to mean, at a minimum, turning away from the present sterile police science curriculums where the emphasis is on fingerprinting techniques, textbook patrol procedure and the like to the development of a broader knowledge of human society and the role of the police. Even so, it should be recognized that police work is a craft and much of it is not really subject to rationalization. Finally, no one should entertain any illusions that this will make the police more accountable; in fact, the paradox is that it might make them less accountable.³⁴

The Community Control/Decentralization Model. Of all the approaches considered here this is the most provocative and the only one based on an explicit recognition of the political character of the relationship between policeman and community. Advocates reject both the extant concept of police professionalism and the more idealistic approach of men like Skolnick. The former because it has led to extreme centralization and a pattern of urban government which is not only resistant to clientele demands but effectively minimizes the power of the urban poor and minority groups; the latter because it is unrealistic and based on a false ideal of professionalism. The community control model is based on the idea of decentralizing urban government in order to make agencies more responsive and to effect a redistribution of power within a city. It seeks to give local citizens, especially minority groups, greater control over the institutions that presumably serve them. Administrative decentralization is precluded since it is believed that this would not substantially alter the behavior of bureaucrats. Rather, the model proposes the delegation of power to residents of a particular neighborhood over a variety of governmental functions. However, most proposals do not envision neighborhood government as entirely autonomous from city hall; most advocate a kind of federalism wherein neighborhood residents have power over appointments, the kind and frequency of services provided, and the

responsibility to adjudicate complaints. The city government (or metropolitan government) may retain powers to specify standards and control the allocation of revenues.³⁵

A variety of claims are made for this model, and here I only want to evaluate those of particular importance to the police. First, it is argued that community control will enhance the responsiveness of police departments to citizen needs and complaints. Citizens will be better able to articulate demands, they will know more about the men who police them, and they will be able to exercise more effective control over the actions of policemen. For the police, a smaller jurisdiction and department will result in greater control by administrators over the actions of patrolmen, and they will have more adequate knowledge of the community and citizen demands.³⁶ These two conditions lead to a more productive and effective department and higher satisfaction on the part of citizens.

In its most radical form community control of the police means control based on shared values between policemen and residents of a community. Thus, it implies very little separation between police and community, and is similar to what Samuel Huntington has called subjective control in regard to military civilian relations in 18th century America.³⁷ More modestly, this model suggests there are increased benefits to be derived through a decrease in scale. Here community control is almost

synonymous with suburban government.³⁸

It is possible, on the basis of evidence developed in this study, to evaluate, at least on a tentative basis, some of the claims of the community control model. There is direct evidence that a smaller jurisdiction and department enhances the control of administrators over the actions of patrolmen. Patrolmen in both small departments believed their discretion was severely restricted, and administrators could more closely monitor their activities. In LAPD there was more uniformity in the way patrolmen used their discretion but they were observed to have more freedom to pursue the kinds of violations they desired and to conceal mistakes and misbehavior.

It is not clear whether smaller size leads to more adequate information about the community and field conditions, either on the part of patrolmen or administrators. I have no conclusive evidence on this point, but my observations suggest that patrolmen in LAPD are as well informed and knowledgeable of the communities they police--even if they are somewhat more detached--as their counterparts in the small departments. This may be the result of recent policy changes in LAPD which minimize transfers between divisions and require officers to meet periodically with the people who live in their beat. If so, it would support the contention of community control advocates, at least part way; the most that can be said is that adminis-

trative decentralization may be as effective in enhancing a policeman's knowledge of the area as a decrease in scale.

The net result of increased control and increased knowledge of citizen demands is presumably a higher output of police services and enhanced satisfaction on the part of citizens. The only investigation of this aspect of community control that has been undertaken is the work of Elinor Ostrom and her colleagues. Using a "most similar system research design"--a design similar to that employed in this study--Elinor Ostrom and Gordon Whitaker compared the "output" of police agencies and citizen evaluations in three independent suburban communities and three neighborhoods all policed by the Indianapolis, Indiana police department. Their results demonstrated that citizen evaluations and police output, at least as measured by citizen responses to a survey, were higher in the small, independent communities than in the large jurisdiction.³⁹

The evidence in this study contradicts these results. Police output, measured in terms of the discretionary decisions of patrolmen, indicate that patrolmen in the small departments are more likely to be lenient and less likely to take decisive, formal action in a variety of situations. I have argued that the presence of strong, informal controls within a small police department leads to greater reluctance by patrolmen to take action; and that only when a department attains a degree of autonomy, which

is partly contingent on size, is it possible for the police to adopt a strategy of strict enforcement. Thus, it may be that a greater degree of integration between police and community tends to minimize the use of coercion by the police. But what does this mean? Is there a tradeoff between leniency and equity as Wilson argues?⁴⁰ On the face of it, it is not clear that leniency leads to inequality; on the other hand, there is no reason to presume that when patrolmen decide not to enforce the law they invariably adopt the same criteria in the same situation. At any rate it is clear that this issue invites further research.⁴¹

A final point. Advocates of community control point out that one advantage of community control is that it would deprofessionalize the police. By this it is meant that the police ought to de-emphasize the law enforcement/crime-fighting role and move toward a role based on the order-maintenance function (this suggestion, interestingly enough, is the one point of agreement between community control advocates and defenders of professionalism like Wilson).⁴² They are correct, I believe, in assigning professionalism much of the blame for the exaggerated emphasis on crime control which preoccupies the police. Yet it is sheer illusion to believe the police should not, or even that they would not, be concerned with crime. Aside from the fact that one of the functions of the police is to deal with crime, all arguments which stress the order-

maintenance role make a fundamental mistake: they simply do not appreciate the extent to which the ideal of the inner-directed, aggressive policeman is both an intrinsic part of police work and one of the vital sources of satisfaction to policemen. Moreover, these arguments are misleading since they implicitly (or explicitly) obscure the coercive function of the police. The law enforcement/order-maintenance distinction may describe the functions of the police; but both tasks necessitate the use of coercion, and it is the routine use of coercion that sets the police apart from all other groups in society. Emphasizing the order-maintenance and service functions of the police may cloak the coercive function in humanistic shibboleths or bright blue blazers, but it will not eliminate it and it will not control it.

For all its faults the community control/decentralization model probably offers the best means, in conjunction with other strategies, for more effective control over police discretion. Many of the arguments offered against it are either specious or implicitly racist. These arguments are elitist, presuming the inadequacy of the average citizen to competently evaluate police services; they are often absurd (Wilson, for example, suggests that community control would not work because the central city cannot be suburbanized, yet Wilson of all people ought to be aware that Watts is not central Los Angeles); and they are over-

wrought, reflecting the often emotional responses to events in the late sixties.⁴³ On the other hand, it ought to be clear that this approach is not a panacea and that it contains some very real problems. Indeed, reliance upon community control/decentralization by itself may be insufficient to bring about effective political control.

Police work inevitably involves the arbitrary use of power: the violation of due process, brutality, corruption, and the penchant to take the law into one's own hands, to use it as a tool to right wrongs and attain "justice." And it is clear that in some ways the "professionalization" of the American police has served only to accentuate these tendencies. It is misleading and naive to think these abuses of power can ever be entirely eliminated; they stem from the use of coercion, and, perhaps more important, they are due--as Brian Chapman shows in his short but incisive book, Police State (1970)--to the extension of law as a mechanism of social control and reform in modern societies.⁴⁴ In this sense the police represent only the cutting edge of a broader trend in industrial societies: the bureaucratization of these societies and the concomitant reliance upon administrative mechanisms to achieve social goals and the ensuing difficulties of democratic control.

I do not offer these conclusions in a fatalistic or even conservative vein. I do not believe, as some do, that things will get better only as poverty is eliminated and

Blacks and other minorities are fully integrated into American society, though there is no denying that it would make some difference; nor do I think all of our expectations are unnecessarily high. On the contrary, the thrust of my argument is that the police do have choice, they are not so hemmed in by circumstance and custom that matters need always be as they are. Family disputes and disturbances need not be treated with the hit and miss methods presently used; and surely there are alternatives to the contemporary fascination with preventative patrol. In fact, there are developments in both these areas which may have beneficial effects, though I would caution they are not likely to go very far unless there is closer integration between the police and the communities they serve.⁴⁵ Moreover, if I believe decentralization and some form of community control offers the most viable method of political control, I also believe that elements of the policy-making and professional approaches offer the possibility of considerable improvement.

Progress in these matters is finally contingent on our taking the police seriously, on our recognition that the police are intimately, excessively, and inevitably involved in politics. Police work may be a craft but so is the work of ordinary politicians. Coercion is one of the roots of any political association, and its use is not something that either can be or should be rationalized. Police work comes

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down to questions of judgment, questions of value. Max Weber believed the vocation of politics required passion, a feeling of responsibility, and a sense of proportion. A politician must be able to take a stand, to act passionately but with an awareness of the consequences of his actions, realizing that at some point he must say: "Here I stand; I can do no other."⁴⁶ The irony of Weber's epitaph for politicians in the modern world is that it could have been written for policemen. That it wasn't and that we have not been able to see that it could have been has hindered our progress.

NOTES TO CHAPTER SEVEN

1. Carl Friedrich, Constitutional Government and Democracy (New York: Ginn and Company, 1946), pp. 392-393.
2. Ibid., pg. 393. See also James Q. Wilson, "The Rise of the Bureaucratic State," The Public Interest 41 (Fall, 1975): 77-103. Two excellent discussions of the problem of administrative responsibility are Arch Dotson, "Fundamental Approaches to Administrative Responsibility," Western Political Quarterly 10:3 (September, 1957): 701-727; and Charles E. Gilbert, "The Framework of Administrative Responsibility," Journal of Politics 21:3 (August, 1959): 373-407.
3. Brian Chapman, Police State (New York: Praeger Publishers, 1970), pg. 101.
4. In a study of "feedback processes" and administrator's knowledge of subordinate behavior, Herbert Kaufman concludes that most administrators have fairly good information about deviations from rules and the like, but administrators also have incentives to avoid knowledge of misbehavior and misfeasance. See Administrative Feedback: Monitoring Subordinates' Behavior (Washington, D.C.: The Brookings Institution, 1973) pp. 63-68.
5. There are no studies I know of which systematically consider the relationship between department size, control, and output. However, the evidence that is available conflicts with the findings presented in this study. James Q. Wilson, for example, briefly compared a large Service Style department with smaller departments in the same county and concluded that the small departments were more likely to make arrests for breeches of the peace while the large department was more likely to make arrests for theft. Wilson argues that since patrolmen in a smaller department are more exposed to demands for order from the community they will make more arrests for these offenses. Wilson's analysis is based entirely on arrest rates and is not entirely convincing since he lumps in drunk driving, an offense he considers to be a violation of the law rather than a breach of peace elsewhere. See Varieties of Police Behavior, pp. 211-214; 158-59; and 272-277. I should note, however, that there is a discrepancy in the evidence in this study. In the survey officers in

Redondo Beach were less likely to make an arrest in an order-maintenance situation but arrest rates for Disturbing the Peace per 10,000 population are much higher than those for LAPD or Inglewood. I would remind the reader, though, that arrests for Disturbing the Peace are by and large citizens arrests. Finally, Elinor Ostrom and Gordon Whitaker found, on the basis of citizen evaluations, that small police departments have a higher level of "output" than a large department. See their "Does Local Community Control of Police Make a Difference? Some Preliminary Findings," Political Science 17:1 (February 1973): 48-76. All of this merely confirms my feeling that the matter requires further investigation.

6. Brian Chapman, Police State, pg. 96.
7. For an off-beat analysis which explains many of the attractions of police work, both to its practitioners and as a phenomena of the mass media, in the 20th century see Hans Speier, "Risk, Security and Modern Hero Worship" in his Social Order and the Risks of War (Cambridge, Mass: The M.I.T. Press, 1969) pp. 112-128.
8. Brian Chapman, Police State, pg. 101.
9. As Colin MacInnes puts it in his novel, "Mr. Love and Mr. Justice" "the true copper's dominant characteristic, if the truth be known, is neither those daring nor vicious qualities that are sometimes attributed to him by friend or enemy, but an ingrained conservatism, an almost desperate love of the conventional. It is untidiness, disorder, the unusual, that a copper disapproves of most of all: far more, even, than of crime, which is merely a professional matter. Hence his profound dislike of people loitering in streets, dressing extravagantly, speaking with exotic accents, being strange, weak, eccentric, or simply any rare minority-- of their doing, in short, anything that cannot be safely predicted." The London Novels of Colin MacInnes (New York: Farrar, Straus, and Giroux, 1969) pg. 519.
10. For a superb critique of participant observation see John M. Johnson, Doing Field Research (New York: The Free Press, 1975) especially chapter 5, 6 and 7.
11. See, for example, Jesse Rubin, "Police Identity and the Police Role," in The Police and Community, Robert F. Steadman (ed.) (Baltimore: Johns Hopkins University Press, 1972) pp. 12-40, esp. 18-20; and John Van Maanen, "Pledging the Police" (Ph.D. Dissertation, University of California, Irvine, 1972). Rubin observed policemen

in Miami, Florida and Van Maanen in a large city in the Northwestern portion of the United States. On the effects of region see Raymond E. Wolfinger and John O. Field, "Political Ethos and the Structure of City Governments," in Community Structure and Decision-Making, Terry N. Clark (ed.) (San Francisco: Chandler Publishers, 1968), pp. 159-195.

12. The rational approach to the study of organization is contrasted with the natural systems approach. For a brief but incisive discussion of the two see Alvin Gouldner, "The 'Rational' and the 'Natural System' Models of Organizational Analysis," in Sociology Today: Problems and Prospects, Robert Merton et al. (eds.) (New York: Basic Books, Inc., 1959) pp. 404-407. The contrast to the work of Barnard and Simon is that of Philip Selznick; see his "Foundations of the Theory of Organization," American Sociological Review 32 (1948): 25-35. I think I hardly need add that this study adopts, by and large, the natural systems point of view. Supra, n. 9, chap. 2.
13. A study for the President's Crime Commission found that 67 percent of a national sample said the police were doing a good or excellent job in enforcing the law. See Task Force Report: The Police, The President's Commission on Law Enforcement and Administration of Justice (Washington, D.C.: U.S. Government Printing Office, 1967) pp. 145; for a comparison of the evaluations of Black and White respondents see Frank F. Furstenberg Jr. and Charles E. Wellford, "Calling the Police: The Evaluation of Police Service" Law and Society Review 8 (Spring 1973): 393-406, esp. pg. 400; Herbert Jacob "Black and White Perceptions of Justice in the City," Law and Society Review 6 (1971): 69ff; Harlan Hahn, "Ghetto Assessments of Police Protection and Authority," Law and Society Review 6 (1971): 183-193. Despite the fact that a majority of Blacks give a favorable evaluation they do tend to be somewhat more critical; this is documented in the previously cited studies. Finally, for a study which suggests that professional police departments are negatively evaluated see Richard Chackerian, "Police Professionalism and Citizen Evaluations: A Preliminary Look," Public Administration Review 34:2 (March/April 1974): 141-149. I should mention that Chackerian's study is based on a rather superficial measure of professionalism.
14. See Albert J. Reiss, Jr., The Police and the Public (New Haven: Yale University Press, 1971) chap. 3; and your local newspaper.

15. I should mention that I observed misconduct in all three departments. Also there is good reason to believe that patrolmen probably modified their behavior in this regard when I was present. On this general problem in field research see John M. Johnson, Doing Field Research, chap. 5.
16. On this point see Joe R. Feagin, "Home Defense and the Police: Black and White Perspectives," American Behavioral Scientist 13 (May-June and July-August, 1970): 797-814.
17. See John Hersey, The Algiers Motel Incident (New York: Bantam Books, 1968) and Burton Levy, "Cops in the Ghetto: A Problem of the Police System," American Behavioral Scientist (March/April, 1968) pp. 31-34.
18. John F. Galliher, "Explanations of Police Behavior: A Critical Review and Analysis," Sociological Quarterly 12 (Summer, 1971): 308-318.
19. Marilyn Gittell, a critic of the system of public education, describes the "political failure" of urban political systems as the "development of a political subsystem whose policy process is wholly controlled by a small professional elite at headquarters. The policies which emerge support an educational establishment that maintains a status quo orientation in all areas of education policy." See her "Community Control of Education" in Robert H. Connery (ed.), Urban Riots (New York: Vintage Books, 1969) pp. 63-74.
20. This is largely the gist of Skolnick's argument. See Justice Without Trial (New York: John Wiley and Sons, 1966).
21. Egon Bittner, The Functions of the Police in Modern Society, pg. 112.
22. Gerald M. Caplan, "The Case for Rulemaking by Law Enforcement Agencies," Law and Contemporary Problems 36 (Autumn, 1971): 500-513, quote is from pg. 500; see also Jerry V. Wilson and Geoffrey M. Alprin, "Controlling Police Conduct: Alternatives to the Exclusionary Rule," Law and Contemporary Problems 36 (Autumn, 1971): 488-499; Herman Goldstein, "Police Policy Formulation: A Proposal for Improving Police Performance," Michigan Law Review 65 (April 1967): 1123-1146; Carl McGowan, "Rule-Making and the Police" Michigan Law Review 70 (March 1972): 659-694; Task Force Report: The Police, pp. 18-27; and Standards Relating to the Urban Police Function, American Bar Association Project on Standards

for Criminal Justice (Chicago: American Bar Association, 1972).

23. Jerry V. Wilson and Geoffrey Alprin, "Controlling Police Conduct," pg. 491; for an incisive discussion of the ineffectiveness of the Supreme Court in controlling police conduct see Neal H. Milner, "Supreme Court Effectiveness and the Police Organization," Law and Contemporary Problems 36 (Autumn, 1971): 467-487.
24. Wilson and Alprin, "Controlling Police Conduct," page 491.
25. Herman Goldstein, "Police Policy Formulation" pg.
26. Wilson and Alprin, "Controlling Police Conduct" page 493-94.
27. Robert Peabody in a study of authority in a school, welfare department, and police department found that policemen were the most likely to accept orders without questioning them but they also displayed more ingenuity in getting around restricting regulations. That is, they were more likely to covertly violate rules. See his Organizational Authority: Superior-Subordinate Relationships in Three Public Service Organizations (New York: Atherton Press, 1964) pp. 107-110.
28. For studies which stress the limitations of formal systems of control in organizations see Peter Blau, "Critical Remarks on Weber's Theory of Authority," American Political Science Review (June, 1963): 305-316; Rose L. Coser, "Authority and Decision-Making in a Hospital: A Comparative Analysis," American Sociological Review 23 (1958): 56-63; David Mechanic, "Sources of Power of Lower Participants in Complex Organizations," Administrative Science Quarterly 7 (December, 1962): 349-364; William Rushing, "Organizational Rules and Surveillance," Administrative Science Quarterly 10 (March, 1966): 423-443; Michel Crozier, The Bureaucratic Phenomenon (Chicago: University of Chicago Press, 1964); and Gordon Tullock, The Politics of Bureaucracy (Washington, D.C.: Public Affairs Press, 1965). However, the evidence is by no means one-sided. For contrasting views which suggest the administrative controls can be quite effective see Stanley Milgram, Obedience to Authority (New York: Harper and Row, 1974) and Herbert Kaufman, Administrative Feedback.
29. Carl J. Friedrich, "Public Policy and the Nature of Administrative Responsibility" in Francis E. Rourke

(ed.) Bureaucratic Power in National Politics (Boston: Little, Brown and Co., 1972) pg. 320.

30. Jerome Skolnick, Justice Without Trial, pp. 231-235.
31. Egon Bittner, The Functions of the Police in Modern Society, pg. 81 and chaps. 11-17.
32. Ibid., pg. 121.
33. See Weber's essay "Science as a Vocation" in Hans Gerth and C. Wright Mills (eds.) From Max Weber: Essays in Sociology (New York: Oxford University Press, 1946) pp. 139-145.
34. Bittner is very much aware of this paradox: "It has been said that the creation of a highly trained, elite police force magnifies the danger of tyranny. This warning must not be taken lightly. It should be entered on the list of warnings against the other possible tyrannies of psychiatrists, engineers and social workers. The simple fact is that we have become dependent on the availability of these professionals and we continually expect them to improve their methods, and thus become more powerful. Every power to do good is also a power to do harm and everything that can save life can also destroy it. This is the paradox of technique--the better it is perfected, the more neutral it becomes, and the more readily it is available for both good and evil." The Functions of the Police in Modern Society, pg. 122. For a more pessimistic evaluation of these trends see Bertram Gross, "Friendly Facism: A Model for America," Social Policy 1 (November/December, 1970) pp. 44-53.
35. Eric A. Nordlinger and Jim Hardy, "Urban Decentralization: An Evaluation of Four Models," Public Policy 20 (Summer, 1972), pg. 373; For other proposals along these lines see Alan A. Altshuler, Community Control: The Black Demand for Participation in Large American Cities (New York: Pegasus Books, 1970); Milton Kotler, "Two Essays on the Neighborhood Corporation," in Urban America: Goals and Problems, Subcommittee on Urban Affairs of the Joint Economic Committee Congress of the United States (August, 1967): 170-191.
36. These propositions are elaborated by Elinor Ostrom and Gordon Whitaker, "Does Local Community Control of Police Make a Difference? Some Preliminary Findings" pp. 50-51.

37. Samuel P. Huntington, "Civilian Control and the Constitution" American Political Science Review 50 (September, 1956) pp. 677-678. On the matter of civilian-military relationships in 18th century America Huntington comments, "No clear distinction existed between what was political and what was military. Military and political leadership merged, sharing a common origin and outlook. In one sense, civil-military relations did not exist because military institutions were not yet differentiated from the other institutions of state and society. Group conflicts in the political arena were paralleled by conflicts among the representatives of the same groups in the military arena. Civilian control in this sense may be described as subjective." pg. 677.
38. See Vincent Ostrom, The Intellectual Crisis in American Public Administration, 2nd Edition (Tusculoosa: University of Alabama Press, 1973); Robert Dahl, "The City in the Future of Democracy," American Political Science Review 61 (December, 1967): 953-970; and for evaluations of small police departments see Elinor Ostrom and Roger B. Parks, "Suburban Police Departments: Too Many and Too Small?" in The Urbanization of the Suburbs, Louis H. Masotti and Jeffrey K. Hadden (eds.) (Beverly Hills: Sage Publications, 1973): 367-402; Elinor Ostrom and Gordon P. Whitaker, "Community Control and Governmental Responsiveness: The Case of Police in Black Communities," in Improving the Quality of Urban Management, David Rogers and Willis Hawley (eds.), (Beverly Hills: Sage Publications, 1974): 303-334; and Elinor Ostrom and Gordon P. Whitaker, "Does Local Community Control of Police Make a Difference? Some Preliminary Findings."
39. Elinor Ostrom and Gordon P. Whitaker, "Does Local Community Control of Police Make a Difference? Some Preliminary Findings," pp. 61-76.
40. James Q. Wilson, Varieties of Police Behavior, pg. 283.
41. Ostrom and Whitaker do not satisfactorily demonstrate that the differences they found are not attributable to differences in enforcement patterns. They found very little difference in the frequency of reported police stops of citizens in the six communities and conclude, "the similarity of citizens' experiences with police in regard to their being stopped as suspected offenders implies a relatively uniform enforcement of the law in the two areas at least in regard to traffic law." in "Does Local Community Control of Police Make a Difference? Some Preliminary Findings," pg. 66. It

ought to be clear from this study that stopping someone for a violation is one thing and enforcing the law another. Unfortunately, Ostrom and Whitaker did not obtain any information about the actions that patrolmen took after they had stopped someone. Their measure of enforcement patterns is not sufficient and they have not eliminated a difference in enforcement patterns as a rival explanation of their findings.

42. See Arthur I. Waskow, "Community Control of the Police," Report of a Discussion Conference Co-sponsored by the Institute for Police Studies and the Center for the Study of Law and Society of the University of California (Berkeley), 9 pp. n.d.
43. See, for example, James Q. Wilson, Varieties of Police Behavior, pp. 286-290; and Irving Kristol, "Decentralization for What?" The Public Interest 11 (Spring, 1968): 17-25.
44. Brian Chapman, Police State, pp. 81-84; for another discussion of this theme see Allan Silver, "The Demand for Order in Civil Society: A Review of Some Themes in the History of Urban Crime, Police and Riot" in The Police, David Bordua (ed.) pp. 1-24.
45. See the excellent discussion of alternative methods of handling family disputes and the like in Raymond Parnas, "Police Discretion and Diversion of Incidents of Intra-Family Violence," Law and Contemporary Problems 36 (Autumn, 1971): 539-565; team policing is currently touted as a partial alternative to preventative patrol, though it remains to be seen how successful it will be.
46. Max Weber, "Politics as a Vocation" in From Max Weber: Essays in Sociology, Hans Gerth and C. Wright Mills (eds.) pp. 115, 127.

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APPENDIX I

METHODS

The data for this study was collected by two different methods: participant observation and interviews. The purpose of this appendix is to discuss the utility and limitations of the survey data used in this study and the analytical methods on which the empirical analysis in the sixth chapter is based. A description of the procedures followed while riding in patrol cars was presented in the Introduction, and the limitations of data obtained by this method have been discussed at various places in the text (see chapters four and five). There is no need to re-iterate these points.¹ The survey data, however, is quite another matter. The empirical model presented in chapter six is largely based on these data, and any limitations or biases in the survey data obviously affect the validity of the argument in that chapter (and throughout the text). There are good reasons to be initially skeptical of survey data (because of biases introduced by the interviewers, lying, and other distortions of responses), and especially so with interviews of policemen. Given the mistrust of many policemen toward academics (or any outsider for that matter) there is reason to doubt, at least initially, the truthfulness of their answers. Finally, some unique

measures of police discretion have been derived through the survey (the hypothetical situations), and it is necessary to state my reasons for resorting to these measures and to discuss their validity. For these reasons a more thorough discussion of the limitations of the survey data and the methods used to analyze these data is in order.

THE MEASUREMENT OF POLICE DISCRETION

There are several reasons for using survey data in a study of police discretion. Participant observation is useful to explore a problem and refine substantive judgments (it was a necessary step, I should point out, prior to the development of the survey instrument), but it precludes the testing of hypotheses and drawing causal inferences. In order to test hypotheses (or at least to more systematically establish fruitful hypotheses) and to develop an empirical model of police discretion additional kinds of data are required. One alternative would have been to use arrest rates for each police department. Arrest rates, however, provide only the crudest measures of discretion, and due to the problem of ecological correlations it is quite risky to make generalizations about individual behavior on the basis of this kind of data. Yet even if one can get around to the problem of ecological correlations, there remain substantial difficulties with the use of arrest rates.² First, arrest rates are not generally comparable. The difficulties

here are much greater if one is comparing police departments in different states as James Q. Wilson did in Varieties of Police Behavior (1968) because of differences in the law. The fact that I am comparing three departments in the same metropolitan area reduces the lack of comparability between arrest rates but does not eliminate it. The most obvious reason for this, as patrolmen consistently maintain, is that no two situations are ever exactly alike. The time of day, the participants, the particulars of the situation, and the demeanor of officer and citizen will all differ. For some offenses these differences may be of little consequence, but in more ambiguous situations such as drunkenness or family disputes they may matter a great deal.

Yet there is a more intractable problem here. When one compares arrest rates, one really does not know with any degree of certainty exactly what it is that is being compared. It is only in a superficial sense that one can argue that by comparing arrest rates the exercise of discretion by patrolmen or in police departments is being compared. What in fact is being compared are the formal charges preferred against a suspect, the end result of a patrolman's interpretation and judgment of a situation. Thus, the comparison of arrest rates is unsatisfactory as the only measure of discretion since one cannot always be sure what those rates mean. This is much less of a problem where the offense is relatively clear-cut. Citation

rates for traffic tickets normally mean what most people infer they mean, namely, that the person was cited because he or she violated a traffic law. An arrest for drunkenness, on the other hand, may be an arrest for any number of offenses, legal or otherwise. A man may be arrested for drunkenness because he was actually drunk, or because somebody complained about his behavior, or because he failed to exhibit the "proper" attitude toward the patrolman, or because the officer felt an arrest was necessary and no other charge was available. Behaviors that are ostensibly similar and are lumped into the same category for administrative purposes may in fact be quite different. Moreover, even in a case where two officers could agree that a particular behavior constitutes a specified offense, they may still disagree on the charge that should be preferred. It is not uncommon for a patrolman to prefer a higher charge than the circumstances warrant to keep a person off the streets for awhile, to detain an individual for purposes of investigation, or to counter the anticipated decision of the prosecutor. The argument, in short, is that arrest rates cannot explain a given pattern of decisions since they do not reveal the reasons for those decisions. I would argue only when similar situations and the decision-making process in these situations are compared can one begin to explain discretion. The problem is to explain ex ante rather than ex poste behavior.

A second difficulty with arrest rates is that they provide no measure of decisions not to enforce the law. Because of the lack of comparability it is not sufficient to say that a difference in arrest rates indicates that one department is less likely to enforce a particular law. A survey instrument can get around this problem and provide an explicit measure of a decision not to enforce the law. Finally, a survey offers the advantage of allowing the analyst to manipulate the situations a patrolman "encounters." It is possible to include--or make a patrolman confront--only those situations chosen by the analyst. This obviously has advantages from a theoretical point of view.

Ideally, survey data should be supplemented with data on an individual officer's rate of arrests for various offenses, number of traffic citations, and field interrogations. Such independent measures of a patrolman's activities could be used as one test of the validity of the measures of discretion in the survey instrument. This kind of data was not obtained in this study because it was unavailable in one department (Inglewood), and any attempt to obtain it and still maintain the confidentiality of the interview process would have entailed considerable administrative problems.

Limitations and Biases of the Survey Instrument

The most serious disadvantage of using a survey is that there is no reliable way of knowing to what extent the

"decisions" made by patrolmen in the interview reflect their actual behavior on the street. The first difficulty here is the artificiality of the hypothetical situations used to measure discretion in the survey instrument (see questions 1,2,3,4,16, and 18 in Appendix II). All seven of these situations were based upon incidents which were either witnessed or drawn from arrest reports. They are typical in the sense that they frequently occur, and they are realistic. But reading about a family dispute in a comfortable, well-lit interview room is not the same as confronting the people in their home. It is one thing to read about an angry man ordering the police to leave his home in the most obscene language possible; it is another to be there. In this sense, all of the situations presented in the interview schedule are artificial.

While I do not want to minimize the artificiality of the hypothetical situations and the way this might bias the responses, I believe that the far more important source of bias is that of deliberate distortion in the responses. They may mean that the respondent biases his answer in such a way so as to provide the interviewer with the response that the respondent thinks he or she wants to hear. A patrolman obviously wants to appear sensible and rational in his decisions, and there might be a tendency to choose that alternative which represents, from the respondent's point of view, the most "rational" course of

action to the interviewer. More serious are answers which are biased to conform to the perceived policies (or preferences) of the department. For example, if the department prefers that an officer normally take a formal action, that he enforce the law by issuing a citation or making an arrest, there might be a tendency for a respondent to choose this alternative rather than the one he would choose if only he and his partner were present at the scene. Finally, a respondent would attempt to avoid taking an action in the survey which was obviously racist or illegal.

The extent of bias in the survey responses depends in part on how patrolmen in each department perceived the research project and what they believed were my true intentions: whether I was a liberal do-gooder out to expose the police, or whether I was working for the Chief of Police, or whether I was genuinely interested in understanding the problem of police discretion. The most important factors influencing an officer's perceptions toward the research project was the extent of his knowledge about it and, more important, his knowledge of me. This knowledge (or the lack of it) is, in turn, a function of whether or not I had ridden with the officer and what he had heard about me through the department grape-vine. It is my impression that patrolmen who had my company during a tour of duty or who had talked to me informally at some point were more likely to view the research project and the

survey favorably, and they were, thus, more likely to respond honestly to the survey questions. Numerous patrolmen commented either during or after the interviews that they believed that what I was doing was a good and needed research project and, more importantly, they believed I was going about it in the correct way--that is, I had taken the time to ride in patrol cars.

The kind and extent of contact patrolmen had with me during the course of the field research depended on the size of the department. In general, patrolmen in Redondo Beach and Inglewood were more likely than those in LAPD to have talked with me and to be aware of the purposes of the research and the survey. Even though patrolmen in LAPD were very cooperative, and many of them believed the research worthwhile--and said so--I believe that because most did not know me, they were more likely to mistrust my intentions and the research project. Thus, if the interviews are biased, they are likely to be biased toward conformity with department policy, and this is more likely in the Los Angeles Police Department than in the small departments.

Another factor which may have contributed to distortion in the interview responses has to do with the interviewers used in this study. Judging from textbooks on the subject, the ideal interviewer would have been a policeman trained in interview techniques. Since these are hard to come by, trained interviewers from the U.C.L.A. Survey Research

Center were used. Most of these individuals were women who had considerable skill as interviewers but little knowledge of the police. None of them evidenced any overt hostilities toward the police and they were able to establish decent rapport with the respondents (some evidence indicates that women are able to establish better rapport in an interview than men).³ The problem here is that some patrolmen may have found it rather easy to mislead the interviewers because of their lack of knowledge of the police. I have no way of knowing to what extent the responses are biased for this reason, but it is a factor to bear in mind in judging the responses.

Finally, there is reason to believe that some of the responses in Redondo Beach may be biased because of a set of events that occurred just prior to the time the interviews were administered. While there was no dearth of antagonism between management and patrolmen in any of the three departments, this antagonism erupted into open conflict in Redondo Beach in late April of 1973. A number of patrolmen (and at least one sergeant) challenged the Chief of Police and the Captain in charge of patrol on issues of supervision and other departmental policies. The issue which produced the most resentment was the enforcement of petty regulations pertaining to hair length, tardiness and other trivial matters. Many of the patrolmen believed that strict enforcement of these rules was tantamount to

harassment. Many were also upset by what they believed was the failure of the department to support patrolmen in the performance of their duties; they believed, in short, that the department was more interested in "public relations" than controlling crime. Finally, some patrolmen simply disagreed with the Chief's ideas and policies: some believed that he should stress traffic enforcement more than he did (this was rather self-serving in part since a few of these officers were campaigning for the creation of a motorized traffic enforcement unit): others thought the department was mismanaged and lacked "leadership." These feelings were more or less common to all three departments, but only in Redondo Beach did they burst into open conflict. And as luck would have it, the high point of the strife was one week prior to the beginning of the interviews.

There is no way to estimate the extent of the bias in the Redondo Beach interviews that are due to this conflict. However, I believe the real issue in the dispute was the continuing conflict between a number of well-educated, young patrolmen and some of the sergeants. Therefore, one might expect that the responses to questions about supervision are negatively biased in comparison with the other two departments. (The attitudes of patrolmen toward supervision in all three departments are generally negative; the point here is that the answers in Redondo Beach are probably somewhat more negative than would otherwise be the case.)

Other than the factors mentioned here no overall estimates of bias in the interviews can be made. However, the one check which is available to evaluate the survey data are the field observations. As the survey data was presented throughout the course of the analysis, I attempted to point up discrepancies between the survey responses and the field observations. Here it is sufficient to point out that with one exception the field observations and survey responses are, generally, more consistent in the two small departments than in LAPD. The exception of course is the aggressiveness of patrolmen in Inglewood. As I pointed out in Chapter Four there is reason to believe that patrolmen in Inglewood are not as aggressive as they say they are in the survey but probably more aggressive than they seemed in the field observations. With regard to LAPD the question is whether the patrolmen are as legalistic as the responses indicate or whether these responses are biased to conform with departmental policy. The problem in evaluating this is that examples can be drawn from the field observations which either support or invalidate the survey responses in LAPD. Yet I am inclined to believe, with one important exception, that patrolmen in LAPD are as legalistic as the survey responses indicate. The exception are the two types of order-maintenance situations, and here I believe that there is a bias toward action that is inconsistent with the field observations.

METHODS OF DATA ANALYSIS

The empirical analysis in chapter six is based largely on the hypothetical situations and measures of police attitudes with the usual seven-point, agree-disagree, Likert-type items. The analysis of the survey data required two different types of analysis. The first involved the use of key cluster analysis (a variant of factor analysis) to create attitudinal scales and several composite measures of discretion. The second used multiple regression (and simple cross-tabulations where the assumptions of the equal-interval scale could not met met) to analyze relationships among variables.

Attitudinal scales and composite measures of discretion were created from the Likert-type items and dummy variables based on the responses to the hypothetical situations with key cluster analysis. The computer program used in this analysis was developed by Carl P. Hensler of the Department of Political Science, U.C.L.A., and offers distinct advantages over the standard factor analysis program (such as appears in S.P.S.S.).⁴ Factor analysis is a technique for simplifying a mass of data; the purpose of factor analysis, according to one proponent, is to reduce different observations or measurements into "distinct patterns of occurrence."⁵ It is an especially useful tool in constructing attitudinal scales. One can take separate

measures of attitudes, toward police work for example, and use factor analysis to isolate the underlying patterns among these items. In other words, factor analysis can be used to determine the underlying dimensions of a pool of measures. The output of a typical factor analytic solution is based upon a correlation matrix of the observed variables, and the factor loadings for these variables are a measure of the degree of "association" and the direction for the variable and the (underlying) factor. Somewhat simplistically, we can say that the loading of a given variable is simply the (average) correlation of the variable with the variables which define the factor.⁶ The number of factors obtained and the loadings for any set of variables depend on criteria selected by the analyst (which vary according to the species of factor analysis used) and can be rather arbitrary.⁷

Factor analysis is not magic and it does not obviate the need for conceptual judgments by the analyst about what items to include. Many of the misunderstandings about factor analysis stem from the naive belief that all one has to do is to factor analyze a large pool of variables to come up with the "proper" solution. Yet there is a more difficult problem with factor analysis, and this, as Hensler puts it, is that in most factor analyses there is a discrepancy between the analytical and operational factors. All of the variables included in a given factor

analysis have non-zero loadings on the factors. As a result all of the obtained factors are "contaminated" with variables which the analyst might prefer to leave out in the final solution. In creating a scale from a pool of fifteen items, the analyst may select only those ten with the highest loadings and leave the others out. But by dropping these five variables from the analysis the factors are changed since the variation contributed by the low-loading variables is not included. This may create severe difficulties for the ensuing empirical analysis.⁸

Key cluster analysis gets around this problem by simply reversing the order of factor analysis: rather than defining the factor(s) by the loadings, key cluster analysis enables the analyst to first define the factor as a "subset (cluster) of observed variables" and then to determine the loadings of these variables on the (defined) factor. Thus in addition to the factor loadings this procedure provides the analyst with an additional criterion for initially including the variable in the analysis. This criterion is based on the pattern of relationships between the variable X and all other variables in the analysis. Called a variable's similarity this criterion requires that a variable, "have a profile of correlations with all other variables in the cluster."⁹ A variable's similarity, then, is a measure of the extent to which it is correlated in the same way with other variables in the cluster. What is

important is the pattern of correlation. For example, take a simple three variable cluster. Assume that X and Y are positively correlated but that X is negatively correlated with Z and Y is positively correlated with Z. In this case X and Y would have a low similarity because the pattern of correlation with Z is not similar. On the other hand, if both were positively correlated with Z they would have a high similarity. The similarity statistic ranges from zero if the variable's profile (the patterns of correlation) is unrelated to the profiles of other variables in the cluster to 1.00 where the profile between the variable and the cluster is exactly the same.

The use of key cluster analysis gives the analyst two measures of the relationships among a set of variables: first, the degree to which the variables are highly related to the underlying factor; and second, the extent to which they are related in the same way. This procedure has obvious advantages over traditional factor analysis; to mention a few, the definition of the factors can be more closely controlled by the analyst; the operational and analytical factors are the same; and the factors are more easily interpreted.¹⁰ For the analyst using attitudinal scales this procedure has definite advantages. Even though factor analysis can be used to determine the intercorrelations among a subset of variables and an underlying dimension, one still does not have any idea of whether the

variables are in fact measuring the same attitude. A high factor loading does not necessarily mean that a variable is tapping the same underlying attitude, aggressiveness for example, as the other variables. By using the similarity matrix and the factor loadings, one can develop more precise and ultimately more reliable measures of attitudes.

A description of the items used in each scale with the factor loadings and similarities is provided at the end of this appendix. In addition a measure of the reliability of the scale is reported. This measure is an estimate of the proportion of the scale's variance which can be attributed to the underlying dimension; the residual is the amount of variance due to random measurement error. The scale scores were produced by adding the values of each variable in the cluster, adding a score of 50 to each scale, and normalizing the score for a mean of 50.0 and a standard deviation of 10.0.

Multiple regression is the preferred statistical tool for deciphering causal relationships. With linear regression, the analyst can predict the value of Y , the dependent variable, from X , the independent variable (regression is defined by Blalock as the "path of the mean of Y for fixed X 's"), and control for the effects of other variables. Moreover, one can estimate the proportion of variance in the dependent variable that any given independent variable or combination of independent variables explains. But the

use of multiple regression requires that the analyst be able to confidently make a number of statistical assumptions. The two most important are that the X's are independent of the error term, e_i and that the variables meet the assumptions of an equal-interval level of measurement. The former assumption is made less dubious if one can control, in the analysis, for other factors that might be causes of Y. This can be done through explicit measurement and control of these factors in the analysis or through randomization.¹¹ Meeting the assumption of an equal-interval level of measurement is more difficult, especially with attitudinal data, and the problem is more severe for measures of the dependent than the independent variables. For the latter one can use dummy variables.

Scaling of the Likert-type items was resorted to partly as a way of meeting the equal-interval assumption required for the use of multiple regression. The Likert-type items are accepted as meeting the ordinal-scale level of measurement, and it is common to add these items together and produce a scale which purportedly meets the equal-interval assumption. How good of an assumption is this? One way of approaching this problem is to compute the mean scale score for each value (1 through 7 in the case of the Likert-type items) of the defining variables. One can then plot the mean scale scores (Y-axis) against the values of all the variables in the scale (X-axis). This has been done for all

scales used in the analysis, and the results are portrayed at the end of this appendix. Here it is sufficient to point out that the scales are linear and in most cases there is a fairly close approximation to the equal-interval assumption.¹²

Finally, in those cases where the equal-interval assumption simply could not be met, specifically with the measures of police discretion in the two types of order-maintenance situation, I resorted to contingency analysis. This suffers from a major limitation, namely, it precludes the use of very many control variables to sort out a causal relationship because of the large number of cases required for a stable relationship. Since I have only 198 cases this limitation is rather severe. Thus, the results, especially where controls are used, should be interpreted rather cautiously.

ATTITUDINAL SCALES

Police Discretion Scales

I. Aggressiveness/Extra-Legal Scale Reliability = .72

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---|----------------|-------------------|
| 1. In some neighborhoods, one must rigorously enforce all laws just to maintain order and prevent crimes. | .54 | 66 |
| 2. The police are justified in regarding a Negro and/or Mexican American juvenile as a person who needs to be watched more than others. | .48 | 66 |
| 3. In some neighborhoods, physical combat skills and an aggressive bearing will be more useful to a patrolman on the beat than a courteous manner. | .47 | 56 |
| 4. A good patrolman is one who aggressively patrols his beat, stopping lots of cars checking out people, running warrant checks on vehicles that look suspicious and so forth. | .46 | 63 |
| 5. In order to prevent crimes and apprehend felons, the police are sometimes required to violate search and seizure laws and other procedural safeguards. | .45 | 67 |
| 6. In some neighborhoods, the prevention of crime requires that patrolmen stop people walking down the street, especially juveniles, and ask them where they are going and what they are doing. | .44 | 68 |
| 7. A person who verbally abuses a police officer when he has been stopped for a violation of the law, who calls him names and challenges his authority should be arrested. | .44 | 63 |
| 8. A patrolman who makes an arrest or issues a citation because of a person's attitude is making a "bad" arrest. | -.42 | 58 |

7.50

AGGRESSIVENESS/EXTRA-LEGAL SCALE

7.25

7.00

6.75

6.50

6.25

6.00

5.75

5.50

5.25

5.00

4.75

4.50

4.25

4.00

3.50

1

2

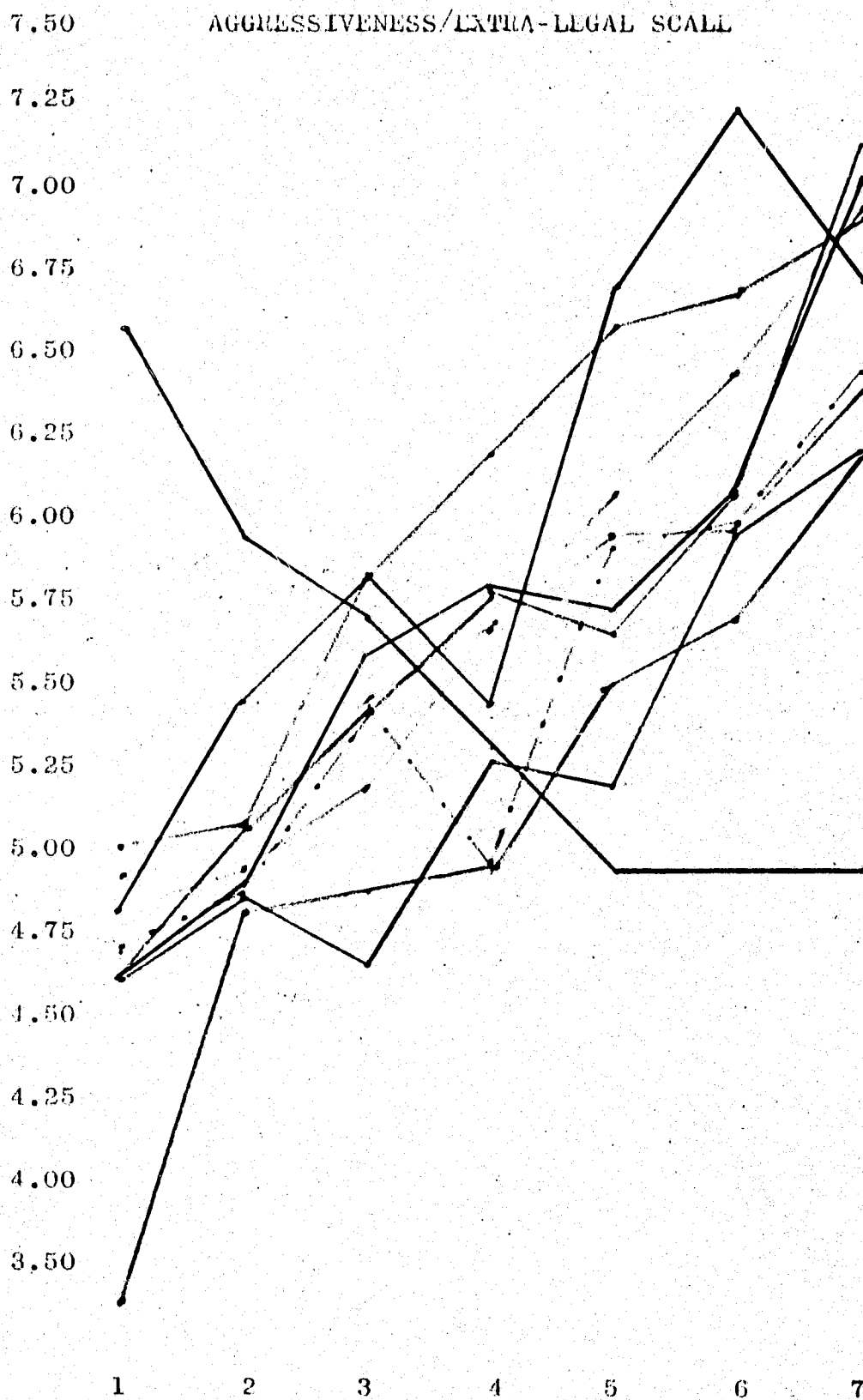
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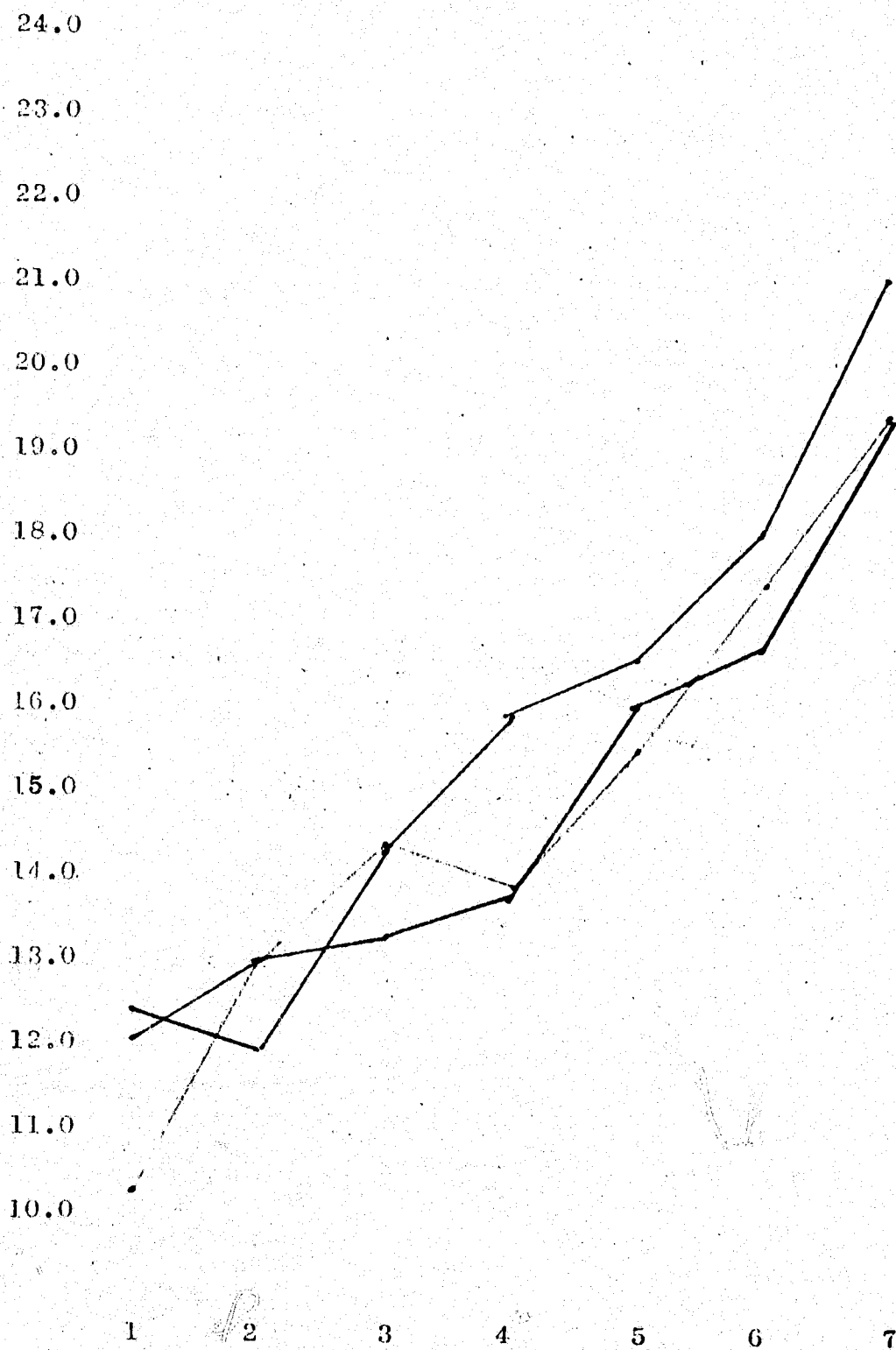
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7



PRIORITIES OF LAW ENFORCEMENT SCALE



| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---|----------------|-------------------|
| 9. It is important and right for an officer to take a person's attitude into account in deciding whether or not to enforce the law. | .40 | 61 |
| 10. Preservation of the peace requires that the police use their authority to order people to "move along" or "break it up" even though no law is being violated. | .40 | 69 |

II. Priorities of Law Enforcement Scale Reliability = .55

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---|----------------|-------------------|
| 1. A patrolman should not make a lot of arrests for minor violations (e.g. drunks) or issue a lot of citations for minor traffic violations. | .61 | 61 |
| 2. A really effective patrolman is one who patrols for serious felony violations rather than stopping people for minor traffic violations and other misdemeanors. | .52 | 62 |
| 3. It's a waste of time and takes time away from more important things to arrest someone for possession of 2 or 3 marijuana cigarettes. | .49 | 63 |

Formal Action Scales on Discretion

I. Formal Action Scale No. 3 Reliability = .48

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---|----------------|-------------------|
| 1. Drunk Driver Situation - Make an arrest/do not make an arrest. | .58 | 45 |
| 2. Old Lady Committing Petty Theft - Take independent action or ignore store owner/go along with store owner's request for an arrest. | -.44 | 31 |
| 3. Strict Enforcement of Law? - Not Selective in enforcement, agree with Officer Newman/Selective in enforcement, disagree with Officer Newman. | .44 | 32 |

II. Formal Action Scale No. 1

Reliability = .51

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---|----------------|-------------------|
| 1. Drunk Driver Situation - Make an arrest/do not make an arrest. | .43 | 32 |
| 2. Strict Enforcement of Law? - Not selective in enforcement, agree with Newman/selective in enforcement, disagree with Officer Newman. | .42 | 22 |
| 3. Old Lady Committing Petty Theft - Take independent action or ignore store owner/go along with store owner's request for an arrest. | -.41 | 24 |
| 4. Interfering with an Officer - Arrest for legal reasons/arrest for other reasons or do not arrest. | .40 | 32 |
| 5. 415 Family Dispute - Arrest husband/make no arrest. | .34 | 29 |
| 6. 415 Juveniles at Bowling Alley - Arrest some or all of Juveniles/Make no arrests. | .30 | 14 |

66.0

FORCE ACTION SCALE NO. 3

64.0

62.0

60.0

58.0

56.0

54.0

52.0

50.0

48.0

46.0

44.0

42.0

40.0

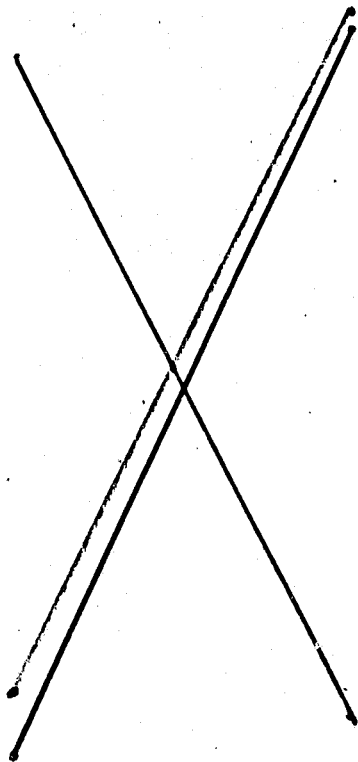
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66.0

FORMAL ACTION SCALE NO. 1

64.0

62.0

60.0

58.0

56.0

54.0

52.0

50.0

48.0

46.0

44.0

42.0

40.0

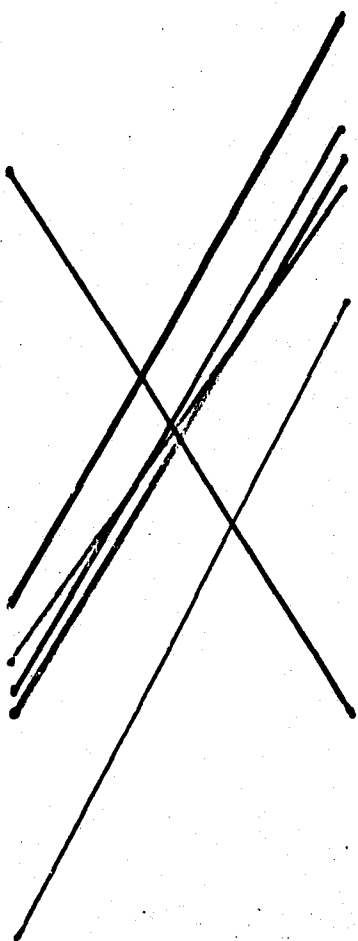
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0.0

1.0



Supervision Scales

I. Supervision and Discretion Scale Reliability = .77

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|--|----------------|-------------------|
| 1. In general, in this department there are very few supervisors who believe in letting patrolmen make their own decisions. | .63 | 91 |
| 2. A patrolman will usually get along better on the job with his supervisors if he doesn't go looking for situations requiring police attention, but handles them as situations arise. | .62 | 90 |
| 3. The field supervisors act as if their only job is to enforce the rules and regulations of this department. | .61 | 86 |
| 4. In general, field supervisors in this department are more interested in enforcing petty rules about dress, hair length, and whether or not you wear your hat when you get out of the car or whether you are a few minutes late to work than the sort of job patrolmen do. | .59 | 86 |
| 5. Patrolmen who are always out looking for situations requiring police attention are the ones who usually get into trouble with their supervisors. | .54 | 83 |
| 6. Patrolmen often fail to take necessary police action due to a feeling that supervisors will disapprove of their actions. | .49 | 91 |
| 7. The department allows patrolmen more than enough discretion in making arrests, issuing citations, or making tactical decisions. | -.48 | 91 |

II. Supervisor's Behavior Scale Reliability = .65

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---------------------------------------|----------------|-------------------|
| 1. How often do the field supervisors | .69 | 51 |

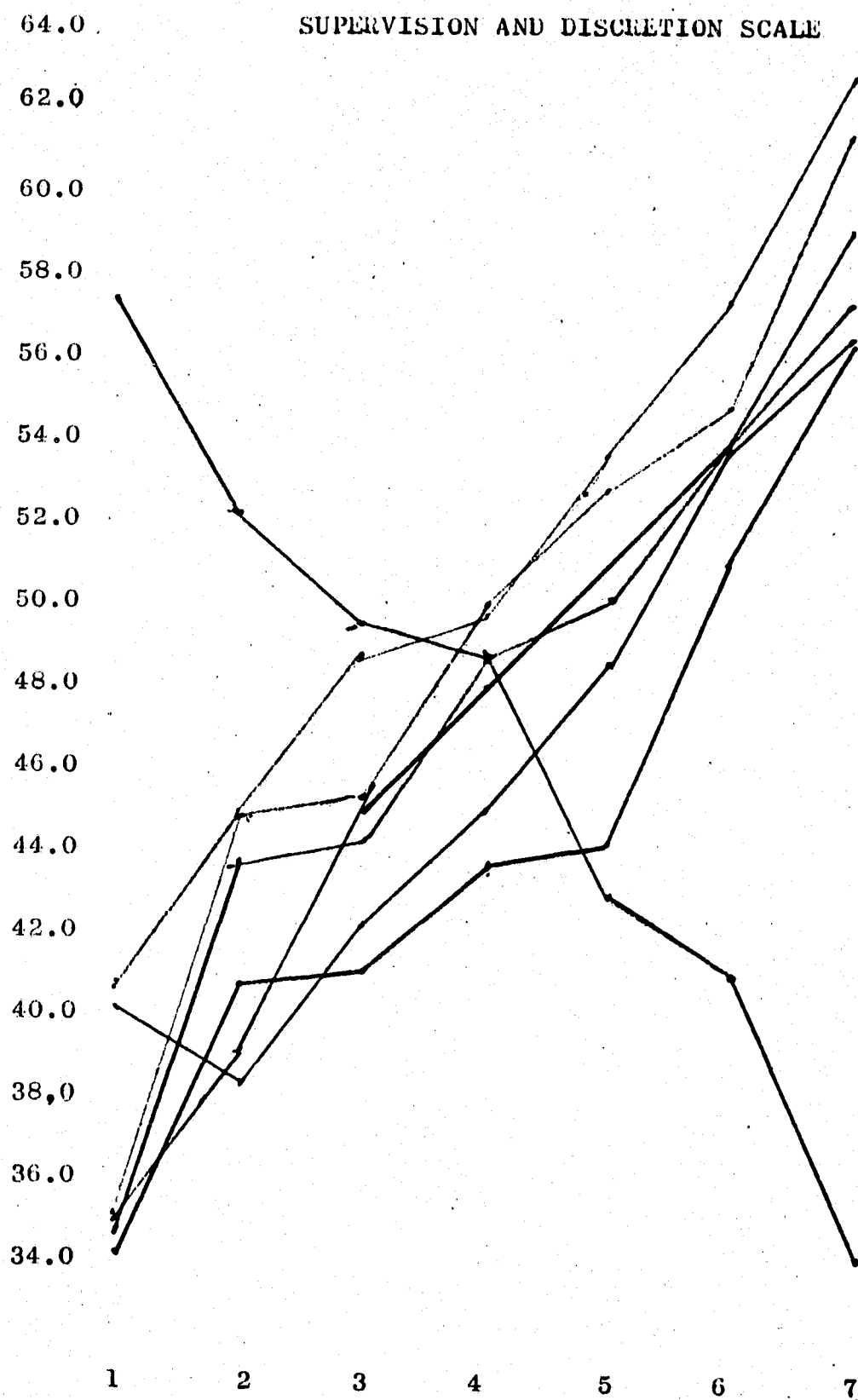
| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---|----------------|-------------------|
| in this department drive by and observe you while you are on a call? | | |
| 2. How often do the field supervisors actually intervene in a call or situation which you are handling? | .69 | 51 |

III. Supervisory Style Scale Reliability = .51

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---|----------------|-------------------|
| 1. Patrolmen are <u>frequently</u> found guilty of violating departmental rules and procedures and are consequently penalized severely. | .54 | 79 |
| 2. The department expects supervisors to deal with their patrolmen in a very strict manner. | .49 | 83 |
| 3. The main method used by supervisors to keep their men working properly is that of punishment for what they consider ineffective performance. | .47 | 82 |

IV. Rule Enforcement Scale Reliability = .67

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|--|----------------|-------------------|
| 1. In general, field supervisors in this department are more interested in enforcing petty rules about dress, hair length, and whether or not you wear your hat when you get out of the car or whether you are a few minutes late to work than the sort of job patrolmen do. | .72 | 93 |
| 2. The field supervisors act as if their only job is to enforce the rules and regulations of this department. | .64 | 93 |
| 3. The field supervisors always let you know when you do a good job. | -.54 | 89 |



80.0 SUPERVISOR'S BEHAVIOR SCALE

70.0

60.0

50.0

40.0

30.0

20.0

1

2

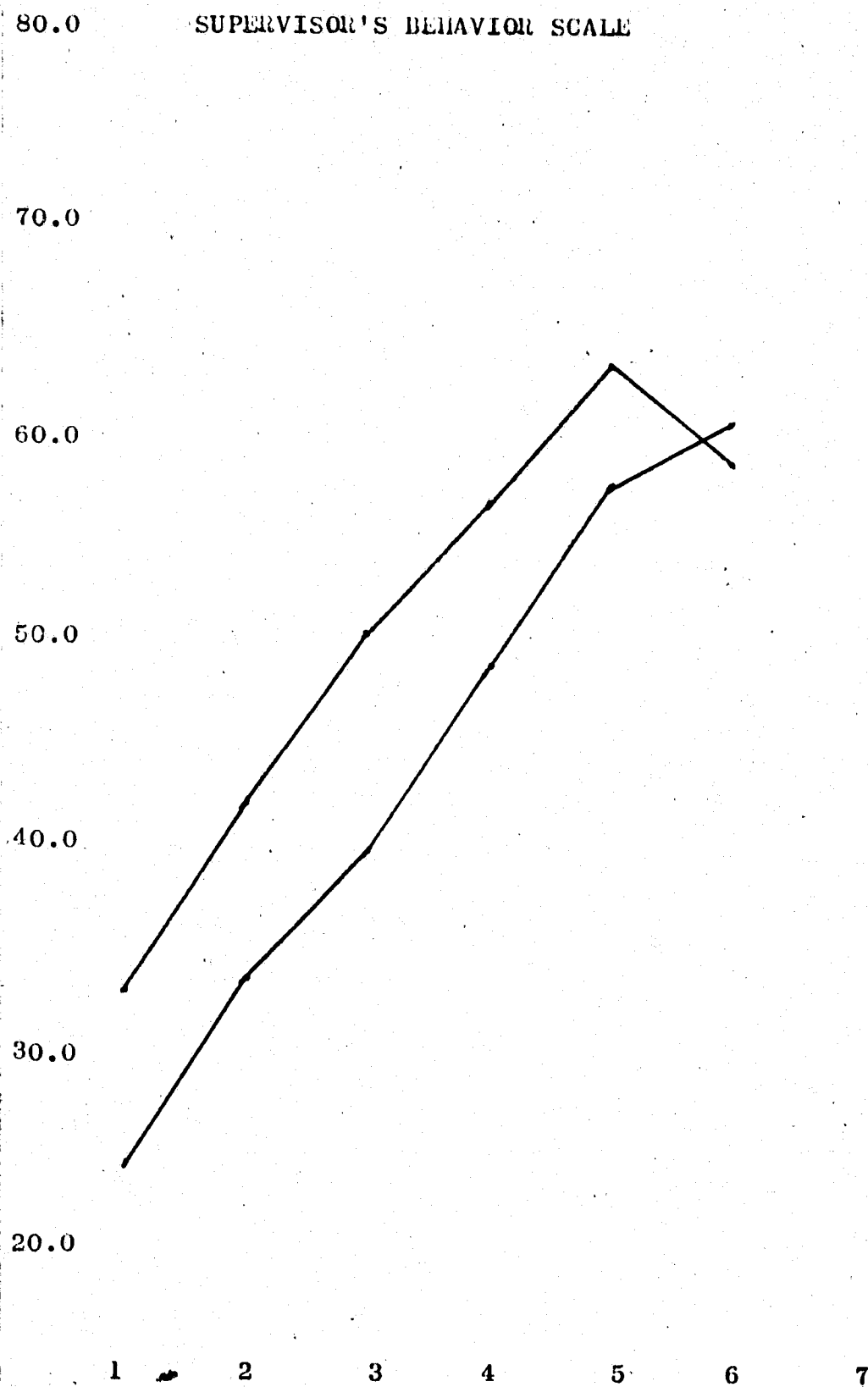
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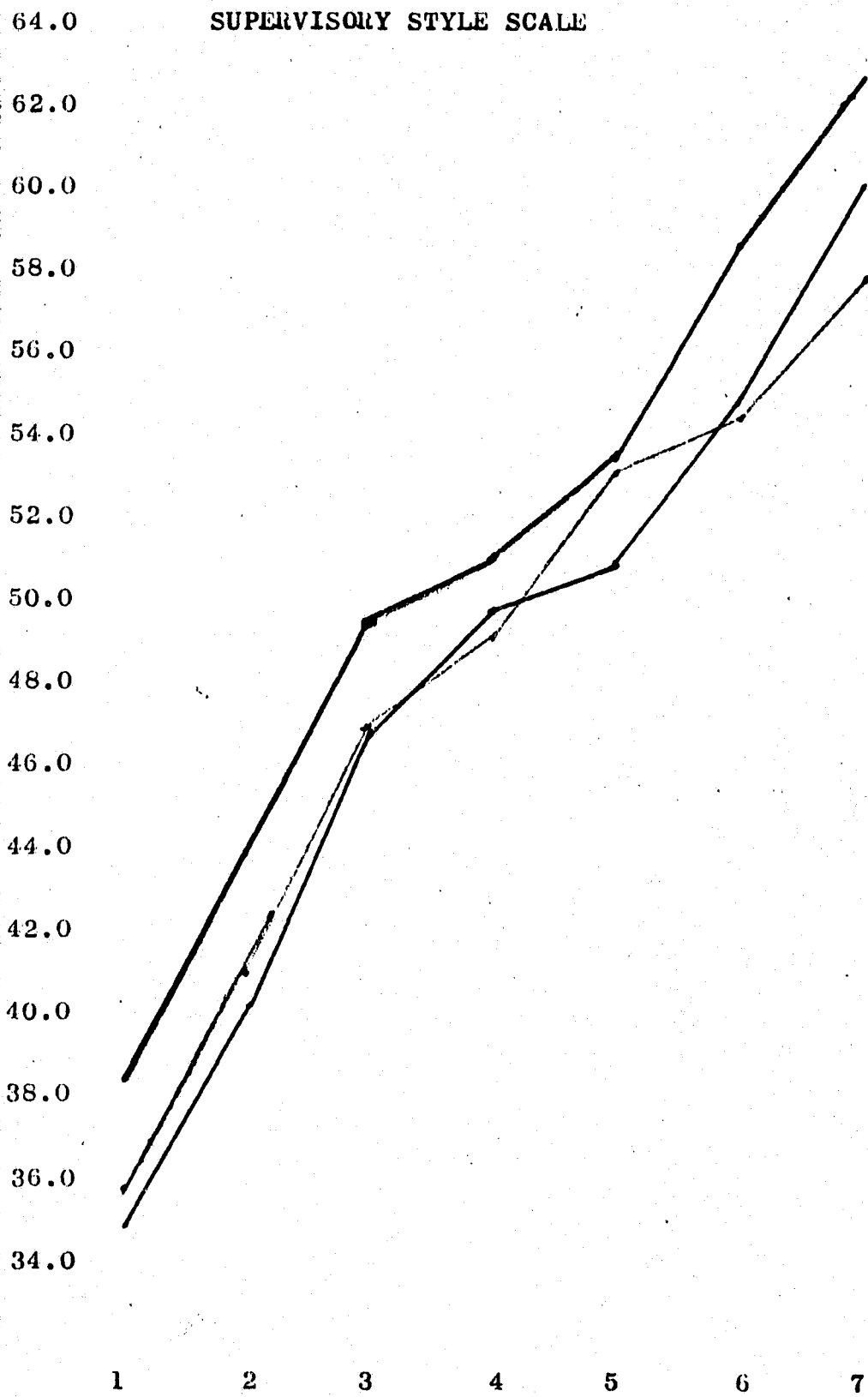
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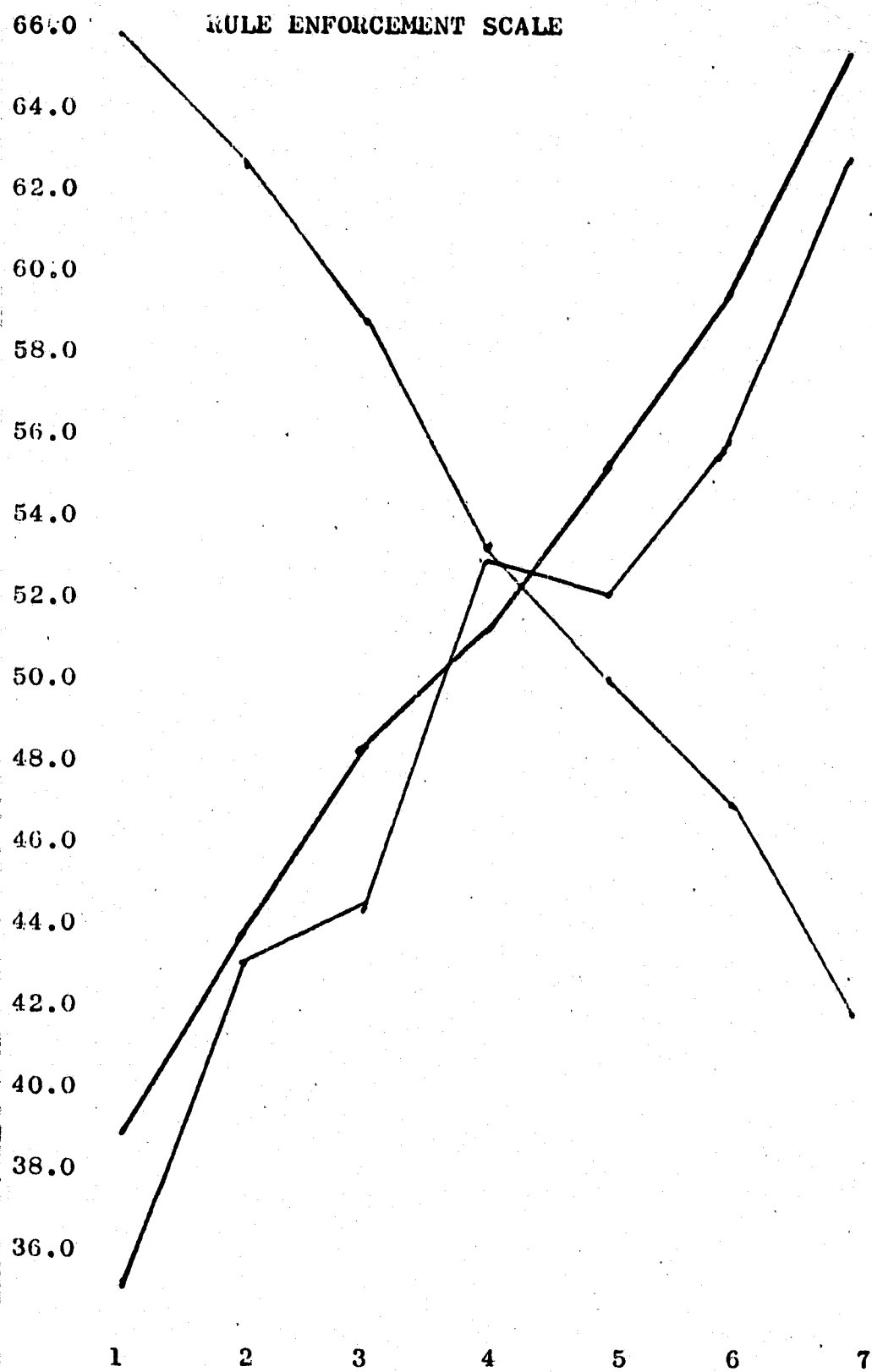
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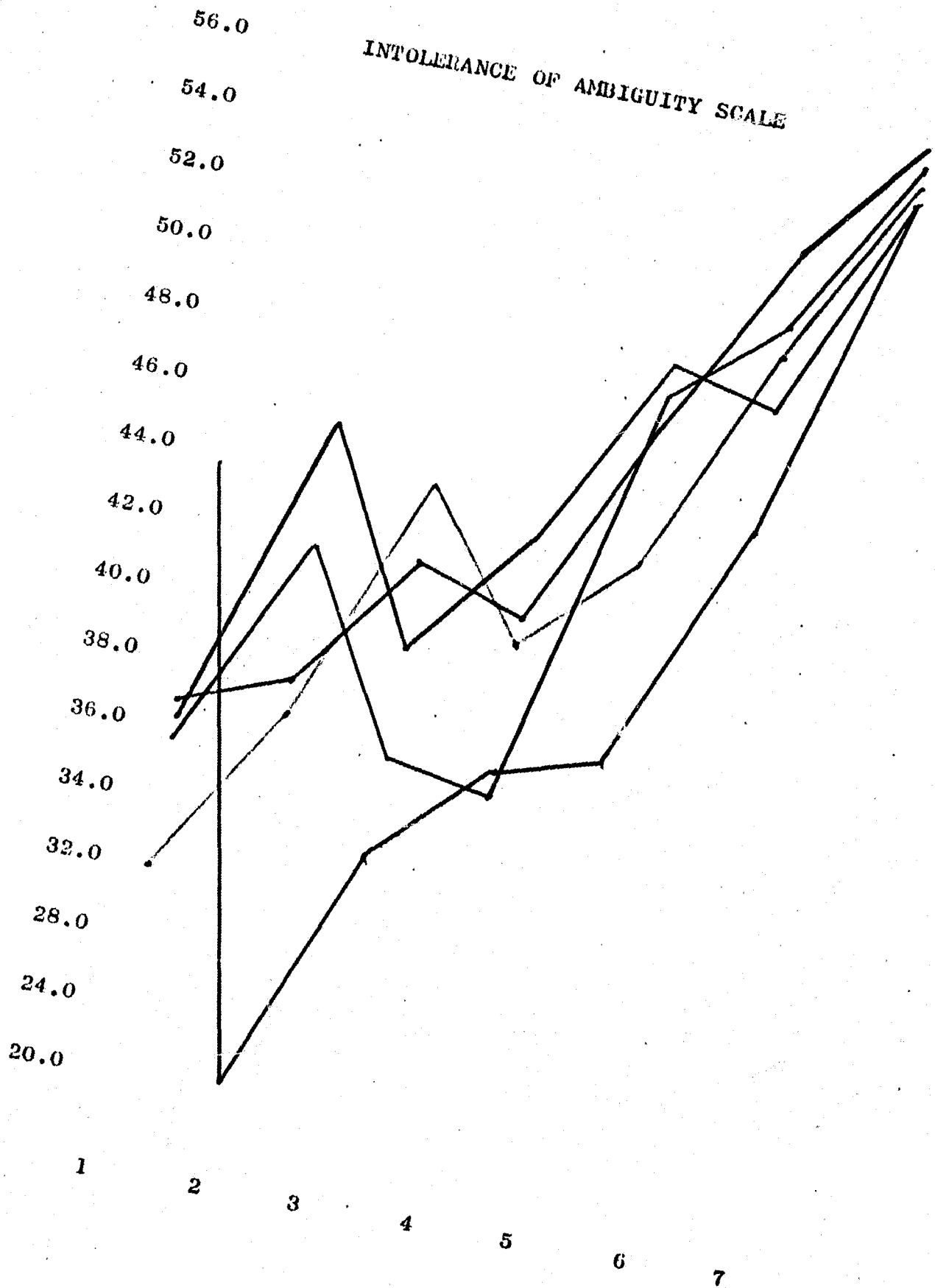
Social Psychological Scale

I. Intolerance of Ambiguity Scale

Reliability = .62

| <u>Item</u> | <u>Loading</u> | <u>Similarity</u> |
|---|----------------|-------------------|
| 1. There are two kinds of women: the pure and the bad. | .58 | 81 |
| 2. There are two kinds of people in the world: the weak and the strong. | .58 | 84 |
| 3. There is only one right way to do anything. | .48 | 84 |
| 4. You can classify almost all people as either crooked or honest. | .47 | 73 |
| 5. A person is either 100% American or he isn't. | .36 | 79 |

INTOLERANCE OF AMBIGUITY SCALE



NOTES TO APPENDIX I

1. For discussions of participant observation and some of the more important methodological problems see Howard Becker, "Problems of Inference and Proof in Participant Observation," American Sociological Review 23 (1958): 652-660; M.S. Schwartz and C.G. Schwartz, "Problems in Participant-Observation," American Journal of Sociology 60 (1955): 343-355; Arthur J. Vidich, "Participant Observation and the Collection and Interpretation of Data," American Journal of Sociology 60 (1955): 354-360; Ned Polsky, Hustlers, Beats and Others (Chicago: Aldine Publishers, 1967): esp. chap. 3; and for a general introduction to field research in formal organizations see W. Richard Scott, "Field Methods in the Study of Organizations," in James G. March, Handbook of Organizations (Chicago: Rand McNally & Co., 1965): 261-305.
2. For the classical discussion of the problem of ecological correlations see W.S. Robinson, "Ecological Correlations and the Behavior of Individuals," American Sociological Review 15 (June 1950): 351-357; a recent discussion of ways to get around this problem can be found in W. Phillips Shively, "'Ecological' Inference: The Use of Aggregate Data to Study Individuals," American Political Science Review 63 (1969): 1183-1196.
3. However, this does not mean that women are better interviewers with all groups of individuals. For a general discussion of these and other matters pertaining to interviewing see, Charles F. Cannell and Robert Kahn, "Interviewing," in The Handbook of Social Psychology, Vol. 2, Gardner Lindzey and Elliot Aronson (eds.) (Menlo Park, Calif.: Addison-Wesley, 1968).
4. Carl P. Hensler, The Structure of Orientations Toward Government, unpublished Ph.D. Dissertation, Department of Government, M.I.T. (1971), chapter 3.
5. R.J. Rummel, "Understanding Factor Analysis," Journal of Conflict Resolution 11 (1967): 445.
6. Hensler puts it this way: "the output is an n variable

by m factor loading matrix A which relates the observed variables' values Z to the hypothetical variable (factor) values F: $Z \text{ equals } AF$." The Structure of Orientations Toward Government, pg. 66.

7. Ibid., pg. 67.
8. Ibid., pg. 68.
9. Ibid., pg. 69.
10. Ibid., pg. 69-70.
11. Hubert M. Blalock, Jr., Social Statistics (New York: McGraw-Hill, 1972), pp. 366-368; and Causal Inferences in Non-Experimental Research (Chapel Hill: University of North Carolina Press, 1964), chapter 1.
12. Because of the difficulty in developing attitudinal measures which really meet the equal-interval assumption, analysts often use ordinal scale measures. While this is dubious from a statistical point of view, it is often justified on pragmatic grounds. On the general problem of meeting these assumptions see S.S. Stevens, "Measurement, Statistics, and the Schemapiric View," Science 161 (1968): 849-856; and Hubert M. Blalock, Jr., Causal Inferences in Non-Experimental Research.

APPENDIX II
SURVEY INSTRUMENT

General Information

PURPOSE OF THE SURVEY:

This survey is part of a study of decision-making by policemen in three departments in Los Angeles County. The study has been funded by the Law Enforcement Assistance Administration (LEAA). The survey seeks information about the way police officers make routine decisions and their reasons for these decisions. Additionally, the study seeks to elicit information about supervisory practices and other aspects of organizational behavior.

TIME REQUIRED FOR THE INTERVIEW:

If the respondent asks how much time will be required for the interview, tell him that the interview runs approximately one hour and fifteen minutes.

PROCEDURES FOR CONDUCTING THE INTERVIEW:

The police officers participating in this survey have already been informed of the purposes of this study and the general nature of the survey instrument. You should not have to spend any time explaining the study to the respondent. However, before you begin the survey you should reaffirm that the information obtained by this interview is **STRICTLY CONFIDENTIAL** and that nobody except the researcher will have access to the raw information.

Begin the interview with Part I. When you have completed it give the respondent Part II to complete by himself. While you are waiting you should begin to edit Part I of the questionnaire.

When you finish be sure that you have both parts and that the **INTERVIEW NUMBERS FOR PART I AND PART II ARE THE SAME.**

YOUR MANNER:

You should conduct the interview in a friendly but businesslike manner. Try to prevent the respondent from wandering. Over-friendliness and concern on your part about the respondent's personal troubles or frustrations may actually lead to your obtaining less information. While you are conducting the interview do not engage in asking peripheral, albeit interesting, questions. Save those until you have completed the interview!

As you are aware much of the information in this questionnaire may be extremely sensitive to the

respondent. It is important that you maintain your stance of a neutral tape-recorder. Do not indicate a personal opinion of a response by either tone of voice or facial expression. Except for those instances in the interviewer instructions where it is permitted do not offer information on the meaning of questions or attempt to explain what words mean. Do not offer your own views in any way during the interview. You may bias the responses to the next five questions.

ASKING THE QUESTIONS:

Ask the questions in the order specified in the survey instrument. Do not reword any question. All comments in parentheses are instructions to the interviewer. Ask every question even though you may think the respondent has just answered this question.

On questions #5,7,8,14,15,16C,17D, and 18D you must hand the respondent either some cards or a list of items. These are spelled out in the interviewer instructions, but double check before you begin the interview to be sure you have all necessary materials.

The questionnaire uses eight hypothetical situations to which the respondent will have to respond. You may give him all the situations at once and instruct him to turn the pages and read them as you instruct him. Caution him not to turn the pages until you say so.

RECORDING THE INFORMATION:

Record all responses verbatim unless otherwise instructed. Designate probes by abbreviating and enclosing in parentheses. Example: "What do you mean?" (mean).

PROBING:

Many of the questions require some probing on the part of the interviewers. Special instructions are included for each question to designate what kind of information is to be obtained through the probes. Use only the standard probes—Why, What do you mean, Give me an example, etc.—unless otherwise instructed. All questions requiring a probe should be finished with a final probe. You should generally use the following final probe, although circumstances may dictate that you phrase it differently: "What else can you tell me about" recorded as (else). Record R's response to the final probe verbatim, right after the probe.

PART I

BASIC DATA SHEET - QUESTIONNAIRE FOR PATROLMEN

Date: _____

Police Department: _____

Interview Number: _____

Time Started: _____

Time Finished: _____

Interviewed by: _____
(sign full name)

Coded by: _____
(sign full name)

Date: _____

Q. 1

DISCRETIONARY INCIDENTS

Incident I

Time: 2230 hrs.

Subject: WMA, 30-35 yrs.

Situation:

Two officers are routinely patrolling their area when they observe a late model Ford ahead of them driving very slowly. They slow down and continue to observe the vehicle; as they watch it weaves somewhat, from one lane to another. They turn on their red light and stop the vehicle.

The driver is asked to get out of his car and one of the officers proceeds to administer the field sobriety test. The man staggers as he gets out of his car, his eyes are red, and his speech is somewhat slurred. He doesn't pass all of the sobriety tests: he can walk part way putting one foot in front of the other; he can only stand on one foot for about thirty to forty seconds; and he cannot touch his nose with his finger tips when his head is tilted back. The man is in no condition to drive his car, yet he is not so drunk that he couldn't take care of himself.

Upon questioning the man, the officer learns that he is having financial and marital problems and as a result, he has been drinking more than usual. The man said that he has never been arrested for drunk driving before. According to the address on his driver's license he lives about 5 or 6 blocks from their present location. The man claims that he is on his way home.

What would you do in this situation?

PROBE: Why or why not make an arrest?

Q.2.

DISCRETIONARY INCIDENTS

Incident II

Time: 2030 hrs.

Subjects: 10 to 15 White and Negro Males and Females, 16 to 19 yrs.

Situation:

Two officers respond to a 415 (disturbing the peace) juveniles call at a local bowling alley. When they arrive 10 to 15 juveniles are milling in front of, and just inside of, the main door of the bowling alley. According to the security guard and the manager they have been there for some time, blocking the doorway, yelling and screaming and generally making nuisances of themselves. The officers know that this is not the first time this has happened and they are aware that some of the same juveniles are involved.

The officers ask them to leave and the youths begin to argue. They claim that they are not doing anything, that they have a right to come to the bowling alley, and that the manager gets "up tight over almost anything." The manager says that they are preventing customers from leaving and entering the bowling alley and offending some customers by their obscene language. In response to a question from one of the patrolmen, the manager says that he doesn't want to prosecute the juveniles, he just wants them off the premises.

The officers order the juveniles to leave and they begin to do so, but very slowly. Two or three break away from the main group and run back into the bowling alley, disappearing in the crowd. The rest mill outside the front door and begin to yell obscenities at the manager and the police. One young girl with long blond hair walks up to the manager and calls him "a fucking prick." Other men, women and children, customers, are having difficulty entering or leaving the bowling alley.

The officers order them to move along for the second time and they threaten to arrest the lot of them. The youths move a little further away, but they still keep milling about and yelling.

What would you do in this situation?

PROBE: Why did you take "such and such" an action?

Q.3.

DISCRETIONARY INCIDENTS

Incident III

Time: 1910 hrs.

Subjects: MN & FN, 25 yrs., and 2 children, FN, 4 years and MN, 1 year

Situation:

Two officers respond to a 415 (disturbing the peace) situation. They arrive and gain entrance to the subjects' apartment. The woman is the informant, and it is immediately obvious that she has been beaten by her husband. Her cheeks are bruised, her lower lip is cut and bleeding, her dress is torn, and she is sobbing and barely able to talk. It is also evident that she has been drinking. They ask what's been going on and the husband who has also been drinking says, "It's all over now." The woman says in response to a question from one of the officers that her husband hit her and beat her. The man says, "Shut up, woman."

The officers continue to talk to them and ask the woman what she wants to do. She says that she is afraid to sign a complaint out of fear of being beaten again by her husband. At this time the husband jumps up and says to the officers, "It's all over, goddamn it, I told you that, now get the fuck out of here." He continues to shout loudly and aggressively at the officers and demands that they leave at once.

What would you do in this situation?

PROBE: What are the reasons for R.'s decision AND/OR "what are you trying to achieve by taking that action?"

Q.4.

DISCRETIONARY INCIDENTS

Incident IV

Time: 2151 hrs.

Subjects: Two WMA's, 18 to 25 yrs.

Situation:

Two patrolmen have responded to a possible 242-245 situation in front of a local bar. Evidently, a fight broke out between one of the above subjects and the victim in the bar. It is not clear how the fight started, but during the fight one of the WMA's pulled a knife and stuck it in the leg of the victim.

After arriving the officers calm everyone down and call for an ambulance for the man. The wound does not appear to be serious but it requires immediate medical attention. The fight took place just outside the front door of the bar and a crowd has now gathered around the scene. One of the officers takes the suspect, who is very calm by now over to the patrol car to question him. Since the man is very calm and cooperative the officer decides to put the man in the back seat of the patrol car to question him. The rear windows are rolled up but the front ones are still rolled down.

While the officer is questioning the suspect the other subject, evidently a friend, comes up and asks the officer, through the front window, what the hell is he doing talking to his friend and goes on to say that he should be talking to the other guy since he started the fight. The officer tells him to leave. The man persists saying that he wants to talk to his friend, that it is illegal for the police to question his friend without a lawyer, etc. The officer tells him to leave immediately. The man says, "You cops are all alike," and begins to scream and yell at the officer.

What would you do in this situation?

PROBE: Why? What are your reasons for "such and such" an action?

Q.5. We would like to know what is considered the "excessive use of force" in this police department. That is, we want to know when a police officer will be "punished" for what is called the "excessive use of force." By punished we mean that an officer is reprimanded, either formally or informally, or, at the other extreme given days off work.

Listed below are some situations where force of one kind or another is used. Indicate which ones you think are unacceptable to the department; that is, those in which the officer would be punished if the department were aware of his behavior.

- (a) A man who has robbed and beaten an elderly person, or who has sexually assaulted a young girl (10 to 14 yrs. of age) or has committed any other outrageous crime happens to receive a few blows on the way to the station.

(1) _____ YES
(2) _____ NO
(7) _____ NO OPINION
(8) _____ D.K.
(9) _____ N.A.

- (b) An officer strikes a man he has arrested with his fist or flashlight after the man calls him a "pig" and uses numerous other obscenities, one of which refers to the officer's relationship with his mother.

(1) _____ YES
(2) _____ NO
(7) _____ NO OPINION
(8) _____ D.K.
(9) _____ N.A.

- (c) An officer pokes a man in the chest several times while lecturing to the man about a 415 family he was involved in.

(1) _____ YES
(2) _____ NO
(7) _____ NO OPINION
(8) _____ D.K.
(9) _____ N.A.

- (d) An officer puts the handcuffs on extremely tight on a man who struggled when the police officers first tried to put them on.

(1) _____ YES
(2) _____ NO
(7) _____ NO OPINION
(8) _____ D.K.
(9) _____ N.A.

- (e) A man is pushed rather hard toward the door of the station by an officer as the man gets out of the patrol car. The man hits the door with a resounding thump. He has been struggling on the way to the station and has spit on the officers several times. He was arrested for drunk driving.

(1) ☐ YES
(2) ☐ NO
(7) ☐ NO OPINION
(8) ☐ D.K.
(9) ☐ N.A.

- (f) An officer hits a man on the side of the head with his flashlight while trying to put the man in the car. The man is bigger than the officer and has been kicking, pushing, spitting, and struggling with the officers in other ways.

(1) ☐ YES
(2) ☐ NO
(7) ☐ NO OPINION
(8) ☐ D.K.
(9) ☐ N.A.

- (g) An officer pushes a man who has called him a "pig" and used other obscenities.

(1) ☐ YES
(2) ☐ NO
(7) ☐ NO OPINION
(8) ☐ D.K.
(9) ☐ N.A.

- (h) As two officers are starting to chase a 484 suspect who is running away from them in a store a friend interferes and tells them to stop. One of the officers gives the man a fist in the side of the head to knock him out of the way and pursues the 484 suspect.

(1) ☐ YES
(2) ☐ NO
(7) ☐ NO OPINION
(8) ☐ D.K.
(9) ☐ N.A.

Q.6. Under what circumstances do you think you would draw and fire your gun?

PROBE: Determine specific circumstances and the Respondent's guidelines.

Q.7. Now, we would like to ask you some questions about the objectives of this department and what the department expects of individual officers. Here is a list of things that are generally considered to be important by police departments (hand respondent the list). We would like you to pick out the five items that, in your opinion, this department considers most important. After you have chosen five items rank these items from most to least important.

(Interviewers: Code most important as 1 and least important as 5. Leave the items R. does not pick blank.)

- () Issue a substantial number of traffic citations.
- () Patrol your beat for potential robberies and burglaries, i.e., make business checks, patrol residential streets, etc.
- () Be active and aggressive on your beat: stop people, check them out, run warrant checks, etc.
- () Attempt to help people when needed, such as listening to them when they have a problem.
- () Maintain courteous and good relations with the public.
- () Actively patrol your beat for drunk drivers.
- () Make a substantial number of good felony arrests.
- () Maintain a professional image.
- () Work effectively with people in keeping the peace.
- () Stay out of trouble (i.e., have few personnel complaints) and follow all departmental rules and procedures

- () _____
- () _____
- () _____

Q.8. Now, take another look at this list and pick out the five items that in your opinion should be most important. In other words, we want to know what you think the five most important objectives should be. Once you have chosen five items then rank them from most to least important.

(Interviewers: Code most important as 1 and least important as 5. Leave items R does not pick blank.)

- () Issue a substantial number of traffic citations.
- () Patrol your beat for potential robberies and burglaries, i.e., make business checks, patrol residential streets, etc.
- () Be active and aggressive on your beat: stop people, check them out, run warrant checks, etc.
- () Attempt to help people when needed, such as listening to them when they have a problem.
- () Maintain courteous and good relations with the public.
- () Actively patrol your beat for drunk drivers.
- () Make a substantial number of good felony arrests.
- () Maintain a professional image.
- () Work effectively with people in keeping the peace.
- () Stay out of trouble (i.e., have few personnel complaints) and follow all departmental rules and procedures.

Q.9. How often do the field supervisors in this department drive by and observe you while you are on a call?

- (1) _____ VERY OFTEN
- (2) _____ OFTEN
- (3) _____ SOMETIMES
- (4) _____ NOT VERY OFTEN
- (5) _____ HARDLY AT ALL
- (8) _____ D.K.
- (9) _____ N.A.

Q.10. How often do the field supervisors in this department actually intervene in a call or situation which you are handling?

- (1) _____ VERY OFTEN
- (2) _____ OFTEN
- (3) _____ SOMETIMES
- (4) _____ NOT VERY OFTEN
- (5) _____ HARDLY AT ALL
- (8) _____ D.K.
- (9) _____ N.A.

Q.10A. Why do (don't) the field supervisors intervene very much when you are handling a call?

PROBE: Why?

Q.11. How often do the field supervisors and Watch Commanders in this department reprimand patrolmen for violations of the rules?

- (1) _____ VERY OFTEN
- (2) _____ OFTEN
- (3) _____ SOMETIMES
- (4) _____ NOT VERY OFTEN
- (5) _____ HARDLY AT ALL
- (6) _____ D.K.
- (9) _____ N.A.

Q.12. What rules are the field supervisors and watch commanders most likely to frequently enforce.

PROBE: Determine violations that supervisors are most likely to reprimand patrolmen for.

Q.13. What are your personal goals for the next five years?

PROBE: Would the officer like to be promoted, if so, to what rank, does he wish to stay in this department, does he want to stay in police work?

Q.14. In order to be promoted to a higher rank in this department one must take and pass a civil service examination. But this examination forms only part of the evaluation of an officer for promotion; ordinarily a police department evaluates other aspects of an officers performance in the department. These evaluations may be part of the promotional process or they may be conducted annually. We would like to know what some of the things officers are evaluated on besides their score on the civil service examination. In other words, we would like to know what an officer must do besides passing the civil service examination in order to get ahead in this department. By this we mean also to get a "promotion" to the investigating units of the department, or generally to be regarded by the supervisors in the department as a good officer.

Here is a list of things that might be important in this regard (hand respondent the list). We would like you to look over this list and pick out the five items that, in your opinion, are considered by the department the most important things in evaluating an officer's performance. Then rank these five items from most to least important. Please feel free to add to the list.

(Interviewers: Code most important as 1 and least important as 5.
Leave items R. does not pick blank.)

- () Complete your education—Go to College.
- () Be able to work independently, without supervision—be able to initiate actions, make decisions, etc.
- () Be able to work effectively with people in keeping the peace.
- () Have no personal or financial problems—bad debts, etc.
- () Follow all rules and regulations of the department and all orders of supervisors.
- () Make a substantial number of felony and misdemeanor arrests.
- () Maintain good relations with the public; be known as an officer who can get along with people, and is always courteous and cool.
- () Be active and aggressive on your beat: stop people, check them out, run warrant checks, patrol for burglaries and robberies.
- () Maintain an image of professionalism.
- () Have very few or no personnel complaints in your file.
- () Have good relations with the supervisors in the department.
- () Be active in community and civic affairs in the community in which you live.
- () _____
- () _____
- () _____

Q.15. Now take another look at the list and pick the five items that you think should be most important in evaluating an officer's performance in the department. Once you have chosen five items, then rank these from most to least important.

(Interviewers: Code most important as 1 and least important as 5. Leave items that R. does not choose blank.)

- () Complete your education—Go to College.
- () Be able to work independently, without supervision—be able to initiate actions, make decisions, etc.
- () Be able to work effectively with people in keeping the peace.
- () Have no personal or financial problems—bad debts, etc.
- () Follow all rules and regulations of the department and all orders of supervisors.
- () Make a substantial number of felony and misdemeanor arrests.
- () Maintain good relations with the public; be known as an officer who can get along with people, and is always courteous and cool.
- () Be active and aggressive on your beat: stop people, check them out, run warrant checks, patrol for burglaries and robberies.
- () Maintain an image of professionalism.
- () Have very few or no personnel complaints in your file.
- () Have good relations with the supervisors in the department.
- () Be active in community and civic affairs in the community in which you live.

() _____

() _____

Q.16.

EVALUATION OF POLICE ACTIONS

Incident I

Time: 1810 hrs.

Subjects: Two WMA's, approximately 31 years

Situation:

Two officers arrived at a residence in response to a 594 neighbor call and proceeded to talk to the informant. He said that earlier in the afternoon his neighbor had broken part of a fence that separated their yards and thrown garbage into his backyard. The officers took a look at the fence and found that several boards had been broken out and garbage was spread all over the man's backyard. The informant said that he wanted to file a complaint against his neighbor.

The neighbor, obviously having seen the police drive up, came out of his house at this time and walked toward the police. The officers approached the man and asked him what was going on. He admitted tearing the boards out of the fence and throwing garbage in the man's backyard; but he said that he was angry and had a good reason. The man (the informant), the neighbor said, continually let his dog run loose, especially in his (the neighbor's) yard. The dog had a habit of crapping in the man's backyard and getting into his garbage cans and throwing garbage all over. In addition, the neighbor claimed that the man played his record player loudly, and when he had been asked to turn it down and keep his dog in his own yard, the man got angry and told him to get screwed. Things had come to a head this morning, the neighbor said, when the dog had spread garbage all over his yard. The neighbor said that he was just returning the garbage.

At this the informant said the man (the neighbor) was a son of a bitch and he still wanted to file charges. After further questioning the officers determined that this had been going on for quite a while and that both men had been guilty of instigating incidents.

At this time the officers told the informant that they were not going to do anything since he had been involved in provoking his neighbor. They told him that he was as guilty as his neighbor and that he was violating the city's leash law. They got in their car and drove off.

Q.16A. What do you think about the refusal of the officers to take any action, do you agree or disagree?

- (1) _____ AGREE STRONGLY
- (2) _____ AGREE SLIGHTLY
- (3) _____ NO OPINION
- (4) _____ DISAGREE STRONGLY
- (5) _____ DISAGREE SLIGHTLY
- (8) _____ D.K.
- (9) _____ N.A.

PROBE: Why or why not?

Q.16B. In general, do you agree or disagree that police officers should ignore situations in which the victim is involved or is a participant in the crime or disturbance?

- (1) _____ AGREE STRONGLY
- (2) _____ AGREE SLIGHTLY
- (3) _____ NO OPINION
- (4) _____ DISAGREE SLIGHTLY
- (5) _____ DISAGREE STRONGLY
- (8) _____ D.K.
- (9) _____ N.A.

PROBE: Why or why not?

Q.16C. In your opinion, how many of the patrolmen in this department would agree with the decision made by the police officers in the hypothetical situation to take no action?

- (0) _____ NONE OF THEM
- (1) _____ A FEW OF THEM (1 to 10%)
- (2) _____ SOME OF THEM (11 to 25%)
- (3) _____ QUITE A FEW OF THEM (26 to 50%)
- (4) _____ MANY OF THEM (51 to 85%)
- (5) _____ ALMOST ALL OF THEM (86 to 100%)
- (8) _____ D.K.
- (9) _____ N.A.

Q.17.

EVALUATION OF POLICE ACTIONS

Incident II

Time: 1736 hrs.

Subject: WMA, 18 yrs.

Situation:

Two patrolmen responded to what they thought was a 415 fight call at a liquor store in their beat. When they arrived they found the clerk at the store with a young white male in his custody. The store owner explained that he caught the young man stealing a bottle of wine (value: \$1.99) and some sandwich meat (value: 89¢). He spotted the youth as he walked out the door and he ran up and grabbed him; a verbal argument between the two ensued and at this point another clerk called the police because he thought a fight might break out.

One of the officers asked the man what he wanted to do. The store owner replied that he had the bottle of wine and meat back and he had warned the youth about coming back in the store again; so far as he was concerned the matter was over. The other officer at this point said that while that was his right, that he was in no way required to file a complaint against the youth, he ought to consider, nevertheless, the consequences of not doing so. The store owner asked the officer what he was talking about. The officer replied, "for all I know this boy here may be a good kid, but I don't know that and neither do you. Many of these kids are using drugs to one degree or another and they are always getting into trouble. If you ignore this violation of the law, he will probably just go someplace else and steal or get into some other kind of trouble. One of the biggest problems we have these days is that people don't respect the law; and it starts when they are kids, like this one. The only way to deal with them is by enforcing the law. That means that you should file a complaint and let the courts and probation department handle it." But the store owner replied that he didn't really care one way or the other, he had his wine and meat back. The officer persisted and said that the only way to prevent crimes like this one and others was to arrest these people; that a small crime like this one was only the beginning. Also the officer pointed out that it would give the police a record of the kinds of things he has been involved in if he gets into trouble again and they could check him out at the station and find out if he has been into other kinds of trouble. He finished by saying that the law was there to be enforced and that was the proper way to handle these situations. He said, "I strongly urge you to file a complaint and make a citizen's arrest." The store owner finally agreed and the young man was arrested for 484 P.C. (citizens).

Q.17A.

What do you think about the officer in the above situation urging the victim to file a complaint against the youth, do you agree or disagree?

- (1) _____ AGREE STRONGLY
- (2) _____ AGREE SLIGHTLY
- (3) _____ NO OPINION
- (4) _____ DISAGREE SLIGHTLY
- (5) _____ DISAGREE STRONGLY
- (8) _____ D.K.
- (9) _____ N.A.

PROBE: Why or why not?

Q.17B.

Now let us suppose that we have a slightly different situation than that described in the incident above. Suppose that the officer responded to a hardware store to pick up a 484 suspect in custody and it turned out to be a little old lady of 71 years who had attempted to walk off with some kitchen utensils. The store owner wants to make an arrest but the officer attempts to talk him out of it saying that the lady is old, probably on a small pension, senile, and its basically a waste of time to arrest her. Would you agree or disagree with the officer in trying to talk the store owner out of filing a complaint?

- (1) _____ AGREE STRONGLY
- (2) _____ AGREE SLIGHTLY
- (3) _____ NO OPINION
- (4) _____ DISAGREE SLIGHTLY
- (5) _____ DISAGREE STRONGLY
- (8) _____ D.K.
- (9) _____ N.A.

PROBE: Why or why not?

If R. disagrees with both Q.17A and Q.17B proceed to Q.17C. If he agrees with Q.17A and Q. 17B or agrees with one and disagrees with the other skip to Q.17D.

Q.17C.

Now let us suppose that the youth involved in the 484 at the liquor store was known to the police as a drug user and that he was suspected of dealing in heroin and other hard drugs. Would you agree or disagree with the officer's attempts to urge the victim to file a complaint?

- (1) _____ AGREE STRONGLY
- (2) _____ AGREE SLIGHTLY
- (3) _____ NO OPINION
- (4) _____ DISAGREE SLIGHTLY
- (5) _____ DISAGREE STRONGLY
- (8) _____ D.K.
- (9) _____ N.A.

PROBE: Why or why not?

Q.17D.

In your opinion, how many of the patrolmen in this department would agree with the decision made by the police officer in the above incident in trying to talk the victim into filing a complaint?
(NOTE: This refers to the first hypothetical situation.)

- (0) _____ NONE OF THEM
- (1) _____ A FEW OF THEM (1 to 10%)
- (2) _____ SOME OF THEM (11 to 25%)
- (3) _____ QUITE A FEW OF THEM (26 to 50%)
- (4) _____ MANY OF THEM (51 to 85%)
- (5) _____ ALMOST ALL OF THEM (86 to 100%)
- (8) _____ D.K.
- (9) _____ N.A.

Q. 18

EVALUATION OF POLICE ACTIONS

Incident III

Time: Anytime

Subject: Patrolman, 3-4 yrs. experience on River City Police Department

Situation:

Patrolman Alfred E. Newman of the River City Police Department considers himself to be a very good police officer. He is hard working, aggressive, and makes a good number of arrests and writes a lot of traffic citations. His belief is that an officer must hustle, that he must make his presence known if he is to prevent crime. Thus he spends a lot of time checking out vehicles—he runs numerous warrant checks, and makes numerous traffic stops. His belief is that this is the major way to make his presence known and to catch felons—burglars and 211 suspects. He does patrol residential areas and businesses but he believes that one rarely catches a burglar or robber in the act. Rather one catches felons by stopping vehicles and checking things out.

He tends to make a lot of arrests for drunk driving, 647f, loitering, curfew violations and other misdemeanors. His attitude is that while these are not terribly serious—with the exception of drunk driving which he considers to be one of the most serious violations—an officer is obligated to enforce the law and, more important, if he lets these things go soon he will get a reputation in his area of being lax, as allowing people to get away with things. According to Newman there are very few good reasons for letting a violation go by and not enforcing the law. Thus Newman believes that one should keep a clean beat, that one should make his presence known by enforcing the law rigorously and by stopping and checking out vehicles.

As a result Newman is somewhat more strict than other officers. He doesn't always cite for a traffic violation but he does make a point of stopping most people—even those that are speeding only five or ten miles over the speed limit or have one, maybe two, equipment violations. Newman has a higher number of traffic citations to his credit than most patrolmen in the department and he has a substantial number of arrests. But only 15 to 20 percent of his arrests are for felonies; the rest are for drunk driving, 647f, loitering, curfew, etc.

Newman is also impatient with those who emphasize the so-called social aspects of police work. For example, he takes a dim view of 415 families and the time he has to spend with people who have personal problems. As he sees it his job is to prevent crime and catch felons rather than worry about husbands who are late with their child support payments and so forth.

CONTINUED

9 OF 10

Q.18A. Do you agree or disagree with Officer Newman's philosophy of patrol work?

- (1) _____ AGREE STRONGLY
- (2) _____ AGREE SLIGHTLY
- (3) _____ NO OPINION
- (4) _____ DISAGREE SLIGHTLY
- (5) _____ DISAGREE STRONGLY
- (8) _____ D.K.
- (9) _____ N.A.

PROBE: Why or why not?

Q.18B. In general, do you agree or disagree with Officer Newman that there are very few violations which an officer should let go by?

- (1) _____ AGREE STRONGLY
- (2) _____ AGREE SLIGHTLY
- (3) _____ NO OPINION
- (4) _____ DISAGREE SLIGHTLY
- (5) _____ DISAGREE STRONGLY
- (8) _____ D.K.
- (9) _____ N.A.

PROBE: Why or why not?

Q.18C. In your opinion, how many of the patrolmen in this department would agree with Officer Newman's philosophy of patrol work?

- (0) ☐ NONE OF THEM
- (1) ☐ A FEW OF THEM (1 to 10%)
- (2) ☐ SOME OF THEM (11 to 25%)
- (3) ☐ QUITE A FEW OF THEM (26 to 50%)
- (4) ☐ MANY OF THEM (51 to 85%)
- (5) ☐ ALMOST ALL OF THEM (86 to 100%)
- (8) ☐ D.K.
- (9) ☐ N.A.

If R. indicates #1,2,3, i.e., that less than 50% of the patrolmen in the department agree with Officer Newman go to Q 18D. If R. indicates #4 or #5 go to Q 19.

Q.18D. Since you have said that most officers in this department would disagree with Officer Newman, would you describe what you believe are the differences between Newman and the patrolmen in this department?

Q.19. Now I would like you to go back and take another look at the evaluative incidents. We want to know how you think your superiors in the department would have wanted the officer to respond in each of these cases.

Q.19A. In general, would the department agree or disagree with the officer's refusal to take any action in the first incident?

- (1) ☐ AGREE STRONGLY
- (2) ☐ AGREE SLIGHTLY
- (3) ☐ NO OPINION
- (4) ☐ DISAGREE SLIGHTLY
- (5) ☐ DISAGREE STRONGLY
- (8) ☐ D.K.
- (9) ☐ N.A.

PROBE: Why or why not?

Q.19B. In general, would the department agree or disagree with the officer urging the victim to file a complaint in the second incident?

- (1) ☐ AGREE STRONGLY
- (2) ☐ AGREE SLIGHTLY
- (3) ☐ NO OPINION
- (4) ☐ DISAGREE SLIGHTLY
- (5) ☐ DISAGREE STRONGLY
- (8) ☐ D.K.
- (9) ☐ N.A.

PROBE: Why or why not?

Q.19C. In general, would the department agree or disagree with Officer Newman's philosophy of patrol work?

- (1) ☐ AGREE STRONGLY
- (2) ☐ AGREE SLIGHTLY
- (3) ☐ NO OPINION
- (4) ☐ DISAGREE SLIGHTLY
- (5) ☐ DISAGREE STRONGLY
- (8) ☐ D.K.
- (9) ☐ N.A.

PROBE: Why or why not?

Q.20. As the final question we would like to know something about the number of arrests and citations you normally make as a patrolman. We would like you to estimate the number of arrests and citations you make in relation to the other patrolmen in this department. Specifically, we would like you to estimate for certain kinds of offenses whether you are in the upper third, the middle third, or the lower third of the department. We will ask you about several different kinds of offenses. For each one think over how many arrests you made during the last year (1972) and give an estimate. If you are unsure try to make a reasonable estimate; however, if you don't know say so.

(Interviewers: Read the remaining instructions only to those officers in departments with two man patrol cars.)

Even though we realize that you have two man cars in this department we would like you, in making your estimates, to treat each arrest you and your partner make as your own. Thus you are actually estimating for both of you.

(a) How many felony arrests (211, 459, 245, 217, 10851 V.C. etc.) did you make in relation to the other patrolmen in this department?

- (1) ☐ HIGH (Upper Third of Patrolmen)
- (2) ☐ MODERATE (Middle Third of Patrolmen)
- (3) ☐ LOW (Lower Third of Patrolmen)
- (8) ☐ D.K.
- (9) ☐ N.A.

- (b) How many drunk driving arrests (23102A) did you make in relation to other patrolmen in this department?
- (1) ☐ HIGH (Upper Third of Patrolmen)
 - (2) ☐ MODERATE (Middle Third of Patrolmen)
 - (3) ☐ LOW (Lower Third of Patrolmen)
 - (8) ☐ D.K.
 - (9) ☐ N.A.
- (c) How many traffic citations did you issue in relation to the other patrolmen in this department?
- (1) ☐ HIGH (Upper Third of Patrolmen)
 - (2) ☐ MODERATE (Middle Third of Patrolmen)
 - (3) ☐ LOW (Lower Third of Patrolmen)
 - (8) ☐ D.K.
 - (9) ☐ N.A.
- (d) How many drunk arrests (647f) did you make in relation to the other patrolmen in this department?
- (1) ☐ HIGH (Upper Third of Patrolmen)
 - (2) ☐ MODERATE (Middle Third of Patrolmen)
 - (3) ☐ LOW (lower Third of Patrolmen)
 - (8) ☐ D.K.
 - (9) ☐ N.A.
- (e) How many other misdemeanor arrests, especially of juveniles (415, loitering, curfew, narcotics, etc.) did you make in relation to the other patrolmen in this department?
- (1) ☐ HIGH (Upper Third of Patrolmen)
 - (2) ☐ MODERATE (Middle Third of Patrolmen)
 - (3) ☐ LOW (Lower Third of Patrolmen)
 - (8) ☐ D.K.
 - (9) ☐ N.A.

TO BE FILLED IN IMMEDIATELY AFTER INTERVIEW IS COMPLETED

1. Were there any interruptions during the interview? () YES () NO. If yes how many and how long was each interruption? _____
2. Was the respondent cooperative during the interview? () YES () NO
3. Were there any questions to which the respondent reacted negatively? () YES () NO. If yes, which questions were these and describe the respondent's reaction. _____
4. Did the respondent appear to be bored or restless? _____
5. Overall, how would you evaluate the respondent's answers to the interview questions, as being honest, evasive, or what? _____

PART II

BASIC DATA SHEET - FIXED CHOICE ITEMS AND BACKGROUND DATA

DATE: _____

Police Department: _____

Interview Number: _____

Time Started: _____

Time Finished: _____

Interviewed by: _____
(sign full name)

Coded by: _____

(sign full name)

Date: _____

Listed below are a number of statements about police work, people in general, and your feelings about your police department. Each statement represents an opinion, and these opinions are neither right or wrong; you will probably disagree with some items and agree with others. I am primarily interested in the extent to which you agree or disagree with such matters of opinion.

Please read each statement carefully, and then indicate whether you agree or disagree by circling the appropriate number below each statement. In choosing a number you must decide not only whether you agree or disagree with the statement, but how strongly you agree or disagree. The numbers and their meaning are as follows:

- If you agree strongly, circle 1
- If you agree somewhat, circle 2
- If you agree slightly, circle 3
- If you have no opinion, circle 4
- If you disagree slightly, circle 5
- If you disagree somewhat, circle 6
- If you disagree strongly, circle 7

First impressions are usually best in these matters. Read each statement, decide whether you agree or disagree and how strongly, and circle the appropriate number. Please give your opinion on each statement.

The second part of this section of the questionnaire contains some general questions about your background. Just fill in the blank or appropriate box. Please be sure to answer every question.

If you have any questions about any item ask the interviewer.

If you agree strongly, circle 1
If you agree somewhat, circle 2
If you agree slightly, circle 3
If you have no opinion, circle 4
If you disagree slightly, circle 5
If you disagree somewhat, circle 6
If you disagree strongly, circle 7

1. In some neighborhoods, one must rigorously enforce all laws just to maintain order and prevent crimes.
1 2 3 4 5 6 7
2. Patrolmen who are always out looking for situations requiring police attention are the ones who usually get into trouble with their supervisors.
1 2 3 4 5 6 7
3. There are two kinds of people in the world: the weak and the strong.
1 2 3 4 5 6 7
4. A really effective patrolman is one who patrols for serious felony violations rather than stopping people for minor traffic violations and other misdemeanors.
1 2 3 4 5 6 7
5. A good policeman will sometimes make an arrest to keep order even if he knows that the charges won't stick.
1 2 3 4 5 6 7
6. In general, in this department there are very few field supervisors who believe in letting patrolmen make their own decisions.
1 2 3 4 5 6 7
7. Generally speaking, the law violators that are difficult to handle come from all classes and you can never tell how a person will react from his appearance.
1 2 3 4 5 6 7
8. A "victim" who is party to a crime or disturbance should probably be ignored by the police and no action need be taken (for example, in the case of a man involved in a fight which he may have helped to start who wishes to press battery charges, etc.).
1 2 3 4 5 6 7
9. In 415 disturbances, malicious mischief calls or petty thefts, a patrolman should never urge the victim to file a complaint.
1 2 3 4 5 6 7

If you agree strongly, circle 1
If you agree somewhat, circle 2
If you agree slightly, circle 3
If you have no opinion, circle 4
If you disagree slightly, circle 5
If you disagree somewhat, circle 6
If you disagree strongly, circle 7

10. There are two kinds of women: the pure and the bad.
1 2 3 4 5 6 7
11. Preservation of the peace requires that the police use their authority to order people to "move along" or "break it up" even though no law is being violated.
1 2 3 4 5 6 7
12. The field supervisors act as if their only job is to enforce the rules and regulations of this department.
1 2 3 4 5 6 7
13. If the crime is not very serious and if it is inconvenient or too difficult to enforce the law, it's okay for a patrolman to let it go.
1 2 3 4 5 6 7
14. The field supervisors always let you know when you do a good job.
1 2 3 4 5 6 7
15. A person is either 100% American or he isn't.
1 2 3 4 5 6 7
16. A patrolman who gets into a lot of beefs when making arrests or talking to people is not a good patrolman.
1 2 3 4 5 6 7
17. If a crime involves a dispute between two people, a fight or petty theft, it is better to handle it informally, by a warning rather than making an arrest.
1 2 3 4 5 6 7
18. It is not good police work to disperse most street corner gatherings or groups of juveniles.
1 2 3 4 5 6 7
19. Patrolmen frequently are found guilty of violating departmental rules and procedures and are consequently penalized severely.
1 2 3 4 5 6 7

If you agree strongly, circle 1
If you agree somewhat, circle 2
If you agree slightly, circle 3
If you have no opinion, circle 4
If you disagree slightly, circle 5
If you disagree somewhat, circle 6
If you disagree strongly, circle 7

20. Patrolmen have well understood but unwritten rules concerning the conduct of fellow officers.

1 2 3 4 5 6 7

21. First impressions are not very important.

1 2 3 4 5 6 7

22. In general, field supervisors in this department are more interested in enforcing petty rules about dress, hair length, and whether or not you wear your hat when you get out of the car or whether you are a few minutes late to work than the sort of job patrolmen do.

1 2 3 4 5 6 7

23. A person who verbally abuses a police officer when he has been stopped for a violation of the law, who calls him names and challenges his authority should be arrested.

1 2 3 4 5 6 7

24. Patrolmen often fail to take necessary police action due to a feeling that supervisors will disapprove of their actions.

1 2 3 4 5 6 7

25. A patrolman who has never had or has only one personnel complaint against him probably isn't doing his job.

1 2 3 4 5 6 7

26. The police are justified in regarding a Negro and/or Mexican-American juvenile as a person who needs to be watched more than others.

1 2 3 4 5 6 7

27. Everybody's behavior should be judged only according to the law; one should not take their background, appearance, culture or age into account when making a decision.

1 2 3 4 5 6 7

28. One of the most important unwritten rules among patrolmen is that each officer should be allowed to make his own decisions and enforce the law as he sees fit.

1 2 3 4 5 6 7

If you agree strongly, circle 1
 If you agree somewhat, circle 2
 If you agree slightly, circle 3
 If you have no opinion, circle 4
 If you disagree slightly, circle 5
 If you disagree somewhat, circle 6
 If you disagree strongly, circle 7

29. The most important function of the police is to provide services and keep the peace.
 1 2 3 4 5 6 7
30. A patrolman will usually get along better on the job with his supervisors if he doesn't go looking for situations requiring police attention, but handles them as situations arise.
 1 2 3 4 5 6 7
31. It doesn't take very long to find out if you can trust a person.
 1 2 3 4 5 6 7
32. A person who has broken the law should be arrested or cited since there are few reasons for not enforcing the law.
 1 2 3 4 5 6 7
33. The main method used by supervisors to keep their men working properly is that of punishment for what they consider ineffective performance.
 1 2 3 4 5 6 7
34. There are some groups of people (hippies, blacks, Mexican-Americans, Oakies, etc.) for whom some types of conduct for example, assaults, family arguments, carrying knives, etc.) are normal even though they may involve crimes, and it is just as well to handle these violations by talking to the people involved, disarming them, etc., rather than making an arrest.
 1 2 3 4 5 6 7
35. Patrolmen who violate important but unwritten rules of conduct cannot be depended on and should be closely watched.
 1 2 3 4 5 6 7
36. There is only one right way to do anything.
 1 2 3 4 5 6 7
37. A patrolman who makes an arrest or issues a citation because of a person's attitude is making a "bad" arrest.
 1 2 3 4 5 6 7

If you agree strongly, circle 1
If you agree somewhat, circle 2
If you agree slightly, circle 3
If you have no opinion, circle 4
If you disagree slightly, circle 5
If you disagree somewhat, circle 6
If you disagree strongly, circle 7

38. When it comes to a problem related to work the only persons a patrolman can trust and depend on are his fellow patrolmen.
- 1 2 3 4 5 6 7
39. In some neighborhood, physical combat skills and an aggressive bearing will be more useful to a patrolman on the beat than a courteous manner.
- 1 2 3 4 5 6 7
40. The field supervisors believe that their only job is to assist patrolmen in doing their job.
- 1 2 3 4 5 6 7
41. A good patrolman is one who aggressively patrols his beat, stopping lots of cars, checking out people, running warrant checks on vehicles that look suspicious and so forth.
- 1 2 3 4 5 6 7
42. A person either answers a question or he doesn't.
- 1 2 3 4 5 6 7
43. It is important and right for an officer to take a person's attitude into account in deciding whether or not to enforce the law.
- 1 2 3 4 5 6 7
44. The department allows patrolmen more than enough discretion in making arrests, issuing citations, or making tactical decisions.
- 1 2 3 4 5 6 7
45. The department expects supervisors to deal with their patrolmen in a very strict manner.
- 1 2 3 4 5 6 7
46. In some neighborhoods, the prevention of crime requires that patrolmen stop people walking down the street, especially juveniles, and ask them where they are going and what they are doing.
- 1 2 3 4 5 6 7
47. A patrolman should not make a lot of arrests for minor violations (e.g., drunks) or issue a lot of citations for minor traffic violations.
- 1 2 3 4 5 6 7

If you agree strongly, circle 1
If you agree somewhat, circle 2
If you agree slightly, circle 3
If you have no opinion, circle 4
If you disagree slightly, circle 5
If you disagree somewhat, circle 6
If you disagree strongly, circle 7

48. Generally speaking, lower income and transient law violators are the most difficult to handle.

1 2 3 4 5 6 7

49. The most important obligation that a patrolman has is to back up and support his fellow officers.

1 2 3 4 5 6 7

50. You can classify almost all people as either crooked or honest.

1 2 3 4 5 6 7

51. In some neighborhood, it's not necessary to patrol aggressively or rigorously enforce all the laws to maintain order and prevent crimes.

1 2 3 4 5 6 7

52. All of a patrolman's free time from calls should be spent patrolling for burglaries and robberies.

1 2 3 4 5 6 7

53. It's a waste of time and takes time away from more important things to arrest someone for possession of 2 or 3 marijuana cigarettes.

1 2 3 4 5 6 7

54. In order to prevent crimes and apprehend felons the police are sometimes required to violate search and seizure laws and other procedural safeguards.

1 2 3 4 5 6 7

55. A patrolman should never arrest a person for drunkenness unless he's falling down and almost passed out.

1 2 3 4 5 6 7

56. We now want you to answer some questions concerning the influence of various groups in this police department. In response to the questions below, we would like you to tell us if the designed groups have:

- (1) LITTLE OR NO INFLUENCE
- (2) SOME INFLUENCE
- (3) QUITE A BIT OF INFLUENCE
- (4) A GREAT DEAL OF INFLUENCE
- (5) A VERY GREAT DEAL OF INFLUENCE
- (8) IF YOU DON'T KNOW

Read the following questions and then circle the appropriate number after each group. If you don't know circle 8.

- 56A. In general, how much say or influence do you feel each of the following groups has on what goes on in this department?

| | | | | | | | |
|--------------------------|---|---|---|---|---|---|---|
| THE PATROLMEN | 1 | 2 | 3 | 4 | 5 | 8 | 9 |
| FIELD SUPERVISORS | 1 | 2 | 3 | 4 | 5 | 8 | 9 |
| WATCH COMMANDERS | 1 | 2 | 3 | 4 | 5 | 8 | 9 |
| COMMAND STAFF (CAPTAINS) | 1 | 2 | 3 | 4 | 5 | 8 | 9 |
| THE CHIEF OF POLICE | 1 | 2 | 3 | 4 | 5 | 8 | 9 |

- 56B. In general, how much say or influence do you feel each of the following groups has on the way patrolmen make decisions in the street.

| | | | | | | | |
|--------------------------|---|---|---|---|---|---|---|
| THE PATROLMEN | 1 | 2 | 3 | 4 | 5 | 8 | 9 |
| FIELD SUPERVISORS | 1 | 2 | 3 | 4 | 5 | 8 | 9 |
| WATCH COMMANDERS | 1 | 2 | 3 | 4 | 5 | 8 | 9 |
| COMMAND STAFF (CAPTAINS) | 1 | 2 | 3 | 4 | 5 | 8 | 9 |
| THE CHIEF OF POLICE | 1 | 2 | 3 | 4 | 5 | 8 | 9 |

We would like some information about your background. Please answer the following questions as completely as possible.

57. Age _____ (fill in present age)

58. Marital Status:

- (1) _____ SINGLE
- (2) _____ MARRIED
- (3) _____ SEPARATED
- (4) _____ DIVORCED
- (5) _____ WIDOWED
- (9) _____ N.A.

59. Sex:

- (1) _____ MALE
- (2) _____ FEMALE
- (9) _____ N.A.

60. What is your ethnic background?

- (1) _____ WHITE/CAUCASIAN
- (2) _____ NEGRO
- (3) _____ MEXICAN-AMERICAN
- (4) _____ ORIENTAL
- (5) _____ OTHER _____ (fill in)
- (9) _____ N.A.

61. Where were you born? (Please give name of city and state)

62. Where did you spend most of your life as a child and adolescent?
(Please give name of city and state)

63. How many years of school have you completed?

_____ (fill in)

64. Are you presently attending college?

- (1) _____ YES
- (2) _____ NO
- (9) _____ N.A.

65. If you are presently attending college what is your major?

_____ (fill in)

66. What college degree(s) do you have? (Check all appropriate blanks)

- (1) ☐ A.A.
(2) ☐ BACHELOR'S OF ART OR SCIENCE
(3) ☐ MASTER'S DEGREE
(4) ☐ OTHER _____
(9) ☐ N.A. (fill in)

67. What kind of full-time jobs did you have prior to becoming a policeman?
(Please list all full-time jobs)

- (1) _____
(2) _____
(3) _____

68. What was your father's occupation when you were growing up?

(fill in)

69. Have you been in the military?

- (1) ☐ YES
(2) ☐ NO
(9) ☐ N.A.

70. If you were in the military service, what was the highest rank you held?

- (1) ☐ PRIVATE
(2) ☐ PRIVATE FIRST CLASS
(3) ☐ CORPORAL
(4) ☐ SERGEANT
(5) ☐ MASTER SERGEANT
(6) ☐ OFFICER (LIEUTENANT OR ABOVE)
(7) ☐ OTHER _____
(9) ☐ N.A. (fill in)

71. How long were you in the military? (Please give years and months)

72. How long have you been a policeman (in this department or any other)?

(fill in years and months)

73. What is your religious preference?

- (1) ☐ PROTESTANT
- (2) ☐ CATHOLIC
- (3) ☐ JEWISH
- (4) ☐ OTHER _____
- (9) ☐ N.A. _____ (fill in)

74. What social class do you think of yourself as being in at the present time?

- (1) ☐ UPPER
- (2) ☐ MIDDLE
- (3) ☐ WORKING
- (4) ☐ LOWER
- (5) ☐ OTHER _____
- (9) ☐ N.A. _____ (fill in)

75. What social class would you say your family was in when you were growing up?

- (1) ☐ UPPER
- (2) ☐ MIDDLE
- (3) ☐ WORKING
- (4) ☐ LOWER
- (5) ☐ OTHER _____
- (9) ☐ N.A. _____ (fill in)

END

7 ables/ma re