Introduction to a Street-Level Bureaucrat: The Police Officer

OBJECTIVES

- Summarize some of the reasons why police officers might commit unethical acts
- Introduce some of the ethical issues that arise within public administration, particularly for police officers
- Provide historical background regarding the role of the police officer in the United States
- Point out some of the benefits and drawbacks with respect to discretion in policing
- Briefly describe the National Institute of Justice police officer survey that is discussed at length in this text

Spectacular scandals illustrate the underlying issue of the performance and accountability of public servants. The video-taped Rodney King beating in Los Angeles, the torture of a Haitian immigrant with a plunger in New York, and the widespread corruption in the New Orleans police force are just a few of the examples found within law enforcement. In North Carolina, police officers struck up e-mail friendships with a 17-year-old Chicago girl that quickly escalated into sexually explicit conversations (Anonymous, 1998). In Wake County, eight deputies were disciplined for exchanging sexually suggestive messages with the girl while they were on duty. The girl's mother said that one deputy sent her daughter a photo of

his genitals. Wake County Sheriff John H. Baker Jr. demoted one deputy and suspended seven for 2 to 4 days (Anonymous, 1998). The most compelling stories are those of officers who are willing to break the "code of silence" and report fellow officers for engaging in misconduct.

These incidents highlight the need for empirical research that will explain why some officers commit these acts and what might prompt other officers to report such examples of misconduct. In light of the heightened sensitivity to ethical decision making, there is growing research interest in the areas of misconduct, corruption, ethics, and moral reasoning within government. In particular, attention has been placed on police ethics. Understanding police officers' attitudes about misconduct is an important step toward understanding ethical and unethical behavior within the ranks.

Police are a unique group of individuals because they seek to prevent crime as their career. Officers are entrusted with a somewhat unique responsibility in our society—to protect other members of society, much like fire fighters and security guards. Officers are required to safeguard property and lives fairly, avoid use of excessive force, avoid corruption, use consistent and wise discretion, keep confidences when appropriate, cooperate with other law enforcement agencies, exhibit exemplary behavior off duty, and balance the ultimate authority—the taking of a life. The vast majority of officers accomplish these goals effectively, serving their communities honorably.

Only a very small percentage of officers are disciplined annually for misconduct in the United States. For example, approximately 3,104 officers, of the over 600,000 sworn officers in state and local departments, were disciplined for unethical behavior from 1990 to 1995 in the United States (Trautman, 1997). Although this is a quite small proportion of the total, the nature of the police task makes even these few a matter of concern. When one officer commits a transgression, the entire agency suffers, particularly when the news media reports the incident.

Steinberg and Austern (1990) summarize some of the reasons why officers might commit unethical acts. Some claim that they did not realize it was against the law, policy, or procedure. Some officers admitted that unethical conduct can be the result of basic stupidity. There are those police officers who believe corruption is a part of the job, that it is required in order to survive their job, or that it is a game. Some of the most destructive reasons in history center around those individuals who believe that he or she is doing the right thing, going along with what the agency requires, or simply just following orders. Other officers admitted

that it was a way to speed up the way the system processes clients, to help out a friend, to abuse the system, to feed their ego, to satisfy their greedy nature, for personal gain, as a type of revenge, or to solve a financial problem (Steinberg & Austern, 1990, pp. 33–55).

Actual misconduct is hard to investigate because of unwillingness on the part of public officials to admit wrongdoing (Klockars et al., 2000). Because answering questions regarding the behavior of others is less threatening, officers may be more willing to answer questions regarding whether they are willing to report others for misconduct as well as their attitudes regarding peer misconduct. Several chapters in this book analyze a large existing data set to measure more precisely officer attitudes regarding peer misconduct and the propensity for those who would report the misconduct of peers. Chapter 1 begins with a thorough examination of variations in behavior among police officers.

Individuals respond in a variety of ways to inefficient and/or inferior working conditions. According to Hirschman (1970), employees who face undesirable work environments can exit the organization, voice their discontent, remain loyal to the organization and ignore the situation, or neglect their work as a passive aggressive response (Farrell, 1983; Rusbult et al., 1982; Rusbult et al., 1988; Withey & Cooper, 1989). Police officers may accept misconduct in their personal values as a passive aggressive response to undesirable working conditions. Officers may tolerate the misconduct of other officers and not report those officers out of loyalty. Some officers, however, may report the misconduct of fellow officers, an act more commonly called whistle-blowing behavior in public service.

Whistle blowers are not disgruntled employees. According to Brewer and Selden (1998), they rank among the most productive, valued, and committed members of their organizations. Whistle blowers are normal people who have a strong conscience, are high performers committed to the formal goals of their organization, and have a strong sense of professional responsibility. Whistle blowers are less motivated by job security and are more motivated by regard for the public interest. They report high levels of job commitment and job satisfaction (Brewer & Selden, 1998).

Police officers, however, are not typically prone to reporting fellow officers for misconduct. The code of silence is well documented within the police culture literature (Human Rights Watch, 1998; Klockars et al., 2004; Skolnick & Bayley, 1986; Skolnick & Fyfe, 1993; Vila & Morris, 1999). Officers who violate the code of silence by reporting fellow officers

are shunned, and any transgressions committed by the reporting officer are exposed (Cancino & Enriquez, 2004; Skolnick & Fyfe, 1993). According to Klockars et al. (2006), agencies weaken the code of silence if they strongly adhere to specific policies that encourage reporting misconduct and policies that impact both officers and supervisors.

The code of silence is just one of several factors influencing the ethical conduct of police officers. Other factors include hiring practices, the demands of the profession, socialization, personal morality, character, and supervision. The following section briefly explores these factors and the conditions under which they arise.

THEORETICAL FRAMEWORK: ADMINISTRATIVE ETHICS

The questions analyzed by this study are fundamental to administrative ethics.

1. What are the differences in ethical attitudes and behavior in street-level bureaucrats and what causes these differences?
2. Do police officers come to public service with strong public service values?
3. Are officers socialized within their agency to commit unethical acts or to uphold ethical standards?
4. Are officers exposed to such stressful and/or unusual working conditions that it leads inevitably to erosion of their commitment to ethical behavior or do officers choose to remain more committed in their ethical values?
5. Is the ethical behavior of officers shaped by the attitudes of peers and the police and actions of their agency?
6. Which of these issues has the greatest impact on the ethical behavior of police officers?

That small percentage of officers who do commit unethical acts during their careers may not be screened during recruitment. Another possibility is that the job itself attracts officers of a certain personality type and/or disposition that are conducive to abandoning public service values when the right conditions exist. The minimum requirements for hiring new recruits may be inadequate by allowing inexperienced, young individuals into a career at a stage of moral development that is not appropriate to a job that

demands the highest moral character. Police officers, in fact, all adults, have a level of moral development that reflects in part their experience. The majority of the population has moral reasoning based on conventional stages of moral development that are guided by moral values, understanding the difference between what is right and what is wrong, and maintaining social order and a sense of duty to others (Kohlberg, 1984).

An alternative possibility is that young recruits have good intentions but have weakly formed ethical attitudes and a naive view of police work. They may be subject to the influence of peers and become disillusioned and "hardened" by conditions they encounter on the force. The police officer's level of moral development before joining the police force will affect how they respond to ethical challenges. Socialization on the force, the process by which officers learn group values and established behaviors, will affect their level of moral development after joining the police force and will alter how they respond to ethical challenges (Lundman, 1980).

Officers who come to the public service with strong public service values may still be ultimately socialized to commit unethical acts through training, peers, and supervisors. Police officers, like public administrators generally, are greatly impacted by peers and supervisors with respect to their attitudes toward misconduct. Their values may be reinforced with professional ethical norms and organizational practices. If the organizational norms of an agency support unethical behavior, then eventually officers will either quit the force out of frustration, join in the undesirable behavior, or alienate themselves from their fellow peers who may be engaging in unethical conduct (Hirschman, 1970). The individual officer's relationship with his or her peers and supervisors will greatly impact which direction the officer chooses.

The demands of the job may be in itself too much for some officers. Facing danger constantly, having unusual working hours and sleep habits, and being continually surrounded by criminals may be too much stress, particularly when experienced over a period of several years (Kenney & McNamara, 1999; Lundman, 1980; Paoline, 2001; Wilson, 1968).

This book also takes into consideration the factors that contribute to an officer's ability to commit unethical acts. Officers, in particular patrol officers, are difficult, if not impossible, to monitor on a daily basis as they work outside the normal confines of an office setting (Walker, 2004). Police officers, like most street-level bureaucrats, enjoy a great deal of autonomy in their jobs. Discretion does not automatically lead to

unethical acts and is necessary in order for bureaucrats to carry out their jobs effectively; however, it does allow the opportunity for unethical acts to occur.

Those who can report misbehavior—the citizens who perceive that they have been mistreated by police officers—are at a disadvantage on several levels. Because most of the citizens who would be prone to complaining are in the process of being arrested, the veracity of their claims is suspect at best. Those that might complain are faced with the fear of reprisal. There is also some skepticism on the part of the citizen who feels that such complaints will fall on deaf ears (Maynard-Moody & Musheno, 2000). In some instances, supervisors who wish to protect their employees do in fact ignore such complaints (Raines, 2005).

There are two primary factors that contribute to the police officer's opportunity to commit unethical and/or criminal acts (Lipsky, 1980; Maynard-Moody & Musheno, 2000; Vila & Morris, 1999). First, the role the police officer plays in society shapes the job he or she performs. The police officer's role also impacts attitudes toward that work. The role an officer plays contributes to the second factor—autonomy on the job. The complaint process and lack of adequate monitoring allow an officer autonomy and wide discretion on the job. Discretion will be covered more extensively in Chapter 2. The section that follows briefly describes the evolution of the police officer's role in society.

THE ROLE OF THE POLICE OFFICER

The Political, Professional, and Community Policing Eras

The role of the police officer has changed dramatically over time. Initially, the police in the United States were merely average citizens without formal training who stood as night watchmen, collected taxes, caught and punished criminals, and enforced the law. As territories were settled and the railroads expanded westward, private police forces and elected governments kept the peace between 1840–1920, but some private citizens in smaller communities became involved in vigilante justice. During this time, however, with the growth of cities and the influx of immigrants, modern policing modeled after the London Metropolitan police force was born. The American version was highly politicized and corrupt, however, relying heavily on favoritism. This was known as the Political Era (Vila & Morris, 1999).

The merit-based system reformed the organizational structure of the police in the early 1900s, beginning what is known as the Professional Era of policing that lasted until the 1970s. By the Depression, the role of the police was to protect the general public from crime, enforce the law, maintain order, and keep the peace; however, diversity was nonexistent, and corruption was still widespread. Many laws were passed improving how officers were chosen and how police organizations were managed, but crime rates continued to increase because of growth in population and urbanization.

With the advent of new technologies in the 1970s, the Professional Era ended, leading to the beginning of Community Policing. Ultimately, the role of the police changed in the 1990s to reflect a growing need for officers to do more than simply respond to criminal activity, but to also work with communities in solving other crime-related problems. Thus, the concept of community policing was born. Community policing not only demands more interaction of the police with members of the community, it also gives members of the community more control over how crime is controlled within their neighborhoods (Vila & Morris, 1999).

Community policing has some drawbacks in that it produces "conflicting demands on police officers and police organizations" (Vila & Morris, 1999, p. xxix). Officers are required to perform multiple roles within a community including counseling, mediating, and enforcing the law. This requires a great deal of autonomy, which can lead to the rise of corruption and/or misconduct (Vila & Morris, 1999). Discretion becomes necessary, allowing both good and harm within the community.

Today, officers are working within the Homeland Security era initiated by the September 11th attacks. This era is characterized by mass hirings in law enforcement, as well as the need for officers to understand terrorism, technology, and weapons of mass destruction. This era focuses on the crime control and prevention model using highly centralized management and organization (Oliver, 2006).

Discretion in Policing

Discretion is inevitable for the street-level bureaucrat (Maynard-Moody et al., 1990). Police officers, in particular, enjoy high levels of discretion given the nature of their job. Does discretion automatically lead to abuse? Are tighter controls and supervision the answer? One problem with tighter controls is that it causes abuse to become more secretive and harder to find. There are existing controls that street-level workers self-monitor. They also

rely on peers, supervisors, and clients to keep themselves in check (Maynard-Moody & Musheno 2000). As Lipsky (1980, p. 23) pointed out, "Discretion provides opportunity to intervene on behalf of clients as well as to discriminate among them." Discretion, then, can provide flexibility for bureaucrats, and limiting discretion can create as many problems as it solves.

Within the police force it is difficult, if not impossible, given the nature of the work to increase supervision significantly in as much as the officer works alone (Lipsky, 1980). In addition to self-controls, officers rely on peers and the complaints from the public to keep them in check. Relying on these resources, however, raises further problems. For example, citizens have difficulty reporting police misconduct (Maynard-Moody et al., 2000). Furthermore, peers can also be corrupt, leading to the corrupt socialization of officers on-the-job (Lundman, 1980).

A 2000 survey reveals that approximately 95% of police departments in the United States have currently adopted community policing (Law Enforcement Management and Administrative Statistics, 2000). Community policing allows policing to retain its autonomous characteristics. This autonomy, in turn, allows officers the opportunity to commit deviant acts; however, discretion alone does not mean that an officer will automatically turn to deviant behavior. The following section takes a more in-depth look at how unethical behavior can arise within an agency.

Given these circumstances, how can misconduct be detected in agencies? One possibility is to examine complaints, but these reports are incomplete and difficult to acquire. An alternative approach is to examine an employee's attitudes toward work, work environment, peers, supervisors, and the unethical behavior of peers and supervisors. The National Institute of Justice (NIJ) has collected data regarding police officer attitudes toward misconduct, officer behavior, and the officer's perception of peer attitudes and behavior.

NIJ POLICE SURVEY

There are several ways to answer these questions regarding whether and how some officers turn to unethical behavior in their careers. These questions can be at least partially answered by looking at officer attitudes and those of their peers and by examining factors that might impact officer behavior. The NIJ conducted a study in 1997 that offers a rare opportunity to analyze police officer attitudes and behavior (Klockars et al., 2004).

The NIJ is an agency under the U.S. Department of Justice whose mission includes conducting research on crime control and justice issues. The NIJ funds millions of dollars annually to individuals and institutions for research and evaluation within the criminal justice system. The 1997 study was funded by the NIJ and conducted by several scholars from different universities. To date, the data have not been analyzed using advanced statistical methods to examine multiple explanations for variations in attitude and behavior, nor have the data been analyzed regarding the impact socialization has on police attitudes and behavior.

The NIJ study measures the attitudes of police officers with experience ranging from 1 to more than 20 years of service in 30 different agencies within the United States. The researchers chose agencies with which they had existing relationships, making the sample one of convenience (Klockars et al., 2004). The NIJ study includes responses from over 3,200 officers in the United States, with an overall response rate of 55.5% (Klockars et al., 2000). The NIJ study has been replicated internationally to over 10,000 officers worldwide. Observational studies of three police agencies in the United States have also been added to this body of work. The NIJ work is primarily used as research in the field of police integrity. The NIJ study has been used by its researchers to measure integrity at the organizational level and to generate practical advice aimed at advising police administrators what they can do to improve organizational integrity through policy (Klockars et al., 2004).

This study begins in Chapter 2 by examining the institutional norms of the law enforcement profession. This is followed by a thorough review of the causes of unethical behavior in street-level bureaucrats, with an emphasis on the police officer, police culture, police ethics, and police use of discretion. Organizational deviance within law enforcement is reviewed in Chapter 3, including those issues raised previously here. Chapter 4 reports on law enforcement ethics training in the United States. Chapter 5 explores the NIJ study, including the survey instrument, the variables, and the data collected. Chapters 6, 7, and 8 analyze that data using descriptive statistics and regression models. The focus of the analysis is on ethical awareness, standards, and action of police officers. The reprint of a published article regarding supervisor behavior can be found in Chapter 9. The final chapter makes recommendations to law enforcement agencies striving to encourage ethical decision making.

DISCUSSION QUESTIONS

1. Are there ever circumstances under which a police officer should violate ethical norms?
2. Can you think of any other ethical issues not mentioned in this chapter that police officers face?
3. Do you agree with Oliver that we are in a Homeland Security era? How is this era similar, and how is it different from the Community Policing era? Does this mean that community policing no longer exists?
4. How can police discretion be effectively and reasonably supervised without interfering with the benefits of discretion on the job?
5. The NIJ study attempts to measure integrity of police officers. Do you think it is possible to measure someone's integrity? What obstacles do you think exist in measuring something like integrity?

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