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# Critical Issues in Policing

## OBJECTIVES

- 1** Understand the purpose and consequences of police discretion.
- 2** Know the legal and extralegal factors that influence police decisions to make an arrest.
- 3** Explain the history of police corruption.
- 4** Grasp the research on police brutality and use of excessive force.
- 5** Understand federal and state laws and policies regulating high-speed chases.
- 6** Know factors that exacerbate police stress.
- 7** Understand how stress affects the performance of police officers and law enforcement agencies.
- 8** Describe the history of women and minorities in policing and the unique problems that these groups face.

## PROFILES IN CRIME AND JUSTICE

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While growing up in inner-city Boston in the 1970s, I saw firsthand the tumultuous relationship between the police and the community. I never was able to buy into the proverbial “officer-friendly” ideal that many others did. But in spite of that, I had a true fascination with law enforcement. In Boston, there were multiple local, state, and county agencies from which to choose. While most of these departments seemed singularly focused, the County Sheriff’s Department appeared to have a multilevel vision and would likely yield the most wide-reaching experience. Knowing that the main divisions of the criminal justice system are law enforcement, courts, and corrections, I believed that the County Sheriff’s Department would be the best way to explore each. In January 1988, I was deputized and my quest to understand the criminal justice system was more fully under way.

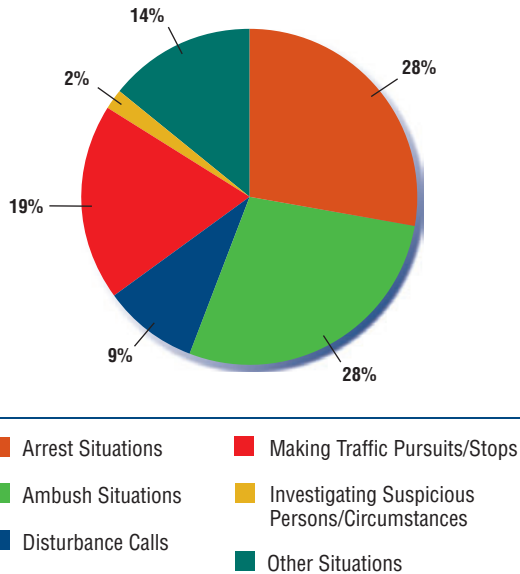
After being deputized, my first assignment was running an inmate-housing unit in the county jail. This experience was the first real exposure that I had to the correctional system. Custody is where new deputies get to decide if they have what it takes to work for the county. When you walk into a secure facility and that big metal door slams behind you, it is sobering to know that you are locked in with the same offenders you read about in the morning papers or saw on the evening news. My first assignment was in the homicide unit in the county jail. To work there, you need to be firm, but fair, and always watch your back. This is by far the hardest part of being a deputy sheriff. You have to cut your teeth in the jail before you can move into other responsibilities in a sheriff’s department. For the deputies who never get assignments outside of the jail, many liken it to doing a 20-year sentence, 8 hours at a time. The one constant shared by inmates and deputies in jails across the country is that both are trying to get out of the jail and onto the streets with the same amount of eagerness.

Many sheriffs’ deputies get promoted to the street after only a few years working in jails. Being on the street can mean many things. It could mean patrol, warrant management, motorcycles, or the transportation of inmates. Although these are very different assignments, the main issue is a sense of freedom, not being confined to the jails. After several years working in the jail, I remember the overwhelming sense of relief when I finally hit the street. The assignment didn’t matter—what mattered was not being in the jail. Patrol is the glory assignment for deputies. Although most deputies have a certain cop mentality, it is when you are on patrol that you feel most connected to the role and identity of law enforcement. Because state police departments are often understaffed and many city departments are overtaxed, it is the sheriff’s department that patrols and handles many calls in suburban and rural areas. Of course, these responsibilities also bring new levels of both danger and awareness.

Many jurisdictions also use sheriff’s deputies as security in county courts. Being a court officer is a mixed bag: You get to be out of the jail, but you are also off the streets. The hours can be long and often boring, but the work is extremely necessary. Court duty can lull you into a false sense of security, but at a moment’s notice you may have to spring into action to protect the occupants in a courtroom and quell any disturbances. Like many other assignments, being a court officer is a thankless job, yet one that is embraced by many deputies. After a decade and a half as a sheriff’s deputy, I have come to believe that deputies are the backbone of the entire criminal justice system, and that deputies enjoy the best of all possible criminal justice worlds.

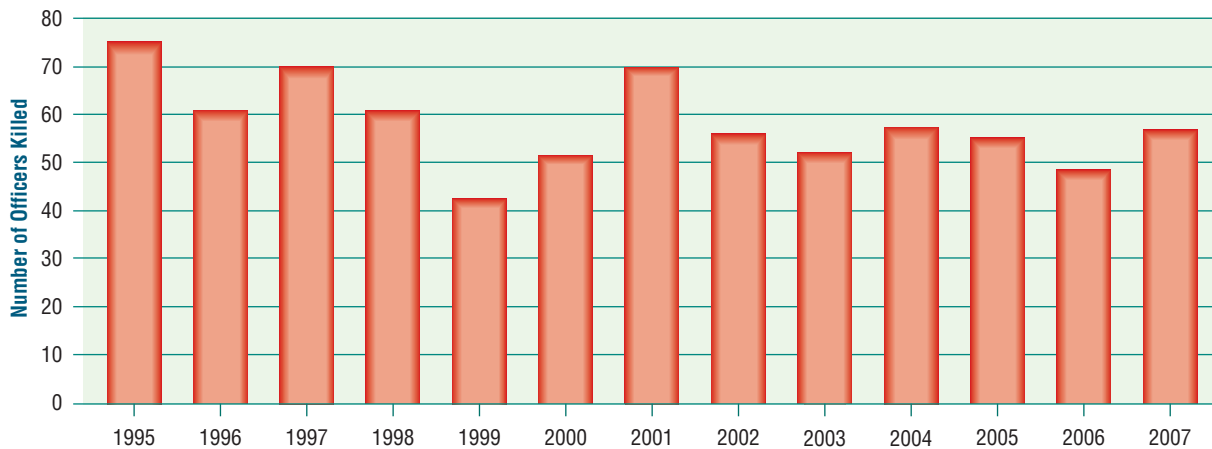
**Introduction**

Police officers work in one of the most dangerous professions.<sup>1</sup> On a daily basis they may confront violent or angry people, and occasionally they may be assaulted or killed in the line of duty (see **FIGURE 6-1**).<sup>2</sup> From 1998 to 2007, 549 officers were feloniously killed in the United States (see **FIGURE 6-2**).<sup>3</sup> On June 26, 2008, their job was made more difficult when the U.S. Supreme Court ruled in *District of Columbia v. Heller* that Americans have a right to own guns for self-defense and hunting.<sup>4</sup>



**FIGURE 6-1** Percentage of Police Officers Feloniously Killed or Assaulted in Different Situations, 2007

Source: Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted, 2007* (Washington, DC: U.S. Department of Justice, 2008).



**FIGURE 6-2** Law Enforcement Officers Feloniously Killed, 1995–2007

Source: Federal Bureau of Investigation, *Law Enforcement Officers Killed and Assaulted, 2007* (Washington, DC: U.S. Department of Justice, 2008).



## Headline Crime

### *District of Columbia v. Heller*

On June 26, 2008, the U.S. Supreme Court ruled in *District of Columbia v. Heller* that Americans have a right to own guns for self-defense and hunting. Dick Heller, a 66-year-old, armed security guard, sued the District of Columbia after it rejected his application to keep a handgun at his home for protection. In a 5–4 decision, the Court’s ruling struck down the District of Columbia’s 32-year-old ban on handguns, stating that the ban was

incompatible with the scope of the Second Amendment.

The Second Amendment states: “A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.” In *Heller*, the issue before the Court was whether the Second Amendment permits an individual to own guns no matter what, or whether the right to own guns is tied to service in a state militia. As a re-

sult of the Court’s ruling, the National Rifle Association said they would file lawsuits in Chicago, San Francisco, and other jurisdictions challenging the laws they have in place restricting ownership of handguns.

Sources: *District of Columbia v. Heller*, 554 U.S. --- (2008); “Supreme Court Says Americans Have Right to Guns,” available at <http://www.comcast.net/articles/news-general/20080626/Scotus.Guns/>, accessed August 26, 2008.

That said, on every shift, officers must make difficult decisions about how to handle suspects and when to exercise discretion in stressful situations such as in high-speed chases and cases that require the use of deadly force. Sometimes they cross the line and apply unnecessary or inappropriate force against citizens. In addition to the issues of stress, deadly force, and brutality, police departments constantly face challenges in the form of corruption.

### Police Discretion

At the heart of policing is discretion. When deciding whether to use discretion, police officers typically ask themselves three questions:

1. Should I intervene?
2. What should I do?
3. How should I do it?

These are difficult questions to answer, particularly when he or she must make a critical, split-second decision about how the law should be applied.

Formally, **police discretion** is the authority of officers to choose one course of action over another. They may use discretion in deciding whether to stop and question two youths walking down a sidewalk, to assist a motorist stalled at the side of the road, to release a criminal suspect, or to search a vehicle for illegal drugs. Discretion is so widely used by police because it is not possible to have rules that would cover every possible specific situation. A policy of **full law enforcement**, in which officers respond formally to all suspicious behavior, is impractical for several reasons:

- Most violations are minor and do not require full enforcement.
- The criminal justice system has insufficient resources to react formally to all violations of law (see **TABLE 6–1**).
- Full enforcement would mean that the majority of officers’ time would be spent completing paperwork and testifying in court, not policing the streets.
- Even well-defined legal statutes are sometimes vague and open to interpretation.
- Full enforcement would create an extraordinary strain between the police and the public, reducing citizen cooperation and possibly increasing crime.

**TABLE 6-1** Average Ratio of Police Officers per 1000 Residents

Population Served	Number of Officers per 1000 Residents
All sizes	2.5
250,000 or more	2.5
100,000–249,999	1.9
50,000–99,999	1.8
25,000–49,999	1.8
10,000–24,999	2.0
2500–9999	2.2
1000–2499	2.6

Source: Adapted from Matthew Hickman, and Brian Reaves, *Local Police Departments, 2003* (Washington, DC: U.S. Department of Justice, 2006).

Because full enforcement is not a realistic approach in policing, agencies practice **selective law enforcement**, in which officers will under-enforce some laws and over-enforce other laws. In Denver, for instance, possession of less than one ounce of marijuana is an under-enforced law, whereas laws prohibiting driving impaired or speeding in a school zone are strictly enforced. While on its face selective law enforcement is a practical approach for policing, it also brings its own challenges. Selective enforcement has historically proven to be problematic for three reasons:

1. It is inherently unfair that police respond differently to similar situations.
2. Officers may abuse their power, targeting specific individuals or populations.
3. Selective enforcement may lead to favoritism and corruption, with those empowered to choose being able to help their friends, take bribes, and threaten parties from whom they desire favors.

Despite these concerns, discretion is an essential component of policing. Selective enforcement may certainly be warranted for minor offenses. For instance, in some circumstances, a warning may be equally effective as an arrest at preventing future violations without draining the government's legal resources.

In particular, discretionary authority is used by police when making decisions to arrest suspects. Only about 13 percent of encounters between police and suspects result in arrests.<sup>5</sup> In an ideal world, police might use only legal criteria to make their arrest decisions. In reality, studies have found that extralegal factors such as sex, race, and socioeconomic class influence police decisions as well (see **TABLE 6-2**).

## Legal Factors

### Seriousness of the Offense

People who engage in more serious crimes are more likely to be arrested than are those who commit minor offenses.<sup>6</sup> A suspect is also more likely to be arrested if he or she possesses a weapon.<sup>7</sup> In addition, crimes that are perceived by police as sophisticated, premeditated, or malicious more often result in arrest.<sup>8</sup>

### Prior Arrest Record

Police are more likely to arrest persons who have previously been arrested. For example, juveniles with five or more previous arrests account for more than 66 percent of juvenile arrests, whereas first-time offenders account for only 7 percent of those taken into custody.<sup>9</sup> This factor is more likely to become an issue when the decision about whether to formally process a suspect is made at the police station rather than on the street, although



**TABLE 6-2** Factors Influencing the Decision to Arrest**Legal Factors**

*Offense Seriousness:* People who commit more serious offenses are more likely to be arrested.

*Prior Arrest Record:* Police are more likely to arrest persons with a prior arrest record.

*Presence of Evidence:* When police have strong evidence, they are more likely to arrest the suspect.

*Suspicious Behavior:* Police are more likely to arrest people who engage in behavior that is out of place in the specific circumstances (e.g., wearing a heavy coat in hot and humid weather).

**Extralegal Factors**

*Race and Ethnicity:* Research has produced mixed results regarding the relationship between race and arrest.

*Attitude and Disrespect:* Suspects who are disrespectful of police are more likely to be arrested.

*Sex:* Research on the relationship between sex and arrest has been mixed.

*Social Class:* Police generally treat poor and wealthy persons similarly for comparable offenses.

*Demeanor:* Persons who show a hostile demeanor are more likely to be arrested.

*Characteristics of Police Officers:* Younger, less educated, and African American police officers are the most likely to arrest suspects.

*Organization of Police Departments:* The social organization of the police agency has only a small effect on the arrest decision.

studies have shown in general that police consider having a prior record as confirmation of the suspect's involvement in criminality.<sup>10</sup> Whether there exists a relationship between prior arrest record and arrest decisions is arguable. In many instances, arrests are made before police know anything about a suspect's criminal background. It could be that people with prior arrests might commit more crimes and, therefore, are more likely to get arrested again.

**Presence of Evidence**

Police have sufficient evidence to link a suspect to a crime in approximately 75 percent of police–citizen contacts, and nearly 20 percent of these cases result in an arrest. In contrast, when no situational evidence is available, only 0.5 percent of cases result in arrest.<sup>11</sup> Suspects are significantly more likely to be arrested when more evidence is present—for example, when an officer hears a suspect confess, hears others talking about the suspect's involvement in the crime, observes physical evidence, or personally sees the suspect commit the act.<sup>12</sup>

**Suspicious Behavior**

Merely acting suspicious does not provide a legal justification for an arrest. Yet, a police officer's decision to stop and possibly arrest a suspect often begins when the officer has reasonable suspicion—for example, when observing someone engaging in “out-of-the-ordinary” behavior, such as wearing a long coat while shopping in a department store during the heat of the summer or driving a car very slowly in a neighborhood known for drug sales.

**Extralegal Factors**

Extralegal factors are elements of a police–citizen encounter or characteristics of a suspect or of the officer that have nothing to do with the actual crime, but may influence the decision-making process. Factors such as race, ethnicity, sex, social class, and demeanor may all affect an officer's perception of a suspect. The decision to arrest, which is usually based on probable cause that a crime was committed and the person committed the crime, may also be influenced by behavioral cues such as the person's appearance, the location, or the time the suspect is observed.



The presence of physical evidence of a crime significantly increases the likelihood of arrest.

## Race

Extensive research on the relationship between race and police discretion has produced mixed findings. Most research shows that police decision making is affected by the race and ethnicity of a suspect for comparable offenses.<sup>13</sup> Proportionally, police arrest more African Americans than whites (see Chapter 3).<sup>14</sup> A variety of explanations have been suggested for this disparity:

- Law enforcement agencies receive a disproportionate number of calls for assistance from African American neighborhoods and, therefore, assign more vehicles to patrol those neighborhoods, which results in more opportunities to observe persons engaging in crimes.<sup>15</sup>
- Police stop and question African Americans at higher rates, and record these encounters, which increases the likelihood that arrests will be made.<sup>16</sup>
- Police perceive African Americans as being more likely to engage in serious crimes than whites.<sup>17</sup>
- African Americans commit a disproportionate amount of serious criminal behavior.<sup>18</sup>

At least one study found that police treat minorities more leniently than they treat whites, although the majority of African Americans continue to believe that they are personally harassed by the police, that police surveillance is discriminatory, and that clear racial differences exist in terms of who police officers watch and stop.<sup>19</sup> The vast amount of research on police–citizen encounters does support claims of racial bias by police. Evidence of police suspiciousness of minorities by police frequently produces hostile feelings among African Americans toward police. As a consequence, African Americans are more likely to interact with police in a more antagonistic or disrespectful manner than whites, which may in turn produce a greater likelihood of arrest.<sup>20</sup>

## Sex

Research has shown that police officers are more suspicious of males than of females. In fact, one study found that more than 84 percent of police officers agreed with the statement that “If two or more males are together, they are probably committing a [criminal] act.”<sup>21</sup> Males generally commit much more serious crimes more often than females, and men are significantly more likely to be arrested than women (see Chapter 3).<sup>22</sup>

Some studies report that women are treated more leniently in the criminal justice system than men, although other studies have not confirmed this finding.<sup>23</sup> For example, researchers have found evidence to support the following assertions:

- Police generally treat female suspects more leniently, but they are more likely to arrest females than males for sex offenses.<sup>24</sup>
- Police treat females with greater compassion, even when the case is serious.<sup>25</sup>
- Although females who commit serious felonies are less likely to be arrested than men, they are more likely than men to be arrested for less serious crimes.<sup>26</sup>
- Police officers adopt a more paternalistic and punitive attitude toward young females in an attempt to deter them from engaging in further inappropriate sex-role violations.<sup>27</sup>
- Females who violate middle-class expectations of traditional female roles do not receive more lenient treatment by police.<sup>28</sup>

## Social Class

Most research has found that the police treat people similarly for comparable offenses regardless of the suspects’ social standing, although the seriousness of offending varies



African American police officers act more harshly toward African American citizens than do white officers.





The attitude and demeanor of the suspect may influence the decision of a law enforcement officer to issue a ticket, take a suspect into custody, and, possibly, make an arrest.

between classes.<sup>29</sup> Researchers report that suspects police encounter in lower-class neighborhoods are more likely to be arrested than persons stopped in middle- or upper-class areas.<sup>30</sup> This difference may, in part, reflect two facts: (1) lower-income persons are more likely to be repeat offenders and (2) persons from lower-class neighborhoods account for a larger proportion of petty offenses that generally result in high arrest rates.<sup>31</sup> In addition, police allocation of resources (patrolling activities) is influenced by neighborhood-level social class. Although individual officers may respond to suspicious behavior consistently across classes, police may be more likely to observe suspicious behavior in neighborhoods characterized by lower socioeconomic status, simply because they tend to have a greater presence in those communities in the first place owing to the larger number of calls from

the public reporting crimes.

Social class also plays a role in police arrests of juveniles. That is, juveniles from middle- and upper-class families are often treated more leniently (perhaps their families have more resources to help minimize their involvement with the juvenile justice system), whereas parents of lower-class youths more frequently look to the police and probation officers to help them control their children.<sup>32</sup>

### Demeanor

Theoretically, for law enforcement officers to make an arrest, they must have probable cause based on evidence that a crime was committed and the person probably committed that crime. Research, however, has found that extralegal factors, such as the suspect's race, sex, and socioeconomic class, may influence (even though they should not) the arrest decision. In fact, the attitude or demeanor of the suspect typically affects the arrest decision-making process.<sup>33</sup> Studies repeatedly show that the arrest decision is based on character cues present in police–citizen encounters, such as the suspect's age, demeanor, dress, and race. In fact, the individual's demeanor is one of the most important predictors of arrest decisions in 50 to 60 percent of the cases.<sup>34</sup> An arrest is a more likely outcome for individuals who disrespect police.<sup>35</sup> A suspect who is hostile is nearly three times more likely to be arrested than one who is friendly.<sup>36</sup>

When police are initially trying to establish a relationship with a suspect, they may interpret his or her demeanor as evidence of acceptance or rejection of their attempt to build trust. Such failure to display an appropriate attitude (i.e., deference to authority, contriteness, politeness) is often viewed by officers as a violation of that trust and, therefore, is more likely to lead to an arrest.<sup>37</sup> Noncompliance or verbal resistance in front of other officers further increases the likelihood of arrest. At least one study has reported that suspects who are hostile toward an officer in the presence of other police are four times more likely to be arrested than friendly suspects.<sup>38</sup>

Police may also treat citizens with disrespect, though this kind of unprovoked behavior is relatively rare. Disrespectful behavior by police varies widely based on the suspect's age. It has been found that police are three times more likely to be disrespectful to teenagers than to senior citizens.<sup>39</sup> Studies have also shown that a suspect's race also may elicit disrespect from some police officers. Most interestingly, minority suspects experienced disrespect less often than whites.<sup>40</sup>

### Additional Extralegal Factors

Characteristics of the police officers themselves may also affect the arrest decision:<sup>41</sup>

- Younger officers are more likely to arrest suspects than older officers.<sup>42</sup>
- College-educated officers are less likely to make arrests than officers with no college education.<sup>43</sup>

- African American officers generally adopt a more aggressive patrol style and make proportionally more arrests than white officers, especially among African American citizens.<sup>44</sup>
- Female and male police officers arrest suspects at about the same rate.<sup>45</sup>

In addition to these personal characteristics, aspects of the social organization within an officer's own police department may affect the arrest decisions that he or she makes. For example, James Q. Wilson found that three factors related to how a police agency is structured influence the way officers treat suspects:<sup>46</sup>

- Department organization
- Strength of connections to the local community
- Formal and informal organizational norms

Wilson reported that in bureaucratized agencies characterized by direct supervision of officers, police are expected to apply a strict interpretation of department rules when dealing with suspects. In contrast, police officers in more fraternal agencies without systematic rules that guide decision making use personal judgments to make arrest decisions, which are then affected by individual and situational differences.

Wilson's study suggests that a combination of centralized management and close supervision creates situations where officers in the field are more likely to follow department policy. Other studies have demonstrated that departments with greater bureaucratic control are also more likely to have policies emphasizing counsel and release dispositions, which results in higher rates of counseling and releasing of suspects. By contrast, in departments characterized by low bureaucratic control, an emphasis on following department policies has little effect on disposition rates.<sup>47</sup> However, contrary to Wilson's assertion, when criminologist Robin Engel and her colleagues examined the effect of close supervision on arrest decisions in a recent study, they reported that management styles of police supervisors had little or no impact on the decision to arrest.<sup>48</sup>

## ■ Regulating Police Discretion

Police discretion is a double-edged sword. Justice is not being evenly applied to all members of society, and so some citizens may be denied due process of law or given preferential treatment.<sup>49</sup> As a result, police administrators develop safeguards through written rules and technology to help regulate police discretion.

Written rules are the most widely used method for controlling discretion. These rules provide police officers with guidelines about which actions they may take in specific situations. Nearly every municipal and county law enforcement agency today has specific regulations for controlling the following issues:

- When force may be used and to what extent
- How and when to participate in high-speed chases
- How to handle special populations (e.g., juveniles, mentally ill persons, and the homeless)
- How many hours per week police may work
- Which types of employment police may accept outside of their regular shift hours<sup>50</sup>

In addition to written rules, police administrators may rely on technological developments to track officers while they are on duty. For example, the Automatic Vehicle Locator (AVL) system uses a Global Positioning System (GPS) device to monitor patrol cars. With an AVL system, a police dispatcher can pinpoint the longitude, latitude, ground speed, and course direction of every patrol vehicle in operation at a given time; the dispatcher can also route the vehicle to a particular location if necessary. The AVL



## Headline Crime

### Cop Moonlights as Prostitute

A New Zealand policewoman who was moonlighting as a prostitute was censured by the Auckland Police Department. Prostitution is legal in New Zealand, and police officers are permitted to take approved second jobs, but the Auckland police department decided that prostitution was unauthorized for officers, even when they are working undercover. The officer

had moonlighted as a prostitute only for a short time to make some extra money before her concealed activity was uncovered, though neither her name nor her rank were made public.

The officer was allowed to keep her day job as a police officer but was told that she would have to give up her job as a prostitute. When asked

about the officer's activity in the sex trade industry, New Zealand Police Minister Annette King said it would be inappropriate for her to comment because the matter was an internal police employment issue.

Source: "Lady Cop Goes Undercover . . . Um . . . Really Undercover," *FoxNews.com*, July 20, 2006, available at <http://www.foxnews.com/story/0,2933,204774,00.html>, accessed August 5, 2008.

system provides dispatchers with real-life snapshots of the locations of police vehicles so that they can advise citizens as to when an officer will arrive. This system also reduces police response time because the dispatcher can direct the closest patrol vehicle in the area to the scene. With this approach, administrators are able to more closely monitor officer activities.<sup>51</sup>

## Police Corruption

As with any position of power, there is always the potential for **corruption** within police departments—that is, the misuse of authority by officers for the benefit of themselves or others. There are innumerable ways for an officer to become involved in corruption: Some seek out opportunities for economic gain, some are tempted as they observe other officers engaging in corrupt activities, and some find themselves becoming corrupt as a result of bad decisions involving deals made with criminals. Some corrupt activities are benign, whereas others are much more serious.

Criminologists such as Julian Roebuck and Tom Barker have developed typologies of police corruption that group such actions into conceptual categories in increasing order of seriousness.<sup>52</sup> These categories are as follows:

- *Corruption of authority.* The most common form of corruption occurs when an officer accepts a small gratuity for services, such as a free meal for being at a restaurant while in uniform.<sup>53</sup>
- *Kickbacks.* An officer may receive goods or services for referring business to individuals or companies.
- *Opportunistic theft.* Officers may take advantage of situations they are in—for example, stealing from intoxicated citizens.<sup>54</sup>
- *Shakedowns.* An officer may extort money from a citizen with a threat to enforce a law if the officer is not paid, or an officer may offer to accept a bribe in return for ignoring an offense.<sup>55</sup>
- *Protection of illegal activities.* Officers may systematically accept bribes for protecting ongoing criminal activity, thereby allowing individuals and businesses to commit crimes, such as those committed in drug operations.<sup>56</sup>
- *"Fixing" charges.* Police sometimes undermine criminal investigations or proceedings—for example, "fixing" a traffic ticket by failing to show up to testify in court against the defendant.

- *Direct criminal activities.* Some police commit crimes against persons or property, such as forcing a prostitute to engage in sex or using their patrol vehicles to transport drugs for dealers.<sup>57</sup>
- *Internal payoffs.* Officers may barter, buy, and sell favors to other officers, such as falsifying scores on promotional exams.<sup>58</sup>
- *“Flaking” or “pudding.”* An officer may place a firearm at a crime scene to give the impression that a suspect who was shot and killed by police was armed so as to justify the shooting.<sup>59</sup>

In addition, **noble cause corruption** is a type of corruption that some police and civilians promote because they believe it is justified—that is, because it serves the greater public good. For example, some officers and citizens believe that police should be permitted to beat confessions out of known murderers or to fabricate evidence against known child rapists so that they will be convicted and be put behind bars.<sup>60</sup>

## ■ Department Corruption

Entire departments also may be corrupt. Corrupt departments range from those where there are only a few dishonest officers to those characterized by pervasive organized corruption.

When police supervisors are asked about corruption, many will admit that a few corrupt officers accept bribes and sometimes commit crimes. Few will admit to the existence of small groups of corrupt officers who work together in a manner similar to a criminal gang. On the agency level, criminal activity may be widespread but unorganized (i.e., officers regularly take advantage of situations without coordination or discussion among other officers), or it may be organized into a complex system of corruption replete with payoffs, theft, and extortion.

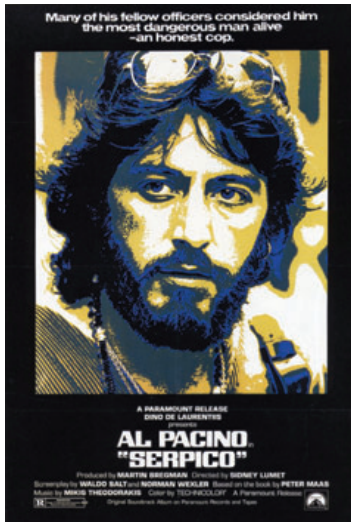
## ■ Investigating Police Corruption

If widespread corruption is discovered, city managers or mayors may form a commission to investigate the breadth and depth of the illegal activities. The most important commissions to investigate police corruption in the United States to date have been the Chicago Crime Commission, the Wickersham Commission, the Knapp Commission, and the Mollen Commission.

Begun in 1919 to combat organized crime, the *Chicago Crime Commission* was the first of these watchdog groups to be formed, and it continues to operate today. The purpose of the Commission is to keep a watchful eye on organized crime throughout Chicago. Today, the Commission’s efforts focus on monitoring the city’s criminal justice system primarily for carelessness, corruption, and leniency. The Commission is also a strong proponent of a more efficient criminal justice system in Chicago and promotes deterrence through severe punishment.<sup>61</sup>

In 1929, President Herbert Hoover appointed George Wickersham to head the *Wickersham Commission*, which was charged with identifying the causes of crime, recommending social policies for preventing it, and examining the failure by federal, state, and local police to enforce Prohibition, which had been established by the Eighteenth Amendment in 1920.<sup>62</sup> In their report, the members of the Commission documented innumerable instances of police participating in bribery, entrapment, coercion of witnesses, fabrication of evidence, and illegal wiretapping. Curiously, the Commission recommended to President Hoover that Prohibition should not be repealed. Its recommendations on that front were ignored, however, and in 1933 Congress passed the Twenty-First Amendment repealing Prohibition, with state ratification conventions quickly endorsing the amendment.

The *Knapp Commission* was formed in April 1970 by Mayor John Lindsay to investigate police corruption inside the New York City Police Department (NYPD). Its roots



Immortalized by Al Pacino in the film *Serpico*, Frank Serpico blew the lid off corruption in the NYPD.

can be traced to the publicity generated by the public revelations of police corruption made by patrol officer Frank Serpico and Sergeant David Durk. Following an exhaustive review of hundreds of documents and countless interviews with officers and supervisors, the Knapp Commission issued its final report in 1973. It identified two types of corrupt police officers: **grass-eaters** (those who accept bribes when offered) and **meat-eaters** (those who aggressively misuse their power for personal gain). It was the conclusion of the Knapp Commission that the majority of corrupt police officers were in the former category.<sup>63</sup>

In 1992, Mayor David Dinkins appointed former judge Milton Mollen to head a commission to once again investigate corruption in the NYPD. The *Mollen Commission* issued its final report in 1994, concluding that the corruption it uncovered in the NYPD was different from what the Knapp Commission had found just two decades earlier. Corruption in the 1970s was largely a matter of accommodation: criminals and police officers giving and taking bribes, and buying and selling protection. In other words, corruption was consensual. By the 1990s, however, corruption had become characterized by brutality, theft, abuse of authority, and active police criminality. Corruption within the NYPD was not merely widespread, but well organized and allowed to persist by Internal Affairs investigators and high-level police officials who turned a blind eye to its presence. The Mollen Commission charged that virtually all of the corruption it unearthed involved groups (“crews”) of officers who protected and assisted one another’s criminal activities. On average, each of these “crews” consisted of 8 to 12 officers, who operated with set rules and used a group name. They worked in flexible networks, planning and coordinating their criminal raids with the help of intelligence, communications, and special equipment from their departments.<sup>64</sup>

## Reasons for Police Corruption

There are many explanations for police corruption, including:

- *Limited accountability.* Police are often under minimal supervision and, therefore, are not held accountable for many of their actions.
- *Officer secrecy.* The police subculture isolates officers from the public, creating a “blue wall of silence” that prevents police from “snitching” on one another or discussing police business with outsiders.
- *Managerial secrecy.* Supervisors are not exempt from the police subculture and often buy into the “code of silence.” As a consequence, they may hesitate to investigate charges of corruption due to group loyalty.

Studies have shown that certain characteristics help explain the predictability of police corruption:

- *Pre-employment history.* Officers whose life histories include records of arrest, traffic violations, and failure in other jobs are more likely than others to become involved in corruption.
- *Education.* Officers who hold associate or higher degrees are less likely to be terminated due to criminal involvement.
- *Training.* Officers who do well at the police academy’s recruit training program are less likely than marginal recruits to eventually be terminated due to corruption.
- *Diversity.* Agencies with more racial and ethnic diversity among officers tend to have less corruption.<sup>65</sup>

The message to police administrators is clear: To minimize corruption, police agencies must hire officers with clean histories and strong educations. Once hired, officers must be well trained and closely supervised to make certain that minor problems with



the department's internal disciplinary system do not escalate into career-ending misconduct.<sup>66</sup> Police supervisors must admit when corruption exists and confront the problem. Furthermore, they must recognize that corruption often begins at the top and drifts downward through the ranks, so police managers must lead by example. Sincere and candid administrators establish the parameters for what is considered acceptable behavior, which strongly affects the recruitment and promotion processes.

## Police Brutality

**Police brutality** is the unlawful use of force. It consists of excessive force and all "unnecessary force" used by police. Use of excessive force by a police officer is a crime.

The use of excessive force by police officers is an unfortunate but constant aspect of policing history. As early as 1931, an investigative commission found the widespread, systematic using coerced confessions with force, violence, and psychological threats as well as many incidents of excessive force during street encounters with suspects.<sup>67</sup> Even today, the Human Rights Watch Organization estimates that thousands of incidents of police use of excessive force take place each year, only a fraction of which are reported and even fewer are formally investigated.<sup>68</sup>

A commission formed after the 1991 assault of Rodney King by members of the Los Angeles Police Department (LAPD) found that 5 percent of all officers accounted for more than 20 percent of allegations of excessive force, and 28 percent of officers agreed that prejudice may have led to the use of excessive force in these situations.<sup>69</sup> This finding is supported by further research indicating that victims of excessive force are usually younger, lower class, minority, and male.<sup>70</sup> Additionally, victims of excessive force tend to be under the influence of alcohol or drugs.<sup>71</sup> Other victims of police brutality are suspected of committing violent crimes.<sup>72</sup> The officers charged with using excessive force in such incidents are usually less-experienced males.<sup>73</sup>

These findings led the commission to recommend specific steps be taken to identify "violence-prone" officers before they act out.<sup>74</sup> One way to reduce police brutality is by creating a more balanced approach to address citizen complaints of excessive use of force by bringing such complaints to independent review boards. As long as police continue to investigate themselves, suspicions of undisclosed corruption and brutality will inevitably persist. Approaches to remedy this situation include more effective disciplinary procedures, refined police selection criteria, more thorough police training on appropriate use of force, and instruction on alternative methods to maintain control when a suspect is resisting arrest.<sup>75</sup> Unfortunately, these remedies have not significantly reduced police use of excessive force. Data from the U.S. Department of Justice indicate that from 2001 to 2007, alleged brutality by law enforcement officers increased by 25 percent.<sup>76</sup>

## Deadly Force

When police find themselves in dangerous and volatile situations, they must act quickly. Officers do not have time to call supervisors and ask what they should do. When an explosive situation presents itself, combined with the possibility that the officer may be prosecuted if he or she makes the wrong decision, the officer is in a risky position.<sup>77</sup> Should the officer choose to use too little force, the officer may endanger both his or her life and the lives of other officers and innocent bystanders. When too much force is used, suspects may be killed or seriously injured, and the officer may face public condemnation, discipline by the department, and possibly prosecution.<sup>78</sup>

The most severe action an officer can take against a citizen is deadly force. The standards regulating deadly force have changed considerably over the years. The colonial ap-

## Headline Crime

### New Orleans Police Assault Citizen



In 2006, Robert Davis was allegedly assaulted by New Orleans Police officers.

One night in New Orleans' famed French Quarter, a 64-year-old retired school teacher named Robert Davis was out for a walk when he encountered a police officer on horseback. What exactly happened next is unclear. According to Davis' attorney, two other officers approached and made some rude remarks to Davis, who responded by saying, "I think

that was unprofessional." As Davis turned to walk across the street, he claims that one of the officers struck him from behind.

What is known is that after this brief encounter, officers hit Davis at least four times on the head and dragged him to the ground. One officer kned Davis and punched him twice. The entire incident was caught on camera by a television news crew covering the aftermath of Hurricane Katrina. The video ended with Davis lying on a sidewalk with his head and shirt soaked in blood. Police charged him with public intoxication, resisting arrest, battery on a police officer, and public intimidation. Besides the concerns about police brutality, this violent incident also raised civil rights issues: Davis is African American, and the three officers are white.

Two officers involved in the attack, Robert Evangelist and Lance Schilling, were fired. Evangelist was

charged with false imprisonment and second-degree battery but was eventually acquitted. Charges against the third officer, Stewart Smith, were dismissed. Davis pleaded "not guilty" to municipal charges of public intoxication, resisting arrest, battery on a police officer, and public intimidation; all charges against Davis were later dropped. On June 11, 2007, Schilling was found dead from a self-inflicted gunshot only one month before his trial was to begin.

*Sources:* Mary Foster, "New Orleans Officers Indicted in Beating," *Sacbee*, March 30, 2006, available at [www.sacbee.com/24hour/special\\_reports/katrina/story/3244298p-12001341c.html](http://www.sacbee.com/24hour/special_reports/katrina/story/3244298p-12001341c.html), accessed August 7, 2008; "Victim of Police Beating Says He Was Sober," *Associated Press*, October 10, 2005, available at <http://www.msnbc.msn.com/id/9645260/>, accessed August 7, 2008; Cyndi Nguyen, "A Former NOPD Officer Accused in a Videotaped Beating Takes His Own Life," available at [http://abc26.trb.com/news/wgno\\_071207suicide,0,2503818.story?coll=wgno-news-1](http://abc26.trb.com/news/wgno_071207suicide,0,2503818.story?coll=wgno-news-1), accessed August 24, 2007; "Judge Acquits New Orleans Cop in Videotaped Beating," available at <http://www.cnn.com/2007/US/law/07/24/nola.beating.ap/index.html>, accessed August 7, 2008.

proach to deadly force mirrored its English predecessor: the **fleeing felon doctrine**, which stated that if an individual suspected of committing a felony fled, a police officer was permitted to use deadly force to stop the suspect.<sup>79</sup> However, in 1985, the U.S. Supreme Court ruled in *Tennessee v. Garner* that the fleeing felon doctrine was unconstitutional. In this case, police shot 15-year-old Edward Garner in the back as he ran from a house. The Court stated, "When the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so."<sup>80</sup>

A new standard for the use of deadly force, the **defense of life standard**, essentially says that officers may use deadly force only in defense of their own lives or another's life. For police, the impact of the *Garner* ruling has been profound. The decision in *Garner* opened the door for all use of force by police to be looked at from the "reasonableness standard"—that is, "What would a reasonable person do in the same situation?" In response to the *Garner* outcome, police departments across the nation have quietly expanded the Supreme Court's ruling by implementing a **preservation of life policy**, which mandates that officers use every other means possible to maintain order before turning to deadly force.

Police in Springdale, Arkansas, for example, recently introduced a graduated use of force scale for their officers.<sup>81</sup> Today in Springdale an officer is instructed to take the following steps when confronting a dangerous suspect:


**FOCUS ON CRIMINAL JUSTICE**

### ***Tennessee v. Garner***

In 1974, two Memphis police officers were dispatched to answer a call from a woman about a prowler. When they arrived on the scene, they saw a woman standing outside on her porch gesturing toward the adjacent house. She told the officers that she heard glass shattering and that someone was breaking in next door. One of the officers went behind the house, while the other officer radioed for backup. While looking outside, one of the officers heard a door slam and saw someone running across the backyard. With the aid of a flashlight, the officer reported that he saw no signs of a weapon and was reasonably sure that the suspect was unarmed. The officer yelled at the man—Edward Garner—to halt. Instead, Garner attempted to climb over a fence. When he did, the officer shot him. Garner died from the gunshot wounds. Police later found that Garner had stolen 10 dollars and a purse.

At that time, Tennessee statute instructed police to shoot to kill fleeing felons rather than risk their possible escape. The U.S. Supreme Court ruled that the fleeing felon law was unconstitutional, arguing that deadly force is a seizure and that seizures must conform to the reasonableness requirement of the Fourth Amendment. Because Garner had posed no immediate threat to the officer or to others, the legal force used to apprehend him did not justify the resulting harm.

*Source: Tennessee v. Garner, 471 U.S. 1 (1985).*

1. Identify himself or herself as a police officer
2. Give the suspect a verbal command to terminate his or her activities
3. Use (in order) soft hand restraints, chemical spray or stun gun, physical restraints, or a baton
4. Rely on deadly force as a last resort

The policy used in Springdale parallels many of the newer standards being implemented in police agencies across the United States.

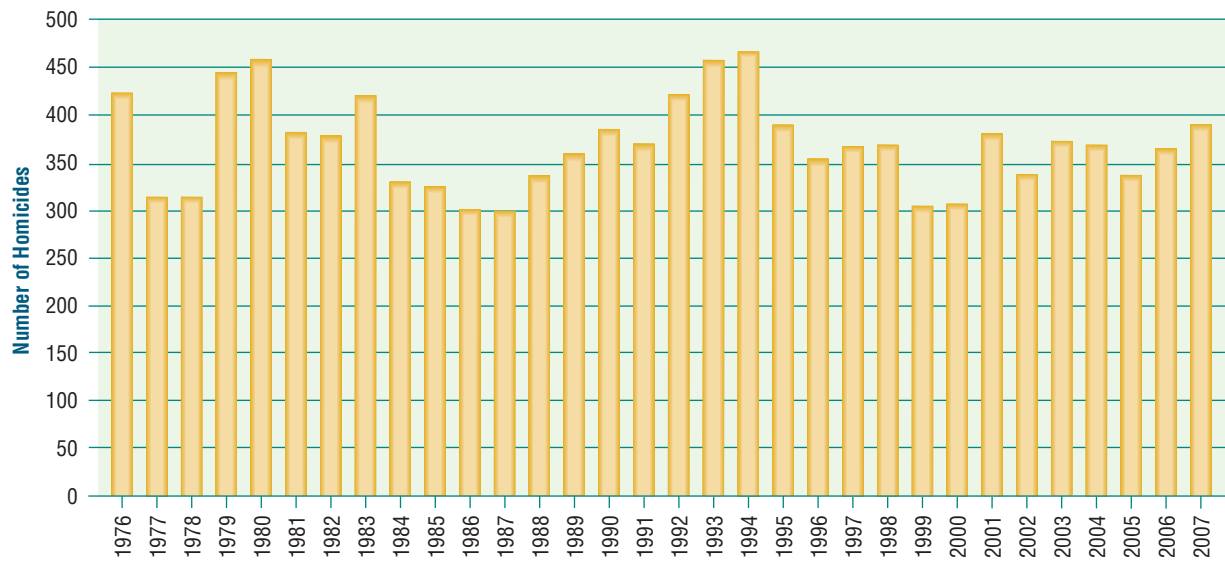
Even with policies like these, which seek to reduce the use of deadly force, between 2002 and 2007 police justifiably killed more than 2200 citizens, or an average of more than 360 people each year (**FIGURE 6-3**).<sup>82</sup> If an officer contributes to the unnecessary death of a citizen because of his or her reckless behavior, the officer may be held criminally liable and be prosecuted. Research has shown that the most likely victim of deadly force is an unarmed, African American male between the ages of 17 and 30, who is out at night in a public location, with some connection to an armed robbery.<sup>83</sup> In fact, racial and ethnic minorities are killed by police in disproportionate numbers.<sup>84</sup> Research on deadly force has also uncovered the following relationships:

- Use of deadly force corresponds with neighborhood crime rates
- African American officers are more likely than white officers to use deadly force
- Male officers are more likely to use deadly force than female officers<sup>85</sup>

In reality, very few police–citizen contacts end with the use of lethal force. Of the more than 45.3 million police–citizen contacts that occur annually in the United States, only about 1.5 percent of citizens report police use of force. Nearly all force used against citizens is nonlethal. The most frequently used forms of force by police include these measures:

- Pushing or grabbing
- Kicking or hitting
- Pointing a gun
- Threatening to use force





**FIGURE 6-3** Justifiable Homicides by Police, 1976–2007

Source: Federal Bureau of Investigation, *Crime in the United States, 2007* (Washington, DC: U.S. Department of Justice, 2008).

Data from a 2005 study by the U.S. Department of Justice indicate that nonlethal force is used on more than 650,000 people per year.<sup>86</sup>



Because of risks to public safety, many police departments have developed more conservative policies regarding high-speed chases.

### High-Speed Chases

Nearly as many citizens are killed as a result of high-speed chases as from police shootings.<sup>87</sup> Fleeing suspects and innocent bystanders are not the only ones at risk during high-speed pursuits; sometimes a police officer is killed or seriously injured during a chase.<sup>88</sup> A high-speed chase becomes dangerous very quickly. In 50 percent of such pursuits, a collision is likely to occur within the first two minutes, and 70 percent of all high-speed chase collisions take place within the first six minutes.

To decrease the danger associated with high-speed chases, officers in some departments today are trained in defensive driving tactics. Nevertheless, the most effective method for reducing fatalities is for the officer to terminate the chase. In a study of 146 jailed suspects who had been involved as drivers in high-speed chases, more than 70 percent of them said they would have slowed down if police had stopped chasing them.<sup>89</sup>

Training alone will not prevent high-speed chases; department policy is equally important. Most departments are formalizing procedures and enforcing written policies regarding when police may participate in a pursuit of a fleeing suspect (see **TABLE 6-3** for the policies of some police departments). Ninety-four percent of local police departments, including all of those serving 25,000 or more residents, have a written policy governing high-speed chases. Sixty-one percent of departments, employing 82 percent of all officers in the United States, have a restrictive pursuit driving policy—one that restricts pursuits according to specific criteria such as type of offense or maximum speed. Twenty-five percent of departments, employing about 13 percent of police officers in the United States, have a judgmental pursuit policy—one that leaves pursuit decisions to the officer's discretion. Only 6 percent of departments, employing 3 percent of all officers nationwide, have a policy that discourages high-speed chases.<sup>90</sup>

**TABLE 6-3** Circumstances in Which Officers May Engage in a High-Speed Chase

	Suspect's Offense			
	Traffic Violation	Misdemeanor	Nonviolent Felony	Violent Felony
<b>Police Agency</b>				
Colorado Springs	Yes	Yes	Yes	Yes
Detroit	No	No	Yes	Yes
Los Angeles	No	Yes	Yes	Yes
New Orleans	No	No	No	No
Oakland	No	No	Yes	Yes
San Francisco	No	No	No	Yes
San Jose	No	No	Yes	Yes
Philadelphia	No	No	No	Yes
Phoenix	No	No	No	Yes

Source: Gabe Cabrera, *Police Pursuit Policies in Other Jurisdictions* (San Francisco: San Francisco City Government, 2004), available at [www.sfgov.org/site/bdsupvrs\\_page.asp?id=24020](http://www.sfgov.org/site/bdsupvrs_page.asp?id=24020), accessed August 4, 2008.

There are no federal guidelines regulating police chases, but lack of guidelines is typically not problematic. Federal law enforcement agencies seldom get involved in high-speed chases, as they are primarily the result of an encounter with a uniformed officer in a marked police vehicle, something federal agencies do not have.

The decision to chase is initially made by the department and executed by officers using the following criteria:

- Severity of the offending infraction
- Speed of travel
- Number of pedestrians and vehicles on the street
- Weather conditions
- Whether the suspect is known and could be apprehended at a later time
- Whether the benefits of apprehending the suspect outweigh the risks of endangering officers, the public, and the suspect<sup>91</sup>

Occasionally, high-speed chases end in death or serious injury, and police may be held accountable. The courts have awarded third parties (e.g., passengers) injured in high-speed chases monetary settlements. For example, in *Travis v. City of Mesquite*, the court determined that the officer did not calculate the risk involved in the chase and was liable for damages.<sup>92</sup> However, the U.S. Supreme Court has ruled that police officers and departments cannot be held liable when suspects are injured in high-speed chases as long as they had no intention of physically harming the suspect or worsening the suspect's potential criminal charges. Bystanders, by contrast, may file lawsuits for damages against the officer and the department if it can be shown that the officer did not drive responsibly.<sup>93</sup>

## Police Stress

Stress frequently interferes with police officers performing their jobs to the best of their ability. **Stress** is an upsetting condition that occurs in response to adverse external influences and is capable of affecting an individual's physical health. Stress often leads



Policing is among the most stressful occupations.

**TABLE 6-4** Leading Causes of Police Stress

1. Handling child abuse/neglect cases
2. Killing an innocent person
3. Disagreement with department policies
4. The killing of a fellow police officer
5. Domestic violence
6. Terrorism
7. Lack of support from supervisors
8. Controlling riots
9. Disrespect by the public
10. Shift work

Source: Adapted from Heith Copes (ed.), *Policing and Stress* (Upper Saddle River, NJ: Prentice-Hall, 2005).

to an increased heart rate, a rise in blood pressure, muscular tension, irritability, and depression.<sup>94</sup>

Officers experience stress for a variety of reasons. In addition to individual characteristics, the most common sources of police stress are difficult decisions, conflict with supervisors, frustration with the courts, and criticism from the public (see **TABLE 6-4**).

During the course of performing their duties, officers regularly experience role conflict and role ambiguity. They are expected to maintain order and provide citizens with services while enforcing the law. They often find themselves having to be a counselor, law enforcer, public servant, and social worker all at the same time. In these situations officers are supposed to follow strict policies and procedures, yet the situations themselves often are ambiguous and not a simple “black-and-white” decision. Volatile situations force officers into a difficult position: They may need to make split-second decisions for their own safety and the safety of others without knowing whether their decisions will be supported by their supervisors.<sup>95</sup>

It is not unusual for police to believe they are not supported by their supervisors and their department. In fact, the most common source of stress for officers comes from supervisors who may either overwhelm or under-support officers, providing them with too much paperwork and not enough structure. Other supervisors may apply discipline and enforce rules inconsistently, adding to officers’ uncertainty.<sup>96</sup> The courts may also be seen as unsupportive, issuing rulings that are viewed as too lenient on offenders and too restrictive on procedural issues (such as rules governing the admissibility of evidence at criminal trials). As a consequence, police may view the courts as making their job more dangerous than it already is and be resentful of their actions.

Officers also frequently complain they are treated unfairly by the media and the public. Police may think reporters distort the truth to meet publication deadlines, do not understand the complexity of the cases they are reporting on, or simply fail to report the facts. Police may also believe that the public does not support them, instead preferring to challenge what police do and how they perform their jobs.<sup>97</sup> Citizens may submit complaints to the mayor’s office, police chiefs, and newspapers criticizing speed traps, slow response times, busy 9-1-1 numbers, or—even worse—police discrimination and brutality. These actions reinforce a feeling among police that they are “damned if they do, and damned if they don’t.” This belief further alienates police from the public, builds solidarity among police, and contributes to police stress.

In addition to these factors, stress levels are strongly affected by the officer’s individual personality and background characteristics, such as amount of experience, level of education, and assigned duties. For example, being assigned for a long period of time



to a neighborhood with a high crime rate will likely produce more stress for an officer than if he or she is assigned to patrol an affluent neighborhood. Additionally, officers with more education and training tend to handle stress better than other officers.<sup>98</sup>

When officers experience stress, it can produce emotional, psychological, and physical problems. Studies have shown that officer stress may lead to a variety of extremely negative consequences:

- Poor job performance
- Absenteeism
- Corruption
- Alcoholism
- Heart disease
- Divorce
- Child abuse/neglect<sup>99</sup>

Critics of these studies complain that the studies are based on small samples that cannot be generalized and that the causal order between stress and these outcomes is difficult to establish; in other words, these destructive consequences may, in fact, be precursors to stress.<sup>100</sup> Additionally, critics of these studies suggest that police may simply do a poor job of managing their stress, such that the maladaptive coping strategies contribute to increased stress levels and negative outcomes.

## Women and Minorities in Policing

Women have worked in policing for more than 100 years, but were not assigned to regular uniformed street patrol until 1967.<sup>101</sup> Lola Baldwin, the first female police officer in the United States, was hired by the Portland (Oregon) Police Department in 1905 to shelter women and children from the unruly crowds and seedy characters that would be roaming the streets when the city anticipated a large influx of people due to a large event (the Lewis and Clark Exposition).<sup>102</sup> The first regularly commissioned police woman was Alice Stebbins-Wells, who was hired in 1910 by the Los Angeles Police Department. By 1925, women were employed in more than 145 police departments across the United States.<sup>103</sup>

During the next 40 years, the hiring of female officers stalled and the status of women who were working in police departments changed very little from what it was at the turn of the twentieth century: working only with children, caring for prisoners, and performing secretarial duties. In 1940, only 141 of the 417 largest cities employed any females. Then, in 1967, the President's Commission on Law Enforcement and the Administration of Justice released a ground-breaking report that stated women should perform the same duties in policing as men.<sup>104</sup> As a result of this recommendation, women were hired by police forces throughout the country, opening new opportunities for women in the profession.<sup>105</sup>

Since the 1960s, police departments around the country have made great strides in recruiting larger numbers of women and minorities. Today, more than 11 percent of all police officers nationwide are females (more than 50,000 officers), although they account for nearly 13 percent of all sworn officers in large agencies (those with more than 100 sworn officers).<sup>106</sup> Even though more women are being hired, they still tend to hit a "glass ceiling" in terms of promotion: Only a few female officers advance beyond the rank of patrol officer over the course of their careers.

Studies have shown that female police are equally as effective as their male counterparts. They consistently perform as well as men, generally use the same techniques to gain and keep control, and are no more likely than male officers to display or use a weapon.<sup>107</sup>



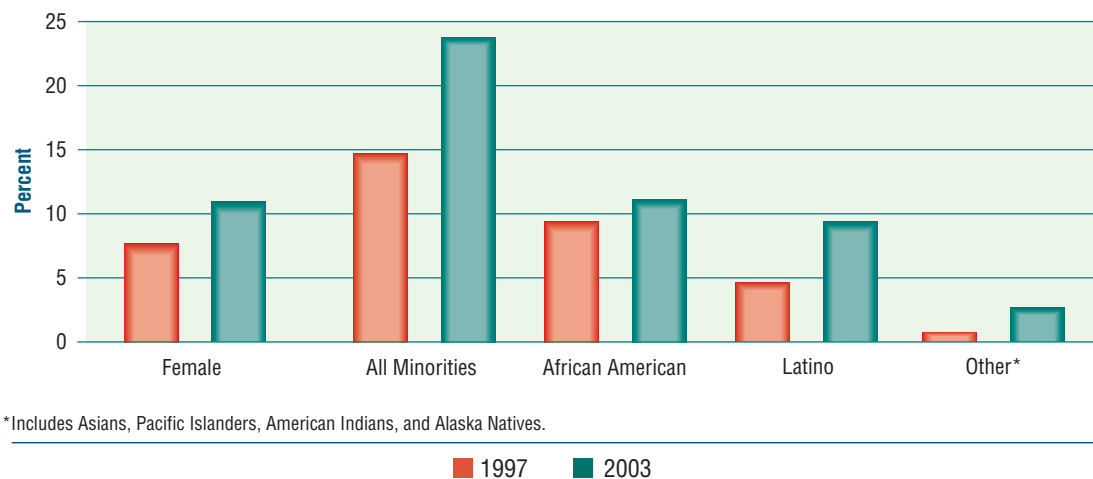
Studies have found that female police officers are as effective as male officers, when it comes to applying and enforcing the law.

In response to domestic violence incidents, female officers have been found to respond more effectively than their male counterparts.<sup>108</sup> Yet women in the force face several unique problems, such as trying to balance pregnancy with regular work assignments.

Women are not the only ones entering the police force in great numbers; there are also more African Americans and Latinos in policing today than at any other time in the history. The first African American officers were hired in 1861 in Washington, DC, and the first Latino officer was hired in 1896 in New York City. Since then, their numbers have climbed significantly. By 1900, approximately 3 percent of all U.S. police officers were African Americans, most of whom worked in northern metropolitan areas. The percentage of African American officers held steady until after World War II. In the post-war era, there has been a steady increase in African Americans' numbers on police forces relative to their share of the U.S. population.<sup>109</sup> In 2004, approximately 12 percent of all law enforcement officers nationwide were African Americans (totaling 54,000 officers), representing an increase of more than 1500 officers since 2000, and the number of African American officers is now roughly equivalent to their proportion of the U.S. population.<sup>110</sup> In contrast, Latinos account for about 14 percent of the U.S. population but only 9 percent of police officers, although they—like African Americans and women—are making gains in the profession (see **FIGURE 6-4**).<sup>111</sup>

In part, the increase in minority officers is a result of lawsuits filed by African Americans and Latinos charging police agencies with racial and ethnic discrimination regarding the entrance requirements and promotion examinations. The U.S. Supreme Court decisions in *Griggs v. Duke Power Company* and *Albemarle Paper Co. v. Moody*, for example, supported their claims of discriminatory practices, and today law enforcement agencies are deemed to be in violation of federal law if their hiring practices are discovered to be unfair.<sup>112</sup> The decisions in these two cases make it clear that police agencies must be able to demonstrate that their entrance requirements for hiring and promotion are job related, bias free, fairly administered, and properly graded.

The Equal Employment Opportunity Act of 1972 laid the groundwork for the establishment of affirmative action programs and quota systems for hiring and promotion of police officers. In 1987, in *United States v. Paradise*, the U.S. Supreme Court questioned the use of promotion quotas by the Alabama State Police and required the state to promote one African American officer for each white officer promoted until 25 percent of the top



**FIGURE 6-4** Female and Minority Local Police Officers

Source: Matthew Hickman and Brian A. Reeves, *Local Police Departments, 2003* (Washington, DC: U.S. Department of Justice, 2006).

ranks were occupied by African Americans.<sup>113</sup> Critics of this ruling contend that quotas that tie employment decisions to race or ethnicity violate the Civil Rights Act of 1964. They also believe that lowering standards to achieve a targeted quota creates resentment among employees and jeopardizes the ability of law enforcement to serve and protect citizens. Conversely, proponents of quotas see these measures as an obligatory remedy for past wrongs. They also contend there is no evidence to show that department standards are lowered when an affirmative action plan is in place.

For police to do their jobs effectively and safely, they must be able to communicate with the people they protect and serve. In particular, they need to immediately understand the complaint of a victim or the information being provided by a witness to a crime. A recent U.S. Census report noted that approximately 20 percent of all U.S. residents speak a language other than English at home and approximately 10 percent qualify as limited English proficient (LEP). For example, 26 percent of all Spanish speakers, 30 percent of all Chinese speakers, and 28 percent of all Vietnamese speakers report that they speak English “not well” or “not at all.”<sup>114</sup> For police officers, the task of communicating and building trust with these new residents can be immense and presents an enormous challenge for law enforcement agencies committed to developing community policing in neighborhoods throughout their city.



## WRAPPING IT UP

### Chapter Highlights

- The exercise of police discretion is central to officers carrying out their duties. This decision is influenced by several important factors, including legal considerations and characteristics of the suspect.
- A major problem in policing is corruption—that is, the misuse of authority by an officer in a manner designed to obtain some sort of personal gain. Corruption among officers ranges from receiving or demanding minor items from businesses during the course of their duties, to extorting cash from suspects, accepting bribes, and engaging in perjury and premeditated theft.
- Police are among the few public servants authorized to use force, but sometimes their use of force is excessive. Police brutality refers to instances when officers use unlawful, unnecessary, or extreme force with suspects.
- The automobile is a police officer's most deadly weapon. More than 350 citizens are killed annually as a result of high-speed chases—even more are killed from police shootings.
- Stress is inherent in police work. Sources of police stress include rotating shift assignments, fear and danger, limited opportunities for career growth and development, and inadequate rewards.
- The number of women and minorities in policing is increasing every year, but these groups are still underrepresented at the supervisory ranks and face unique challenges in police work.

### Words to Know

**corruption** Misuse of authority by officers for the benefit of themselves or others.

**defense of life standard** Policy mandating that officers may use deadly force only in defense of their own lives or another's life.

**fleeing felon doctrine** Law (prior to 1985) stating that an officer could use deadly force to stop a felony suspect from fleeing.

**full law enforcement** Law enforcement approach in which officers respond formally to all suspicious behavior.

**noble cause corruption** A type of corruption that some police and civilians believe is justified because it serves the greater public good.

**grass-eaters** Police who accept bribes when offered.

**meat-eaters** Police who aggressively misuse their power for personal gain.

**police brutality** The unlawful use of force.

**police discretion** Authority of police to choose between alternative courses of action.

**preservation of life policy** Policy mandating that police use every other means possible to maintain order before turning to deadly force.

**selective law enforcement** Law enforcement approach in which officers under-enforce some laws and over-enforce others.

**stress** A condition that occurs in response to adverse external influences and is capable of affecting an individual's physical health.

**Tennessee v. Garner** U.S. Supreme Court ruling that eliminated the "shoot a fleeing felon" policy and replaced it with a defense of life standard.

## Think and Discuss

1. Should there be limits on police use of discretion? How can officers exercise discretion and treat all civilians in a fair and impartial manner?
2. Is it possible to regulate police corruption? If you were a police administrator, which policies would you put in place to control police corruption?
3. Under which conditions should police use force? When does force become excessive? When is it reasonable for police to use deadly force?
4. Should police participate in high-speed chases? Is the benefit of potentially capturing an offender worth the potential costs of such a chase?
5. Should female and male officers perform the same duties? Does more attention need to be devoted to the recruitment and promotion of racial and ethnic minorities in policing?

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