

Policing Issues: Challenges & Controversies

by

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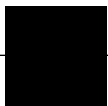
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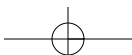
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Dedication

Dedicated to Roger Riendeau, mentor and friend





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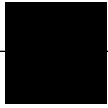
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Preface

Reflective Statement

The average person is not likely to be too concerned about policing, but I am. The challenges of policing and law enforcement has intrigued me since adolescence. My interest in this topic led me to write my dissertation on the problem of police violence in New York City and Toronto (Ross, 1993). Shortly after this research, I went to work for the National Institute of Justice (NIJ, a division of the U.S. Department of Justice), where I worked for three years as a social science analyst, managing research grants connected to policing issues. I started in 1995, after Congress passed the Violent Crime Control and Law Enforcement Act (a.k.a. the “Crime Bill”). This legislation not only authorized funds for the employment of 100,000 officers to provide community policing services to U.S. jurisdictions, but also set aside money for policing research. As a social science analyst, I contributed to and coordinated the writing of requests for proposals, managed and monitored the peer review process, directed a team that conducted strategic planning around NIJ’s policing research, and managed as many as 35 research grants. Almost all of them dealt with issues connected to community policing and police violence (Ross, 2000a).

Nevertheless, now that I have been teaching classes on policing for over 15 years, I have become increasingly motivated to identify the most important problems within this field as well as their solutions.

I am under the belief, misguided as it may seem, that this information will help us focus our efforts on meaningful reform. I am not alone. A veritable army of law enforcement experts who work in university settings, police colleges, and nonprofit organizations conduct research on policing. At any given time, police consultants, whether alone or as part of a team, are crisscrossing the country and sometimes traveling the world to provide all sorts of technical assistance and evaluations of police policies and practices. I’m also aware of the politically charged atmosphere in which police reform exists, which can significantly affect meaningful efforts for change. Suggestions for change, even those based on sound empirical research methods, may be ignored because they rub politicians, practitioners, and the public the wrong way. Additionally, poorly researched programs may be funded and implemented simply because they have temporary political cache.

Why I Wrote this Book

I wrote this book because of the limitations I found within standard nuts-and-bolts texts on policing. Although most policing books used for introductory college and university courses provide an overview of the history and practices of policing and may make some effort to review the problems of policing in the United States, too often this field of study and practice is approached in an uncritical (i.e., politically conservative) fashion. This is understandable. Why?

Most research and writing on policing tend to reflect the language and special interests of the policing bureaucracy. After all, the government typically funds the studies. Therefore it sets the agenda, limits the parameters, and often decides if the final report will be widely distributed, used to inform policies and procedures, or be buried in a locked file cabinet.

One of the difficulties I found with most introductory textbooks is that they are too anecdotal either in the context of the book, and/or with numerous distracting exhibit boxes and photographs. Although their authors and editors might believe this approach enlivens and/or adds to the discussion or better holds students' attention, I think that it can equally give readers the impression that policing research is simply a collection of stories.

Regardless of whether the research is state-sponsored, foundation-sponsored, or self-funded, the methodology that many researchers use can often be faulted because it consists disproportionately of complicated statistical analyses. This typically means that investigators do not have to "get their hands dirty" by interacting with citizens, criminals, ex-cons, or police professionals to have a better contextual understanding of their subject matter and findings.

It must be noted that this book is not an anti-policing text, per se. Many police officers and administrators might consider some of my points within this book to be disturbing or objectionable. My prose might seem overly opinionated, ideological, and political. Some might think that I editorialize too much. I attribute these impressions to a number of factors, including a poor understanding of what constitutes an opinion in academic and pedagogical discourse, what the terms *ideology* and *politics* exactly mean, and what relationship ideology and politics have to policy and practice. I also point the finger at the socialization process imposed upon most policing professionals, as I believe it fosters a kind of tunnel vision, an us-versus-them mentality, and the view that anyone who criticizes policing simply has an axe to grind. Indeed, there are often large perceptual gaps among practitioners and scholars that make it seem as though they are operating in separate worlds.

On the other hand, many of my critical criminology colleagues may fault me for not taking a more radical stance. For example, this book does not advocate the abolishment of police.

Overview of the Book

When examining the profession and practice of policing, one is almost immediately struck and perhaps overwhelmed by the countless problems to be addressed. They are identified in numerous ways by different individuals and constituencies (e.g., experts, citizen groups, national policing organizations, the media).

This book systematically examines the problems associated with municipal policing in America. In an attempt to accomplish this goal, each chapter addresses a major difficulty identified by experts, observers, or consumers of policing services. It briefly reviews the history of these problems and, to the extent possible, the solutions that have been introduced and/or promoted to minimize or lessen its effects. These solutions are then objectively critiqued. There are 18 chapters in total, covering everything from the myths of policing to issues of recruitment and training.

Before introducing this material, it might be helpful to talk a little about how we might go about identifying the problems of policing.

How to Identify the Problems

In any given field, several different methods can be used to identify and judge the severity of a problem. Caution, however, must be exerted in this task. One must take into consideration who is doing the research, who is the audience (i.e., for what ends is the research conducted), and how the investigators are doing the research.

Who is doing the research? Investigators need to acknowledge who is conducting the evaluation as well as any biases that person(s) or organization(s) might bring to the research. For example, is the investigator an insider or an outsider? Insiders, those who work for the organization, may have considerable knowledge about the functioning of the agency, but they can suffer from undue bias. Outsiders, on the other hand, may not be sensitive to the internal dynamics of organizations and may end up missing important cues. Needless to say, it is very difficult for outsiders to gain access to organizations—and for good reason (Manning, 1985). These individuals could be anyone from suspicious reporters to researchers. It is possible that these people have an axe to grind and wish nothing more than to expose the underbelly of an organization. The goal here is to determine who has the appropriate knowledge, skills, and objectivity to best evaluate or analyze a program or organization.

Who is the audience? One must also take into account one's audience (i.e., who will read the information and who might make use of this information).

Depending on the end users, certain issues may be examined in greater detail than others, while other elements may be analyzed superficially. Readers and users vary considerably in their ability to understand the subject matter and attention spans.

What method(s) should be employed? The method investigators use to identify problems will naturally impact the findings (Welsh and Harris, 2004). Regardless, before any data is gathered, researchers need to perform a thorough review of the scholarly work (i.e., articles and books) in the field of policing. This method provides investigators with an idea of academics' perceptions of the most dominant problems and editors' and reviewers' judgments of which papers are the most worthy of journal publication. However, just because journal editors decide to publish an article on a specific topic does not mean that this issue is the most important for practitioners, citizens or criminals; it could simply be a reflection of the kinds of manuscripts that have been submitted, the availability of space, or the current editor's (or editorial board's) predilections.

Additionally, in the social sciences, difficulties can typically be determined and examined at the micro or macro level—and at several levels of analysis in between, as well. Embedded within each level of analysis are a number of appropriate questions and data that can be collected, each with its own advantages and disadvantages.

Micro Level

The micro level typically examines problems at the individual or interactional level. Here we are typically talking about police officers. There are numerous ways that one can go about understanding and gathering data about the special challenges of policing at the micro level.

1. Conduct a survey of police officers and administrators. As simple as it sounds, this approach presents a whole host of problems, including the method through which it is achieved as well as access to the appropriate amount of resources necessary to properly and successfully complete one of these efforts. A modification of this approach is to conduct a Delphi Study (e.g., Tafoya, 1996). This involves a systematic procedure for using experts to inform us about the challenges that face policing and what solutions should be pursued. Since the team may not agree on the most important issues, a generally accepted protocol should be developed in order to resolve differences among the participants.

2. Examine complaints made by officers to their superiors or to their police associations. Keep in mind, however, that police officers are reluctant to complain through official channels. Likewise, this type of situation may contribute to learned helplessness or increased feelings of powerlessness. In turn, after numerous rejections, officers simply do not try to address their grievances. Additionally, officers' performances can be assessed

through activity reports or periodic personnel evaluations. In most organizations, this process is conducted at the very least on an annual basis. But this sort of bureaucratic information is typically superficial and sanitized. It generally does not go into enough detail for investigators to draw meaningful conclusions.

3. Gather anecdotal evidence or confirm evidence by interviewing sources, experts, or “key informants” such as citizens and criminals, police officers, administrators, and police scholars. The police officers and their direct administrators are probably the best sources to provide this kind of information because they are on the front lines every day. Preferred by journalists and ethnographic researchers, this method provides information that is typically current and rich in detail, but also potentially biased because it is difficult to judge the veracity of the information.

Nonetheless, sources have a human factor; they may lie, embellish, or forget critical material. Thus it is essential that several individuals from the same agency be consulted and observed over a sufficient period of time, because workers are often initially on their best behavior but have difficulty sustaining this demeanor. Alternatively, key personnel may be on vacation, on a leave of absence, or out sick. In addition, it is difficult for outsiders (i.e., researchers) to gain access to most police departments, and if access is granted, it is often limited and censored.

Meso Level

The meso level emphasizes the power of the organization (i.e., police agency), community, or specific region. Under this category we have the following types of studies.

1. Thoroughly review organizational performance indicators. One such example is the occurrence report. This document lists the various incidents that have occurred in a police jurisdiction over a period of time. These numbers include arrests, chases, firearm discharges, complaints, and personnel statistics. Additionally these statistics can be compared with those from previous days, weeks, months, or years to determine if things are improving, remaining the same, or worsening. Unfortunately, it is difficult for outsiders to gain access to this information. We also know how this type of reporting can be tainted, redirected, and/or biased. Thus, in the long run, these efforts may not be that useful in improving policing. Collecting data from this source is important, but it must be interpreted in an unbiased fashion.

2. Administer a survey of the public to determine such things as satisfaction with police services. This sample should include a broad constituency of individuals who have a strong interest and/or expertise in the field of incarceration (i.e., officers, administrators, citizens, and criminals). A popular method involving experts in the field is commonly referred to as a Delphi study and has been perfected in several branches of the criminal justice

system (e.g., Tafoya, 1986). Unfortunately, this method is like a snapshot in time and may not be useful for long-term planning.

3. Organize a series of community forums on policing and use this to gather information on police problems. The downside here is that these events tend to simply be opportunities for people to vent and are geographically confined to the region in which they are held. One way around these drawbacks is to hold public forums that have been carefully organized and which are held in different parts of the country.

Macro Level

The macro level typically looks at a problem from a societal level. This takes into consideration political and economic factors. Like micro level approaches, numerous methods may be used to determine specific problems for police, their administrators, and the public at large.

1. Gather the information from crime victims, either through the National Crime Victimization Study (NCVS) or some similar kind of study that includes complaints against police (e.g., Beral and Sisk, 1963; Regan, 1971; Box and Russell, 1975; Russell, 1976), administered by units like a citizens review bureau or board. Undoubtedly, this data would be a biased sample and would open only a small window into the world of policing.

2. Perform a content analysis of the mass or news media, such as television and/or radio news broadcasts as well as newspaper and magazine reporting, to see which policing-related issues are cited most frequently (e.g., Krippendorff, 1981). One could look at all stories on the police during a specific period. Although this will provide some insight with respect to the important issues, this approach will be biased. The drawback here is that these reports may simply be snapshots in time and could suffer from the same constraints as do scholarly journals.

3. Collect and analyze so-called social indicators (i.e., data on factors such as crime rates, victimization patterns, and incarceration rates) located in a variety of governmental sources such as the Uniform Crime Reports (UCR).

Finally, a number of research methods could be used, including quantitative methods, qualitative methods, and/or case studies. Ideally, one would employ an integrated methodological approach, thus increasing the number of sources and methodologies, which should lead us to a more accurate understanding of any problem.

A Satisficing Strategy

In the end, although each method and form of data has its advantages, almost all have disadvantages as well. Instead, combining all these methods and data sources may be the most useful and would come closest to achiev-

ing a balanced approach. To do this properly, however, researchers need adequate resources.

That being said, my original attempts to identify the “special” problems facing municipal policing were quite rudimentary. I began with a sample of convenience; students enrolled in my criminology/criminal justice classes. I asked them to list and rank in order the problems they believed were the most important facing municipal police in the United States.

As expected, the problems varied according to the identifying constituency: the police themselves, their administrators, government officials, or the public. Also, just because we have a list that ranks the order of the problems does not mean that we can simply take those topics and develop a logically coherent course or a text around them. Nevertheless, I used this information as a heuristic device to organize the subject matter of my undergraduate course and this text.

Thus, this effort deviates from a typical introduction to policing text because of its arrangement of topics and the focus it provides to students. This text, like the majority of research in this field, typically focuses on municipal policing.

One must take into consideration the unique circumstance of each city and its police department. Every police department cannot be reformed, improved, or changed in the same way. Just because a similar police agency changed in a positive way does not mean that all others can do so. Therefore, there must be a greater appreciation of context.

In addition to providing a traditional literature review, I observed, corresponded with, and/or interviewed numerous policing practitioners, experts, and scholars; visited several police departments; and went on those all-too-familiar voyeuristic ride-alongs, not only in the United States but elsewhere as well. I also contextualized the numerous problems (citing statistics where appropriate), and proposed what I believe are realistic solutions. Some of the problems—like too much red tape, a common complaint of all bureaucracies—were too ambiguous and not given much attention.

Solutions to Problems

Few of the proposed solutions are easy to implement, and all may lead to unintended consequences (e.g., Merton, 1936; Preston and Roots, 2004). In general, it might be easiest to achieve success at the institutional level (i.e., individual police department) rather than at the state or federal level of policing. There is also a realization that many problems seem to simply snowball; problems can be linked together and affect each other, and the population interviewed or surveyed may not be able to disentangle them.

It is also clear that the history of police reform is fraught with problems (Walker, 1977). Moreover, solutions to policing issues may be initiated by or may originate from several sources, including politicians, the state

(especially policymakers), the private sector, religious bodies, police associations, and communities/citizens. Some of the solutions that specifically address problems regarding police officers and departments are intended to solve numerous types of issues. Finally, some of the more extreme suggestions—like the abolition of police—are not widely held and are perhaps impractical now.

Unintended Consequences. It must be understood that policing is ultimately a system in which each component has a part or role to play. As systems theory suggests, if you tinker with one aspect of the organization, it will have an effect somewhere else. It is like a domino effect, and the ripples are felt in many places that are often not immediately apparent or easy to distinguish. What do I mean by this statement? In simple terms, some of the solutions implemented by practitioners can and do have negative and unintended consequences that police planners failed to account for, no matter how sophisticated their original predictions were or how much they minimized the negative impact they might have. Granted, nothing in life is perfect. But some of the negative effects might be controlled. The challenge in proper criminal justice planning is to adequately predict and prepare for this possibility with contingency plans (Welsh and Harris, 2004).

Survey of End Users. Given that I do not have the kind of resources to conduct the more comprehensive kinds of studies, as previously mentioned, I survey my students nearly every semester and ask them to rank in order what they think are the most important problems facing the field. Not all the responses fit into distinct categories, but over the years, I have discovered a number of consistent themes. Indeed, the problems will not strike the reader as anything new, but the organization and rendering in this book should. Additionally, to the extent possible, the problems identified in each chapter are presented from least to most important in terms of how they affect policing. Certainly, there will be disagreements among police officers, administrators, policing experts, and citizens with respect to what they think are most important.

I believe that a textbook author's most important job is to contextualize things. Some may also question the utility of students' perceptions as an organizational tool, as many students have not yet been exposed to the realities of the criminal justice system. However, the reader should understand that my approach is meant to serve as a benchmark and a pedagogical starting point for discussing policing problems with students and not as an end in itself.

Problems for Police Officers, Citizens, and Criminals. One set of difficulties I've identified focuses on the problems for citizens and the other challenges encountered by police officers and administrators. It is with this knowledge that I organize my courses, lectures, and this book. As I have argued in my other books (Ross, 1995/2000, 2000c), although it is important to discuss problems (and, in general, most people are reasonably good at doing so), it is

more important to propose and implement realistic solutions that address or solve these difficulties. The reader should also realize that some of the solutions proposed in one part of the book reappear frequently because they are capable of solving more than one difficulty.

Other Issues That Are Important to Readers of this Book

There are a handful of other issues that readers of this book should keep in mind. These matters include the importance of a social-justice approach to crime, criminals, victims, and criminal justice; the acknowledgement of the best-practices approach to organizational behavior; neglected subject matter; terminology; and the realization that policing is a global phenomenon.

The Relevance of Social Justice. Mention should be made of the social-justice (e.g., Arrigo, 1999) and restorative-justice approach (e.g., Braithwaite, 1989). Many observers of policing recognize the limitations with the current criminal justice system, particularly its emphasis on retributive justice and its inability to address the higher-order societal goals of human respect and dignity. That is why the criminal justice system and policing in particular should be working in this direction. To the extent possible, this book emphasizes these themes.

Best Practices. Another issue that should be addressed is the best practices approach. Over the past two decades, there has been a tendency in many policy circles to admire “what works” in institutional settings and quickly apply this from one agency to another and from one industry to another (e.g., private sector to nonprofit). Supporters of this strategy often fail to recognize that, given the diversity of agencies, it is not as simple as it might appear to transfer methods from one setting to another, without much consideration of context. It is short-sighted to assume that all one needs to do is some simple tinkering before the best practices approach will work in the new institutional setting.

Missing Subject Matter. The reader will notice that some problems were not included (or at least not in any detail). These include police handling of certain populations (e.g., juveniles, the mentally ill), racism, and terrorism. This is not to suggest that these issues are not important or problematic; their omission or minimization of coverage reflects the consensus of those to whom I administered my survey. Also, despite their importance, both state and federal law enforcement agencies were neglected as subjects of this book.

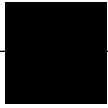
Terminology. A note on terminology is in order. Some of terms the public uses to label police officers are unnecessarily derogatory, pejorative, or

colloquial, as they disregard the professional nature of this occupation. Thus, to the extent possible, the labels *cop* or *pig* are avoided as synonyms. True, some police officers act in a deviant manner, but in a scholarly text such as this, nuance should be observed.

Also, as I will reiterate later, although all police officers are law enforcement agents, not all law enforcement officers are police officers. Regardless, I will occasionally use the term *law enforcement* to reduce redundancy, but it should be understood that I am referring to police officers. Likewise, throughout the text when referring to police departments, I will interchangeably use the expression *police agency* as a synonym.

Exhibit Boxes. In order for students to better appreciate the subject matter of each chapter and to break up the flow of the text, I have included exhibit boxes that provide overviews of a well-known piece of relevant research, historical event, and/or a movie that they or their instructors might find helpful.

Policing as a Global Experience. Finally, policing is not only an American phenomenon, but also a global one (Bayley, 1971, 1979, 1990). However, for the sake of focus, the majority of examples marshaled within this book are rooted in the United States. In sum, this book reviews and examines the critical, longstanding, and emerging issues that affect how police organizations operate and how citizens, criminals, police officers, and administrators experience this unique setting. Yet it does not stop there. It reviews solutions that have been advanced and critically analyzes them.



Acknowledgments

The process of developing, researching, and writing this book has been a journey of sorts. Maintaining my focus has been a constant challenge, given the competing pressures on my time.

In any given project, however, there are many people to thank, and this one is no different. I would like to extend my appreciation initially to the folks at Jones & Bartlett, including Jeremy Spiegel, former acquisitions editor, for signing this book, and then to Sean Connolly, executive editor, for stepping in as cheerleader and coach and for providing the necessary carrot and stick to help me make good on my promises. He demonstrated impeccable patience and maintained confidence that this manuscript would eventually make its way into print.

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Last, but certainly not least, I extend my never-ending gratitude to my wonderful family. I thank Natasha J. Cabrera, my wife and fellow scholar, for providing encouragement and feedback at several critical times, for serving as a sounding board for my ideas, and for trying her best to keep me focused. I also recognize Keanu and Dakota Ross-Cabrera, our children, who are a constant source of inspiration and joy and who reluctantly tolerate their father's divided attention more times than necessary.



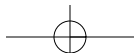
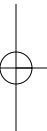
About the Author

Jeffrey Ian Ross, Ph.D., is an Associate Professor in the College of Criminal Justice, School of Public Affairs, and a Research Fellow of the Center for International and Comparative Law at the University of Baltimore.

He has researched, written, and lectured on national security, political violence, political crime, violent crime, corrections, policing, cybercrime, and crime and justice in Indian Country for over two decades. Ross's work has appeared in many academic journals and books, as well as popular media. He is the author or editor of fifteen books, including *Making News of Police Violence: A Comparative Study of Toronto and New York City* (Praeger, 2000) and the forthcoming *Political Terrorism: An Interdisciplinary Approach*, Second Edition (Jones & Bartlett Learning, 2013).

Ross is a frequent and respected subject matter expert for local, regional, national, and international news media. He has made live appearances on CNN, including Jack Cafferty's *In the Money* and *Larry King Live*; CNBC, including *Geraldo Live*; and Fox National News, including *Hannity and Colmes* and *The O'Reilly Factor*. Additionally Ross has written op-eds for *The* (Baltimore) *Sun*, *The* (Maryland) *Daily Record*, *The Gazette* (weekly community newspaper serving Maryland's Montgomery, Frederick, Prince Georges, and Carroll counties), the *Baltimore Examiner*, and the *Tampa Tribune*.

From 1995 to 1998, Ross was a social science analyst with the National Institute of Justice, a Division of the U.S. Department of Justice. In 2003, he was awarded the University of Baltimore's Distinguished Chair in Research Award. His website is www.jeffreyianross.com.





Foreword

Jeffrey Ian Ross brings an exceptional amount of experience and motivation to the subject matter of policing in America. From a childhood interest in policing, to a position at the research arm of the National Institute of Justice, and teaching policing classes at university for more than a decade, it is clear that Ross's scholarly biography crafts the pages of *Policing Issues: Challenges & Controversies*. Motivated by the desire to contribute to our understanding of the issues surrounding policing as well as a dearth of critical scholarship designed specifically for classroom use, this book brings to the forefront of academic consideration not only "police problems," but problems and issues confronting the institution of policing. Far too often authors take for granted that "police problems," the challenges those in policing are willing to see and address, are "the" problems of policing. Ross does not fall into this conceptual trap. As one might expect from an author with such a diverse motivational biography, his approach to police problems is not merely the run of the mill "problem-solving" method that plagues traditional policing literature and thought. Ross' approach to the formulation of problems is derived from the assorted positional gazes of diffuse audiences and stakeholders who view the police—the police officers, community members, subordinate workers, victims of crime, criminal offenders and political leaders.

With a clear and eyes wide open understanding that solutions to problems are not detached from the very formulation of problems themselves, Ross' mission is to identify the most important social problems and solutions in policing by bringing "sound empirical research" to bear on the issues he methodically confronts. As one might expect from someone with Ross's background, "sound empirical research" is given the same careful complexity of treatment afforded the notion of police problems. Highly quantitative and deeply qualitative studies crafted in the academy, as well as their less rigorous "best practices" counterparts, conjured by functionaries deep in the heart of the justice system apparatus are all given a weighted and measured level of consideration and presentation. The practitioner/academic divide often found in policing literature is bridged by Ross's thoughtful treatment of the research in policing. Not only is the research brought to bear on Ross' treatment of policing inspected for its scientific rigor, but this work also evidences conscious concern with the political construction of the knowledges

that become policing research and how that information becomes a political interdiction into the institution of policing itself. In essence, Ross subjects the research in policing not only to an inspection of the adequacy of its execution, but also a critique of how it is used to forge the way we understand both the police and the perception of issues and problems. Unlike many academics who venture into this problem filled world of policing, Ross offers us solutions by bringing a wealth of information to bear on the topic; information constructed, collected and proffered by those most capable of giving us an insight into policing. In doing so, he brings a balance to the often-unnoticed influences on viewers, writers and researchers of the police bringing a whole-sightedness to the topic that often eludes other authors.

This way of understanding the motivated author and this gaze on the world of policing brings to light the importance of the understated meaning of the title, *Policing Issues: Challenges & Controversies*. The work is a uniquely structured and well considered array of issues both confronting and confronted by the police institution, not merely from a problem-solving perspective, but from an academic gaze that recognizes the political realities that give rise to “controversies” that “challenge” the police as a viable democratic institution—in all a very bold and tall order.

Policing Issues: Challenges & Controversies not only confronts the police, but it confronts its readers. If one is looking for a traditional read of the police, one that presents little challenge to the reader’s expectations about structure, the required formulation and rote ordering of issues, and a voice free of purpose or political tone, this may not be the book to spend your time with. If on the other hand, one really wants to examine policing with an unexpected diverse political pose, a juxtaposition of voices that are confronting and confronting, a complex presentation crafted with an ease of understanding and classroom utility in mind; this is a book that can be enjoyed for its thoughtful difference.

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