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Production Assistant
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Editorial

The year 2010 marks a significant milestone in the history of the *Law Enforcement Executive Forum*. Established in 2000, with the first edition being published in April of that year, the *Forum* now celebrates a decade of service and professional contribution. While the *Forum* was initially designed to bridge the gap between research and practice in the State of Illinois, it has become a national and international source of information and exchange. The *Forum* has established itself as a premiere peer-reviewed publication focused on the promotion of academic research and professional contribution within the field of policing.

The first decade of the 21st century has brought significant change and innovation in policing. The *Forum* provides a time-sensitive venue for addressing research and practice as it evolves and develops. Quantitatively, the *Forum* has published 53 issues, containing 825 articles. Nearly one thousand scholars and practitioners have contributed to the collection. Qualitatively, the *Forum* has served to join academics worldwide, from the most prestigious universities, to engage in discussion and share research and thought on the most pressing law enforcement issues of the day.

As we pause to reflect upon the success of the *Forum*, it is important to first and foremost thank all of the authors who have provided articles and contributed professionally to the expanding knowledge base within the field. In addition, it is important to acknowledge the vision and foresight of the Illinois Law Enforcement Training and Standards Board, its members, and Executive Director Kevin T. McClain for supporting the *Forum*, recognizing the importance of research, and sustaining necessary funding. And lastly, special thanks is extended to Western Illinois University; the Illinois Law Enforcement Training and Standards Board Executive Institute at Western Illinois University; Director and Editor Susan C. Nichols; Editor Vladimir A. Sergevnin, PhD; Production Assistant Linda Brines; and all associated production staff for ensuring that the *Forum* maintains the highest standards of academic and publication excellence.

The *Forum* has created a community of talented people dedicated to continually professionalizing law enforcement service so that all citizens may enjoy the special quality of life that comes from protection, and ensured liberty and justice.

Thomas J. Jurkanin, PhD
Senior Editor

"No-Knock" Warrant Meets the "Castle Doctrine": A Human Death Trap

Noel Otu, Associate Professor, Department of Criminal Justice, The University of Texas at Brownsville and Texas Southmost College

Introduction

Two powerful, controversial, and conservative legal doctrines came together on June 15, 2006. In *Hudson v. Michigan* (2006), the U.S. Supreme Court ruled that the Constitution does not require the government to exclude evidence obtained through illegal "no-knock" searches. The conservative ruling is far from the Court's modern-era tradition of "policing the police" by requiring forfeiture of improperly gathered evidence. The no-knock search ruling means that judges may lawfully issue all warrants as no-knock warrants, authorizing police officers to enter specified premises to search for and seize evidence without first knocking or otherwise announcing their presence. Also, if there is a presumed risk of harm to the officers or a possibility that evidence of crime may be destroyed, police officers have the discretion to break into homes that they intend to search with a warrant without knocking or announcing their presence.

In contrast to this, there are over 20 U.S. States with some form of "castle doctrine" laws: Alabama, Alaska, Arizona, Colorado, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, Rhode Island, South Dakota, Tennessee, Texas, and Washington (Anderson, 2006; Formby, 2006) In New Hampshire, the legislature enacted a castle doctrine law, but the governor vetoed it. The castle doctrine simply means that people's homes are their "castles" and that any unlawful intrusion is considered a threat. The homeowner is then legally justified in using lethal force against the intruder (Whetham, 2005). For example, the State of Florida's castle doctrine law states that homeowners have the right to use deadly force against an intruder if they feel that their family's lives are in danger. This (doctrine) law shields the homeowner from prosecution and prevents the assailant from lodging future civil action against the homeowner (Vlahos, 2005). Also, the law in Texas states that if a person breaks into your occupied home, your vehicle, or your place of business, the victim may use any manner of force against that person and does not have a "duty to retreat" (Formby, 2006, p. 1).

The castle doctrine laws do not protect homeowners if they shoot a police officer when the officers do not knock, announce, and wait a reasonable time before entering a home, even though the homeowner claims she thought the officer was an unknown intruder whom she had a right to shoot on sight. This creates a legal tangle for lower-court judges and lay jurors. Also, what about a case in which a criminal home invader calls out, "Police! Police! Police!" while breaking into someone's home? The following are some examples.

On Sunday, February 11, 2007, at about 10:55 PM, three white male suspects knocked on the front door of a home in Breakwater Estates, Delaware, and announced that they were state police, after which time they broke into the home. Chad J. Spangler of Lincoln, Delaware, and Martin R. Furbush of Rehoboth, Delaware,

were both accused of impersonating state police and forcing their way into the home (Oldham, 2007).

In 2003, Israel Frometa Lake, 34, and two others were found guilty of impersonating a police officer, breaking into a home, and committing an armed robbery in Miami Lakes, Florida (McCollum, 2006). On February 8, 2006, two men allegedly identified themselves as police officers and pushed their way into a home in Wakefield, Massachusetts. Richard Petrucci, Jr., 33, of Woburn, was arrested in Stoneham on charges of impersonating a police officer, armed home invasion, and extortion (Stone, 2006).

On November 3, 1999, two armed suspects dressed in police raid-type clothing forced their way into the home of 27-year-old Rosa Buenrostro of Menlo Park, California. On March 14, 2001, Darnell McClendon was convicted of impersonating a police officer, first-degree burglary, first-degree robbery of a residence with a firearm, assault with a deadly weapon, and seven separate counts of false imprisonment (Molakides, 2001). These are just a few of the many documented cases of police impersonation.

This article analyzes the impact of the *Hudson v. Michigan* ruling and makes recommendations on how a police department should set up its no-knock procedures to protect life and property. The no-knock Supreme Court ruling will put at risk not only innocent (or, at least, unconvicted) homeowners, drug offenders, and bystanders, but also the police officers. Thus, we should expect to see casualties on both sides because of this ruling by the high court.

Backgrounds of No-Knock Searches, the Castle Doctrine, and *Hudson v. Michigan*

The U.S. Constitution provides that "no (person) can be deprived of life, liberty, or property without due process of law." The due-process requirement (i.e., the exclusionary rule) states that evidence secured by illegal means and in bad faith cannot be introduced in a criminal trial. Under the exclusionary rule, when police are executing a search warrant on a home, they are required to knock on the door and announce their presence and then wait for a period of time (e.g., 15 to 20 seconds) before entering the home. The waiting time between the announcement and entry is a case-by-case issue.

The introduction of the no-knock search began with the so-called "war on drugs" and then escalated to all searches. Former Los Angeles Police Chief Daryl F. Gates is credited with creating the first Special Weapons Attack Team (SWAT) unit in early 1966 (he was later persuaded to change the name to Special Weapons and Tactics [Balko, 2006a]). SWAT teams and other paramilitary units are most often given responsibility for executing no-knock warrants. By the early 1980s, there were about 3,000 SWAT no-knock searches per year nationwide; by 1996, there were about 30,000; and by 2001, there were 40,000 (Balko, 2006a). There are some states in the U.S. in which no-knock warrants are issued to police officers with the assumption that it will reduce the risk of injury to officers and the destruction of evidence. For example, in the State of Georgia, they are frequently issued for drug-related searches (e.g., see *Adam v. State*, 1991; Wilkes, 1996, p. 1), and the State of Wisconsin gives blanket approval of no-knock police raids in drug searches. The U. S. Supreme Court ruled that Wisconsin's blanket policy violates the Fourth Amendment's unreasonable searches and seizures protection (e.g., see News

Briefs, 1997, p. 1; *Richards v. Wisconsin*, 1997). Such mandates make this tactic the order of the day, and no-knock searches are now being used to respond even to calls about angry dogs and domestic disputes (Balko, 2006a).

The castle doctrine refers to a legal rule that originated in ancient Roman society and that, in written form, dates back to English common law (Soglin, 2006). This doctrine provides that "a man's home is his castle," and so he may defend his or her castle by any means necessary, including deadly force ("Castle Doctrine," 2007). In 1604, Justice Sir Edward Coke ruled that "The house of every one is to him as his castle and fortress, as well for his defense against injury and violence as for his repose" (*Semayne's Case*, 1603). This English common law case is what the U.S. recognized as establishing the knock and announce rule. The doctrine creates the assumption that an intruder into another's castle intends to do bodily harm to the occupant and his family and destroy or steal his property. Further, it prohibits prosecution or civil lawsuits when an intruder is injured or killed. The U.S. Constitution may not directly prohibit no-knock searches and seizures, but it embraces the doctrine through the Fourth Amendment's protection against unreasonable searches and seizures. It is important to note that the U.S. criminal justice system was transplanted from England, with some refinements, and has remained similar to the English system since the earliest days.

Hudson v. Michigan was decided on June 15, 2006. Detroit police officers, executing a search warrant for drugs and weapons, knocked and announced themselves before walking through an unlocked door into the home of Booker T. Hudson. The police only waited three to five seconds after knocking on Hudson's door before they broke into his house, an apparent violation of the Fourth Amendment's "knock-and-announce" rule. The police found cocaine and a weapon in Hudson's home and charged him with various drug crimes (Balko, 2006a). The trial court granted Hudson's motion to suppress the evidence seized because the wait time at Hudson's door was insufficient to satisfy the "knock-and-announce" requirement.

The case then went to the Michigan Court of Appeals, and later to the Michigan Supreme Court, which ruled that suppressing the evidence was not a proper remedy for the violation of the "knock-and-announce" rule. They supported this decision by citing the Doctrine of Inevitable Discovery (Balko, 2006a). The case was then appealed to the U.S. Supreme Court, which, by a 5-4 vote, upheld the Michigan Court ruling that the police officers' failure to "knock and announce" and wait long enough before breaking into the suspect's home did not disqualify evidence seized as long as the search warrant was valid. The 5-4 decision continues the Supreme Court's conservative ruling since the September 11, 2001, terrorist attack and the departure of moderate justice Sandra Day O'Connor. It is clearly notable that the conservatives (Chief Justice John Roberts and Justice Samuel Alito) supported the government position of giving law enforcement more powers and taking away the only incentive for police to obey the constitutional requirement to knock and announce their presence and wait long enough before breaking into people's homes. Writing for the majority in *Hudson v. Michigan* (2006), Justice Antonin Scalia said that police acknowledge violating the exclusionary rule, but disallowing evidence from every "knock-and-announce violation" would create "grave adverse consequence," which may lead to criminals appealing all their cases, looking for dismissals. A victory for Hudson would have given him and others a "get-out-of-jail-free card." He went on to say, "Whether that preliminary misstep had occurred or not, the police would have executed the warrant they

had obtained and would have discovered the gun and drugs inside the house." Throwing out evidence is too tough a punishment for the police mistake of failing to properly announce their presence: "If the consequences of running afoul of the law were so massive, officers would be inclined to wait longer than law requires—producing inevitable violence against officers in some cases, and the destruction of evidence in many others."

In a dissent, Justice Stephen Breyer complained about the majority's ruling in the *Hudson* case, stating that "Our Fourth Amendment tradition places a high value upon protecting privacy in the home." He went on to say that the ruling "weakens, perhaps destroys, much of the practical value of the Constitution's knock-and-announce protection." Justice Breyer concluded that police will now feel free to enter homes without knocking and waiting a short time if they know they might not be punished for it.

This study shows that the U.S. Supreme Court ruling in this case moved society in a dangerous direction by loosening the last reins on police searches of citizens' homes and property. Now, there is no remedy for victims of such searches, which creates opportunities for violence by or against homeowners or the police as well as damage to property. Below are a few selected examples of the results of executing no-knock search warrants.

On September 24, 2009, at 2:25 AM, Mr. Jamie Gonzalez, 39, of Lakewood, New Jersey opened fire on Lakewood police officers executing a no-knock search warrant at Mr. Gonzalez's home. Four officers and the home owner were wounded (The Associated Press [AP], 2009).

Detective Jarrod Shivers of the Chesapeake, Virginia, Police Department, a 34-year-old father of three, was shot and killed while trying to enter the home of Ryan Frederick in the 900 block of Redstart Avenue the night of January 17, 2008. Mr. Frederick, 29, has argued he did not know it was the police breaking down his front door and fired at what he thought were criminals. On February 5, 2009, Mr. Frederick was convicted of voluntary manslaughter and sentenced to 10 years in prison (McGlone, 2009).

John Hirko, Jr. of Bethlehem, Pennsylvania, was killed in April 1997 by a police officer who had entered his home without knocking. The officer threw a "flash-bang" device into the house, sparking an intense fire that prevented Hirko from escaping—or even being apprehended and treated—after police shot him a total of eleven times (Dale, 2003). A wrongful death and negligence lawsuit was filed, and the City of Bethlehem offered the plaintiffs a $500,000 settlement, which was the City's maximum liability insurance, but the plaintiffs rejected the settlement. Bethlehem, population 78,000, ended up spending $7.39 million as a result of the execution of a no-knock search warrant.

In November 2002, Lewis Cauthorne of Baltimore, Maryland, was in his basement when police raided his home, conducting a no-knock search. Cauthorne, having heard the screams of his girlfriend, mother, and three-year-old daughter, emerged with a handgun. He shot and wounded four Baltimore police officers. Baltimore prosecutors dropped charges against Cauthorne in January 2003, concluding that he had reason to believe his life was in danger (Klein & Wilber, 2003).

On January 21, 2005, the Baltimore County Police Tactical Unit conducted a raid at the home of 44-year-old Cheryl Lynn Noel of Gray Haven, Maryland. When one of the police officers opened the bedroom door, he allegedly was met by Ms. Noel, who was pointing a handgun at him. The officer, who reported that he feared for his life, fired three shots, striking and killing Noel. Many people were shocked by the incident, which fostered widespread speculation of police error. Noel's co-worker Martin Porter said, "I have to believe that Cheryl came to the door thinking someone was breaking into her house. I think the police overreacted. This was an absolute injustice" (Giordano, 2005, p. 31). The list of citizens and police officers killed during no-knock raids continues to grow. It includes Kathryn Johnston of northwest Atlanta, Georgia, in November 2006; Sal Culosi of Fairfax, Virginia, in January 2006; Anthony Andrew Diotaiuto of Sunrise, Florida, in August 2005; Jose Colon of Suffolk, New York, in April 2002; Clayton Helriggle of Eaton, Ohio, in September 2002; Tony Martinez of De Vallie, Texas, in December 2001; Police Officer Ron Jones of Prentiss, Mississippi, in December 2001; Deputy Keith Ruiz of Travis County, Texas, in February 2001; John Adams of Lebanon, Tennessee, in October 2000; and Lynette Gayle Jackson of Riverdale, Georgia, on September 22, 2000 (Guither, 2007).

Let us now approach the same issue from two "worst-case" perspectives: (1) police officers are breaking into a home without knocking, or (2) the home is the wrong home or the wrong address. The following are examples of each type of case.

On January 8, 2000, Aurora, Colorado, police officers raided an apartment beneath an East Colfax Pawn Shop and allegedly "roughed up" the storeowner, Stuart Coapland. The business listed on the warrant was "Aurora Pawn," which was located on South Parker Road. The address listed as 9707 E. Colfax Avenue never existed (Kelly, 2000). In 1994, Boston police officers crashed through the front door of an apartment belonging to Accelyne Williams, a 75-year-old retired Methodist minister. Williams died of a heart attack after being pushed to the ground and handcuffed. It was later revealed that the police had entered the wrong apartment. In 2003, Alberto Spruill, 57, died after a no-knock ordeal when police officers battered in his door and threw explosives inside his home. His death was ruled a homicide by the coroner—he had been scared to death (Blumner, 2006).

These overreactive and highly confrontational police tactics create more victims and costs to society than can be explained by current rationales for no-knock policies. Unfortunately, however, the search and seizure literature contains few references to the castle doctrine, and there is no literature that deals directly with the conflict between no-knock warrants and the castle doctrine or the consequences that can be expected when the no-knock rule is applied.

This article examines the *Wilson v. Arkansas* decision of 1995 and reviews the history up to the *Hudson v. Michigan* decision of 2006. The objectives of the study were (1) to identify the potential and real problems associated with wrongful interpretation or application of the Supreme Court's ruling in *Hudson v. Michigan*, (2) to develop and name exceptions to the "knock and announce" requirement of the Fourth Amendment, and (3) to offer recommendations to help police departments develop no-knock search and seizure policies and procedures that meet the requirements of the U.S. Constitution and societal standards of police professionalism.

Prior Research

Despite the need for research on the effects of no-knock police searches and their relationship with the castle doctrine, a review of the literature found no studies that focused entirely on these questions. Only two studies were found to have some link to police searches in some form. Bulzomi (1997) deals with the issue of the suppression of evidence and was conducted before *Hudson v. Michigan* (2006). Also, Balko (2006a) focuses entirely on the war on drugs and police SWAT units. The Bulzomi and Balko studies are both good in themselves, but they lack a compelling theoretical perspective that would allow a fuller explanation of the effects of no-knock searches and their relationship with the castle doctrine.

It is important at this point to check a brief history of the exclusionary rule. The common law did not include the exclusion of wrongfully obtained evidence. It was the duty of the person wronged (illegally obtained evidence) to sue the wrongdoers on the charges of trespass. The criminal justice system did advance to include the general warrant clause, which was one of the factors that incited the revolutionary movement for independence in the United States. The abuse of the general warrant only affected the poor and the uneducated.

In the early 20th century, the U.S. Supreme Court recognized the Fourth Amendment exclusionary rule from the well-contested interpretations of the Fifth Amendment against self-incrimination, protecting individuals against the government using a suspect's property as evidence against the owner. The idea of the exclusionary rule could be sensed/observed when contrasting the anti-exclusionary rule opinion of Justice Cardozos with the pro-exclusionary rulings of other justices.

In the early 1900s, Justice Benjamin Cardozo ruled in the New York Court of Appeals in *People v. Defore* (1926) that "documents did not cease to be competent evidence—though the seizure was unlawful." It is very clear that the ruling rejected any idea of an exclusionary rule. But in *Weeks v. United States* (1914), Justice William Day, writing for the majority, said that an important violation was the invasion of Mr. Weeks' personal liberty, private property, and personal security. Hence, illegally obtained evidence must be excluded from trials in federal courts. Also, in *Wolf v. Colorado* (1949), Justice Frankfurter, writing for the majority, stated that protection from arbitrary intrusion by police officers is included in the "concept of ordered liberty" and, therefore, is a part of the Fourteenth Amendment and should apply to the states. The court applied the Fourth Amendment to the states through the Fourteenth Amendment on due process but failed to apply it as a remedy for the violation of the Fourth Amendment. The court did not agree that unconstitutionally obtained evidence should be suppressed in state courts.

In *People v. Cahan* (1955), Justice Roger Traynor ruled that "incriminating evidence was obtained in flagrant violation of the U.S. Constitution's Fourth and Fourteenth Amendments," and that such evidence should be excluded from trial. Most of these cases were paving the way for the complete application of the exclusionary rule to all states.

It was not until 1961, in *Mapp v. Ohio*, that the U.S. Supreme Court ruled that the exclusionary rule applies to all states under the due process of the Fourteenth Amendment. The Supreme Court did revisit the exclusionary rule in many other

cases (e.g., *Escobeto v. Illinois*, 1964; *Miranda v. Arizona*, 1966), but this review is limited to selected search and seizure cases.

In *United States v. Calandra* (1974), the Supreme Court declared that the purpose of the exclusionary rule is "calculated to prevent, not to repair" the harm done in violating the due-process law. The court at this point tried to create some exceptions to the exclusionary rule. In *Segura v. United States* (1984), the Supreme Court ruled that evidence in plain view should be admitted into evidence, creating the "plain view exception."

In *New York v. Quarles* (1984), the Supreme Court ruled that "public safety" should take precedence over the maintenance of procedural laws.

In *Nix v. William* (1984), which followed *Brewer v. Williams* (1977), the Supreme Court ruled that there was no need to suppress evidence that was collected in violation of the procedural law if it "inevitably" would have been discovered (even by private parties) lawfully.

Finally, the U.S. Supreme Court declared in the *United States v. Leon* (1984) that evidence obtained with reasonable belief on a search warrant but ultimately found to be faulty because of the lack of probable cause for issuing could be admitted into evidence under a "good-faith exception." In this case, Justice William Brennan objected to the majority ruling and stated that "It appears that the court's victory over the Fourth Amendment is now complete." This research agrees with Justice Brennan that the Fourth Amendment had been watered down and that the erosion continues on to the present Court's ruling in the *Hudson v. Michigan* case.

Methodology

In the months following the ruling in *Hudson v. Michigan*, the author gathered part of this research information from hundreds of newspaper reports, journal and magazine articles, U.S. Supreme Court websites, and legal exhibits related to the *Hudson* case. The author understands that the results of this study are qualitative and rely considerably on "documentary evidence," but a serious effort was made to distinguish meaningful facts from emotional ideas expressed in the sources reviewed. The study chooses to use Balko's (2006a) "map" because that is the only available complete data on no-knock police raids.

Major findings and the recommendations of this article are based on reviews of numerous articles and on discussions with key individuals involved in both the *Hudson* case and the enactment of the Texas castle doctrine law.

The Problem of the *Hudson v. Michigan* (2006) Ruling

According to Coyle (2006), "police in Michigan obtained a search warrant to search the home of Booker Hudson for guns and drugs. They arrived at his home; they shouted, 'Police search warrant'; and in reportedly less than five seconds opened the door and went in. There was never any argument that the police violated the 'knock, announce, and wait 15-20 seconds' rule of the Fourth Amendment, which forbids unreasonable searches and seizures" (p. 1).

The *Hudson v. Michigan* case centers on what the consequences of and remedy for violation of the Fourth Amendment should be. The U.S. Supreme Court rejected "indiscriminate application" of the exclusionary rule, applying it only where its deterrence value outweighs its "substantial social costs" (*United States v. Leon*, 1984; see also *Pennsylvania Board of Probation and Parole v. Scott*, 1998).

The exclusionary rule is a judicially created means of deterring illegal searches and seizures. In this case, the Supreme Court introduced the cost versus benefit exception in addition to three other exceptions to the announcement rule: (1) the expectation of destruction of evidence, (2) the apprehension of peril to police personnel, and (3) the "useless gesture" exception under the "particularity" approach.

The Cost Versus Benefit and Destruction-of-Evidence Exceptions in *Hudson v. Michigan*

Justice Scalia delivered the Supreme Court's opinion (*Hudson v. Michigan*, 2006) by weighing the costs versus benefits of suppressing evidence based on the exclusionary rule. He stated that "Suppression of evidence . . . has always been our last resort, not our first impulse. The exclusionary rule generates substantial social costs, which sometimes include setting the guilty free and the dangerous at large. We have therefore been cautious against expanding it, and have repeatedly emphasized that the rule's costly toll upon truth-seeking and law enforcement objectives presents a high obstacle for those urging its application." The violation of the "knock and announce" rule in this case was not considered the but-for-cause, and suppression of evidence was viewed as not serving the interest protected by the Fourth Amendment guarantee. The interests protected by the "knock and announce" requirement as it applies to the *Hudson* case are as follows:

- *Protection of human life* – Even though, in this case, no one was hurt.
- *Protection of property* – There was no damage to Mr. Hudson's property.
- *Protection of the privacy and dignity of a home* – Evidence described in a warrant was seized, and so Mr. Hudson should not have expected privacy rights when committing a crime, although even convicted criminals have rights.

It is equally important that we look at the benefits and costs of not suppressing evidence in the *Hudson v. Michigan* case. First, the "knock and announce" rule is not necessary when "circumstances present a threat of physical violence"—in this case, there was no threat of or actual physical violence in the Hudson home. Second, the "knock and announce" rule is not necessary when there is "reason to believe evidence would likely be destroyed if advance notice were given." It would have been difficult for Mr. Hudson to destroy the weapon found in his house on short notice, and in this case, even if the drugs had been disposed of (e.g., flushed down the toilet), the weapon would have been enough for a conviction. In the cost-benefit analysis, the question then becomes whether the cocaine discovered in the no-knock search was worth the violation of the Constitution's knock and announce requirement and the bad precedent set by not suppressing the evidence. In the opinion of this researcher, the answer is a resounding "No." It is now undeniably clear that there is a five-member conservative majority on the Supreme Court that seems bent on watering down due process.

Apprehension of Peril Exception

The *apprehension of peril exception* is invoked when there is a reasonable belief by the police that knocking and announcing their presence may result in a violent response from the occupants of the home. Mr. Hudson had a weapon in the house, but mere knowledge of the weapon's presence in the home is not considered a sufficient justification for a no-knock entry by police (Bulzomi, 1997). In 1994, the U.S. Court of Appeals ruled that a no-knock entry was illegal because the police had no prior knowledge that the suspect was violent or might use the said weapon in a violent confrontation with the police (*United States v. Lucht*, 1994).

Generally, the court has always taken a broad interpretation of the apprehension of peril exception when there exists any reasonable risk of danger to the police. Examples include cases of armed robbery, murder, or aggravated rape (*Power v. State*, 1993); it was also held that the combined presence of a pit bull and firearms justified a no-knock entry (*United States v. Buckley*, 1993). It may also be necessary to use no-knock tactics if the suspect had previously threatened the police or had vowed not to return to prison (Bulzomi, 1997; *Juvenile Department of Multnomah City v. Qutub*, 1985; *People v. Hardin*, 1998).

Upon looking at the apprehension of peril exception, it is the position of this research that the *Hudson v. Michigan* ruling does not fit this exception. The ruling in this case would seem to give free license to violence-prone police officers to go on brutalizing homeowners just for the fun of it and create confusion among disciplined police administrators.

Useless Gesture Exception

The *useless gesture exception* occurs when police are sure beforehand that the dwelling is empty or that the occupants are aware of police presence and the intent of their presence on the premises. In *Miller v. United States* (1958), the Court determined that the police have to be "virtually certain" that the home occupants are aware of their presence and purpose. For example, running from the door instead of opening it may satisfy a logical assumption that occupants are aware of police presence and intent (Bulzomi, 1979; *United States v. James*, 1985).

In *Hudson v. Michigan*, the occupant was not given a chance to even get up from his chair; hence, Mr. Hudson did not know who was at the door, and so this exception does not apply. This makes the *Hudson* ruling doubly troubling for both the police and for citizens—those who are law abiding and those who are suspected of committing crimes.

The Particularity Approach

The *particularity approach* allows the police to show to the Court that under the specific circumstances of the case, there were risks of evidence destruction and/or injury to humans if they had abided by the "knock and announce" rule. The mere fact that a home has plumbing capable of flushing away drugs or other evidence may not be enough to satisfy the requirements of this approach (Bulzomi, 1979), but some jurisdictions may accept the availability of a plumbing system as a justification for a no-knock search (*State v. Stevens*, 1994). In the *Hudson* case, there

would have been no possibility of flushing weapons through the plumbing system, so the *Hudson v. Michigan* (2006) ruling creates a troubling situation in which the presumed innocence of future victims of no-knock searches may be compromised, even though their rights may have been violated.

Beyond "Right or Wrong" in the *Hudson v. Michigan* Ruling: How Law Enforcement Can Conduct Searches in a Responsible Manner

Findings from previous court rulings, news media reports, and police incident reports concur with other generally supportive evidence that a no-knock raid is traumatic to residents and that it may provoke violence, endangering the lives of police, homeowners, and even bystanders. This article uses information and tables from "Botched Paramilitary Police Raid Maps" in Balko (2006b), which covers the entire United States to show the scope of the problem of no-knock police raids (see Table 1). Between 1985 and 2006, there were 41 deaths of innocent individuals who had no official relationship with the search. During the same period, 22 police officers were killed or injured, and there were 22 deaths of nonviolent offenders. The Balko data also show that there were 144 no-knock police raids on innocent suspects, while another 53 no-knock raids were not reported with enough details to fit them into any of the categories. Finally, there were 16 unannounced raids on physicians' and sick people's homes throughout the United States during the data-collection period. It is important for the reader to understand that as a society we have to do something to stop this blood bath.

Table 1. Botched No-Knock Police Raids, 1985-2006

States	Death of an Innocent Person	Death or Injury of a Police Officer	Death of a Nonviolent Offender	Raid on an Innocent Suspect	Other Examples of No-Knock Raids	Unannounced Raid on Doctors and Sick People	Total
Alabama	0	0	0	2	0	0	2
Alaska	0	0	0	0	0	0	0
Arizona	0	0	0	4	1	0	5
Arkansas	0	0	0	1	0	0	1
California	8	3	1	14	4	6	36
Colorado	1	0	0	5	4	0	10
Connecticut	0	0	0	2	1	0	3
Delaware	0	0	0	0	0	0	0
District of Columbia	0	0	0	1	1	0	2
Florida	3	1	5	8	3	1	21
Georgia	3	1	0	1	0	0	5
Hawaii	0	0	0	1	0	0	1
Idaho	0	1	0	1	0	0	2
Illinois	0	0	0	5	1	0	6
Indiana	0	1	0	1	0	0	2
Iowa	0	0	0	0	0	0	0
Kansas	1	1	0	2	0	0	4
Kentucky	1	0	0	0	1	0	2
Louisiana	0	0	0	1	1	0	2
Maine	0	0	0	0	0	0	0
Maryland	1	2	0	3	0	0	6
Massachusetts	1	1	0	1	1	0	4

Michigan	0	1	0	0	1	0	2
Minnesota	1	0	0	1	2	0	4
Mississippi	0	1	0	1	1	0	3
Missouri	0	0	0	2	2	0	4
Montana	0	0	0	1	0	0	1
Nebraska	0	0	0	1	1	0	2
Nevada	0	0	0	1	0	0	1
New Hampshire	0	0	1	0	0	0	1
New Jersey	0	1	0	5	0	2	8
New Mexico	1	0	2	3	2	0	8
New York	3	0	2	26	4	0	35
North Carolina	2	1	1	6	3	0	13
North Dakota	0	0	0	0	0	0	0
Ohio	0	0	2	2	1	0	5
Oklahoma	0	2	0	1	1	0	4
Oregon	2	0	0	3	0	0	5
Pennsylvania	0	0	1	4	3	0	8
Rhode Island	0	0	0	2	0	0	2
South Carolina	0	0	1	0	2	0	3
South Dakota	0	0	0	0	1	0	1
Tennessee	3	0	1	1	0	1	6
Texas	5	2	3	9	5	1	25
Utah	0	0	0	3	1	0	4
Vermont	0	0	0	0	0	0	0
Virginia	2	0	1	7	3	2	15
Washington	3	1	0	5	0	1	10
West Virginia	0	0	0	0	0	1	1
Wisconsin	0	2	1	7	2	1	13
Wyoming	0	0	0	0	0	0	0
Total	41	22	22	144	53	16	298

Tallied from Balko, 2006b.

According to Justice Anthony Kennedy, who voted "yes" but wrote a separate opinion, "if a widespread pattern of (knock and announce) violation were shown . . . there would be reason for grave concern" (*Hudson v. Michigan*, 2006).

The following section will give examples to support the above-mentioned results/outcomes of no-knock raids as discussed in the literature.

Trauma to Residents and Wrong-Address Victims

On September 3, 2002, police raided the home of Williemae Mack in Brooklyn, New York. One of her twins, a 13-year-old son, frightened by the noise of the explosive device that police used to break down the door, hid under the bed, but police pulled him out and pointed a gun at his head. The police did not find any controlled substance or anything illegal in the home. They discovered later that they had raided the wrong home (Balko, 2006b; Levitt, 2003).

On October 15, 2002, 20 police officers went to the home of Robert Rogers to serve a no-knock warrant. Mr. Rogers, a retired police officer, was watching television with his wife. His first reaction to the intrusion was to grab his weapon, but upon realizing they were police officers, he fell on the weapon and covered it with his body. In this case, also, the police had the wrong address.

Finally, according to Balko (2006b), police served a no-knock warrant on the home of Mr. Michael Thompson of Queens, New York, on October 14, 2002, and severely damaged the front door of his home. This was also a wrong-address raid (Levitt, 2003). There are many other documented wrong-address raids that have traumatized citizens, including Alberta Spruill of New York City on May 16, 2003; Ellis Elliott of New York on February 27, 1998; and Shaunisia Patterson of the Bronx, New York. Mrs. Patterson was so frightened when officers raided her home that she urinated on herself and the police refused to allow her to change (Balko, 2006a; Herbert, 1998).

Violence Self-Defense

It is easy to understand why homeowners' first reactions to no-knock police raids might be to pick up a weapon and defend themselves, their family members, and their property from an intruder. Texas State Senator Jane Nelson said that if you break into someone's home "you enter at your own risk" (Formby, 2006, p. 1). The no-knock police searches may provoke or create a situation in which the homeowner may injure or kill a police officer (intruder) and invoke the castle doctrine as a self-defense. Most of the police officers conducting no-knock searches dress in black or in military-type uniforms. The police should be required to dress in complete police uniform, "knock and announce" their presence, and wait a reasonable time, perhaps 10 to 20 seconds, for the homeowner to open his or her door for them. It is common knowledge that physicians, nurses, military personnel, and even the Pope wear uniforms when performing their official duties—why not the police? Again, this would also avoid the reverse act by a real intruder who yells, "Police! Police! Police!" while kicking in a person's door.

In Venice, Illinois, police officers mistakenly raided the home of Mayor Tyrone Echol in search of illegal drugs, but luckily nobody was home. When the mayor was interviewed by the press, he said, "To tell the truth, I don't remember what they said because I was furious. If I'd been here and heard that going on, I probably would have taken my pistol and shot through the door. I'd probably be dead, and some of the officers would probably be dead too" (Balko, 2006b, p. 20; see also Gauen, 1992).

On December 26, 2006, police officers mistakenly served a no-knock warrant on Mr. Cory Maye's home in Prentiss, Mississippi. Maye shot a police officer but relinquished his weapon and ceased resisting when it became clear to him that the people who had burst into his home were police officers. Despite this, Maye was charged with capital murder, convicted of killing a police officer in the line of duty, and sentenced to death (Reynolds, 2005).

On August 9, 1999, El Monte, California, police officers served a no-knock search warrant on Mario Paz's home, and the 65-year-old Mr. Paz was fatally shot in the back. El Monte Assistant Police Chief Bill Ankeny said the team of up to 20 officers, who were looking for evidence that could be used in a case against Chino drug suspect Marcos Beltran Lizarraga, shot the front and back doors of Mr. Paz's home open as the family slept. Ankeny went on to say, "We didn't have information of the Paz family being involved in narcotics trafficking. To my knowledge, right now, we don't have any information that the Paz family was dealing in narcotics. To our knowledge they were not" (O'Connor, 1999, p. 1). Mr. Paz's family said that Marcos Beltran Lizarraga had lived next door in the 1980s and had persuaded Paz, a father of six and grandfather of 14, to let him receive mail at the Paz home.

In one of the most bizarre cases on record, North Minneapolis police officers served a no-knock search warrant on the home of Andre Madison on November 7, 1995. The police unit tossed a flash-bang grenade into the home through the front entrance while another law enforcement team (it was a city housing unit) was attempting to enter the home through the rear entrance. According to investigators from a nearby county police department, the housing unit officers mistook the exploding grenade used by the city police for gunfire from the homeowner and opened fire. Both police departments mistook each other for a violent homeowner and fired on each other. When it was over, police officer Mark Lanasa was shot in the neck; Mr. Madison, the homeowner, was shot in the neck and arm; and Madison's home and neighbors' homes were damaged by gunfire (Balko, 2006a).

In August 1996, police officers from Tulsa, Oklahoma, raided the home of 70-year-old Marylou Coonfield. When she was awakened by the sound of someone breaking down her front door and rushing into her house, she picked up a .22-caliber pistol and fired at the intruders, wounding Deputy Sheriff Newt Ellenbarger. A jury later acquitted Coonfield of assault and battery with a dangerous weapon and feloniously pointing a weapon at police officers. She was acquitted on the basis of Oklahoma's "Make My Day" law, which is similar to the castle doctrine. The Oklahoma law states that, "an occupant of a house is justified in using physical force, including deadly force, against another person who has unlawfully entered the house if the occupant reasonably believes that the other person might use any physical force, no matter how slight, against any occupant of the house" (Tulsa [AP] News, 1999, p. 1).

Officers' Safety Argument

It is clear at this point that many officers have been killed as a result of no-knock searches. For example, Sheriff's deputies James Moulson and Phillip Anderson died at the home of George Timothy William while trying to serve a no-knock warrant, and the homeowner also died in the shootout (Orr, 2001). However, it is also recognized that a no-knock entry may sometimes be necessary for the safety of police officers and to prevent evidence from being destroyed. In the U.S. Supreme Court decision in *Hudson v. Michigan*, Justice Scalia used the cost-benefit analysis to uphold Hudson's conviction. He concluded that "social cost" is too high in relation to any "privacy" protection residents get from the "knock and announce" rule. The difficulty here is that Justice Scalia did not compare or analyze the social cost of "destruction of evidence vs. human life." It could be argued, for instance, that the risk of loss of a human life is too high a price to pay for whatever additional evidence the police may obtain from the no-knock raid.

On the other hand, it has been argued by Bulzomi (1997) that when officers announce their presence and purpose, they make themselves readily identifiable targets for the occupants to "shoot first." This study does not support the view that citizens are likely to "fire first" at police officers who identify themselves. It has been shown that many no-knock raids are conducted at the wrong addresses, and most homeowners who have fired at the police have stated that they would not have done so had they known it was the police and not intruders (Balko, 2006a).

Solution

"No-knock" was sold with the hope of saving hostages and for use in other similarly dire circumstances. However, like other well-intentioned police practices, it was and has been abused by being used in cases of "minor" drug raids and domestic disputes. Now, to correct the situation and protect police officers, homeowners, and bystanders, the following steps are recommended:

- Implement policy changes at the local police department level. Allow the use of a no-knock raid under its original guidelines—that is, cases of dire circumstances such as saving a hostage.

- Encourage the police to maintain surveillance on a suspect, arrest him or her outside the home (e.g., shopping, jogging, etc.), and take the suspect home to conduct the search.

- The search warrant signed by a judge should specifically authorize a no-knock search, and only senior officers should be allowed to authorize on-the-scene breaking and entering of a home (no-knock).

- The department's policy should specifically state the circumstances where/when police officers may request, obtain, and use no-knock tactics.

Destruction of Evidence Argument

In explaining his cost-benefit analysis, Justice Scalia warned that excluding incriminating evidence in *Hudson v. Michigan* would cause police officers to refrain from making a timely entry into citizens' homes, resulting in possible destruction of evidence by homeowners. Yet, ignoring the "knock and announce" rule because of fear of potential destruction of evidence is a high price to pay—the unnecessary placing of human lives at risk—to obtain evidence. The destruction of evidence centers mainly on the flushing of drugs down a toilet, but clearly few other types of evidence could so easily be disposed of.

Solution

The destruction-of-evidence argument has an alternative solution beyond the use of no-knock warrants. First, it should be recognized, once again, that most types of evidence cannot be destroyed by flushing them down a toilet—for example, guns or large quantities of drugs. Second, the police and the local utility department can work together for the common interest of society. The utility department may shut off the water in the area where the police intend to serve a warrant. With not enough water available, all drugs/evidence could not be flushed down the toilet. Hence, police could conduct a "knock and announce" raid without risking the destruction of all evidence or unintentional injury to themselves or others involved.

No-Knock Police Searchers Meet the Castle Doctrine's Homeowner

The issuance of a no-knock warrant by a judge and the execution of it by police officers have become acceptable for two main reasons: (1) the protection of police

officers and (2) the preservation of evidence. These justifications have been discussed above, followed by alternative solutions. However, there are other issues that need to be discussed such as privacy, supposed self-defense, and damage to property (e.g., a homeowner's door).

In *Hudson v. Michigan*, Justice Scalia's majority opinion minimized the privacy issue involved and said that "knock and announce" amounts to little more than the right "not to be intruded upon in one's night clothes" (Aloi, 2006, p. 2). Justice Scalia tended to ignore the castle doctrine/self-defense argument, which is a legal concept derived from English common law as it is applied in the United States. It allows a home to be a place in which one enjoys privacy and protection from intruders. For example, in the State of Florida, the castle doctrine law gives the homeowner "the right to stand his or her ground and meet force with force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm" (Roig-Franzia, 2005, p. 1). On September 1, 2007, it became legal in Texas to use deadly force against an intruder. Texas State Senator Jeff Wentworth said, "If you break into my house . . ., I shouldn't have to calculate: Does he have a knife, does he have a gun, is the gun loaded? I ought to be able to protect my family without worrying about those things" (Formby, 2006, p. 1). Based on many anecdotal accounts, it is very difficult to differentiate police raids from violent intruders. In addition, "people have the right to answer the door in a dignified manner," said Hudson's lawyer David Moran (Mears, 2006, p. 2). Correspondingly, if responsible parents knock on their children's door, announce themselves, and wait a reasonable time before entering, even though they pay the mortgage, why should strangers such as the police be exempted from such responsible behavior?

Theoretical Standpoint

This research utilizes the theory of punishment/deterrent according to the culture of the offender, which states that "in order to make punishment effective, the cultural dimension has to be fully considered—i.e., we have to consider who is being punished and from which culture" (Otu, 2000, p. 260).

The no-knock police search is the willful use of force by officers who knowingly or unknowingly are violating the castle doctrine. The "knock, announce, and wait" policy is a constitutional protection, but the *Hudson v. Michigan* ruling has seriously compromised it, leaving little as an incentive or deterrent for a police officer's good or bad behavior. Most importantly, an effective deterrent measure has to be in place to control police behavior given that police and other law enforcement personnel are the only people in our society allowed to carry loaded weapons and who can take a life. According to Supreme Court Justice Breyer, who wrote for the dissenters in the *Hudson v. Michigan* case, "the court is destroying the strongest legal incentive (for the police) to comply with the Constitution's 'knock and announce' requirement" (TChris, 2006, p. 1). He went on to say that officers "will always know . . . that they can ignore the 'knock and announce' requirement without risking the suppression of evidence discovered after their unlawful entry" (Mears, 2006). This study agrees with Justice Breyer's opinion and proposes that police officers be required to carry (claim-made-basis) occupational liability insurance (Otu, 2006, p. 309). The fear of high liability insurance premiums because of wrong behavior that may result in a lawsuit will give officers an incentive to adhere to a higher standard in all police duties. Other recommendations to correct this situation follow.

The premise underlying this endeavor is that if there is nothing in place to "police the police," and the *Hudson v. Michigan* ruling sets a precedent, no-knock police searches will continue, especially during the execution of drug search warrants. Based on the evidence of the past, this almost guarantees that unintentional injuries and deaths—among police officers and citizens alike—will continue during the service of warrants.

It is important to remember that the exclusionary rule was a major consideration in federal law enforcement after the Supreme Court defined it in the *Weeks v. United States* case in 1914. However, it was not until 47 years later that the Supreme Court made the exclusionary rule applicable to state criminal prosecutions in *Mapp v. Ohio* (1961). At this point, it would seem logical for local and state police to set the standard for federal law enforcement.

There has to be something to deter police from misbehaving since the Supreme Court may have removed the only incentive to behave well. It is the opinion of this author that if every local and state jurisdiction sets a standard for the police and requires its officers to carry (claim-made-basis) occupational liability insurance, there is no doubt that the "misstep" ruling of the Supreme Court in *Hudson v. Michigan* (2006) will slowly correct itself and that—in less than 47 years—the federal system will follow the local/state example.

Training and Professionalism

Most changes in police training tactics come as a result of a Supreme Court ruling—for example, the Miranda warning. In *Miranda v. Arizona* (1966), the Supreme Court established that law enforcement officers were required to advise suspects of their rights prior to interrogation. In the *Miranda* ruling, it was the responsibility of the police training officers to include the Miranda warning in their curriculum and to train recruits in its use. In the *Hudson v. Michigan* ruling, however, there is no requirement to train or retrain officers regarding search tactics, and, thus, there is no incentive to enforce the learned behavior. The occupation of policing needs to have clear policies and procedures with regard to search and seizure issues to counter the recent Supreme Court ruling and to always knock, announce, and wait long enough before breaking into citizens' homes. At this time, the Supreme Court is failing to play its role of "policing the police"; instead, it has removed the only main incentive/deterrent mechanism that was in place to keep police in check.

According to Justice Scalia in the *Hudson v. Michigan* ruling, police forces are essentially respectful of citizens' rights, and there are other recourses for citizens to pursue civil rights litigation. Justice Scalia's opinion of civil litigation may be one way to protect the rights of the innocent. The interesting questions are (1) How do we weigh the rights of innocent homeowners killed as a result of no-knock searches? (2) What about the rights of potentially guilty but unconvicted suspects? (3) What are the rights of police officers killed in the performance of no-knock searches? and (4) How about the rights of bystanders who may become inadvertently involved? Justice Scalia's idea of bringing civil litigation applies mostly to people of means—not many law firms will take a civil case without a significant retainer fee. Finally, who is being sued? Is it the salaried police officer (employee) or the city (employer)? When we sue our city, we are essentially suing ourselves and our neighbors as taxpayers.

This study shows that, "in the United States, practitioners/workers can be held financially responsible for injury to another person or property which constitutes the basis for professional liability insurance" (Otu, 2006, p. 307). Liability insurance meets the need for protection against errors, mistakes, and foolishness. Let the city (employer) subsidize police salary enough to maintain basic personal liability insurance. There is no amount of training or professionalism that will correct the misstep of the Supreme Court in *Hudson v. Michigan* without an incentive/deterrent to encourage good behavior. It takes such a mechanism to correct behavior.

General Recommendations

In response to the *Hudson* case and the information collected and studied for this research, the following recommendations are made:

1. Police officers should be deterred from choosing wrong behavior and should be empowered to take responsibility for their behavior in the field. Each officer should be required to carry liability insurance.

2. The police should work with the city's utility board or establish a police utility unit to assist officers in shutting down the water supply in any area of the city prior to execution of a drug warrant. This could be the solution to possible flushing of drug evidence down the toilet.

3. At very least, the word "Police" should be printed on the front and back of every police officer's vest when they are involved in serving a search warrant. It may be very difficult for homeowners to separate dream from reality when awakened by a police raid, so police officers should wear complete uniforms when executing search warrants.

4. No-knock search warrants should only be issued by a judge and used in hostage or other similarly serious circumstances in which human life may be at stake. The police affidavit requesting a no-knock search warrant from a judge should have two signatures of senior officers above the rank of sergeant. All no-knock police raids should be videotaped, with sound, from beginning to end.

5. Legislation should be enacted that requires officials at the local and state levels to protect homeowners from prosecution if they mistake police officers for intruders and lawfully protect themselves, their families, and their property. Also, property damaged during a mistaken raid (e.g., wrong address) should be repaired or paid for by the police department.

6. Legislation should be enacted requiring judges to undergo special on-the-job training on the issuing of warrants, and specifically no-knock warrants.

7. Above all, suspects should be arrested outside their homes whenever possible, then taken to their homes for a search.

Discussion and Conclusions

The main problem is the fact that the Supreme Court has created a troubling legal situation for lower court justices and lay juries in cases where a homeowner injures or

kills a police officer and then claims he thought the police officer was a criminal intruder against whom the castle doctrine of self-defense allowed him or her to use force to protect himself and his family. According to Supreme Court Justice Scalia, the growth of "public-interest law firms and lawyers who specialize in civil-rights grievances, and the increasing professionalism of police forces, including a new emphasis on internal police discipline, and the increasing use of various forms of citizens' review can enhance police accountability" (*Hudson v. Michigan*, 2006; also see ABC News Internet Ventures, 2006, p. 1; Healy, 2006, p. 1). It is true that some form of civil redress may reduce some police misbehavior, but the fact remains that many victims of police misbehavior are poor minorities who may not be able to afford a retainer fee to hire a lawyer and fight for their rights. It is also true that there are public-interest law firms who may take cases for free, but there are not enough of these law firms in every community. In addition, if the police are sued, it is the employer (i.e., the taxpayers) who will pay the cost of settlement, which means that there is nothing to deter the officers from repeating such behavior. The ruling in the *Hudson v. Michigan* case removed the only major incentive for police to behave professionally in cases involving the execution of search warrants. There has to be some type of incentive for human beings to behave well. This study proposes that society at large must set the standard that we want our police to follow because "society is answerable to the kind of police it chooses to have, whether it be by deliberation, power struggle, or total neglect" (Otu, 2006, p. 294).

The implication of this proposal is that police department policies and procedures need to be in accordance with the U.S. Constitution and with principles of human decency. The expected results of this proposal, if implemented, are as follows:

- It will create and maintain good relationships between the police and citizens.
- It will protect citizens from illegal intrusions.
- It will deter police officers from abusing the rights of residents.
- It will empower police to be responsible for their actions.
- It will reduce violent attacks between the police and homeowners.

It is the hope of this researcher that all police officers will always do their homework before going out to enforce the law, understanding that no matter how bizarre or how irrational somebody's behavior is, that behavior has meaning to the individual involved. According to the U.S. Supreme Court in *Miller v. United States* (1958), all householders, the good and the bad, the guilty and the innocent, are entitled to the protection designed to secure the common interest against unlawful invasion of private homes.

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Noel Otu is an associate professor of Criminal Justice at The University of Texas at Brownsville and Texas Southmost College. He received his PhD in Criminology from Florida State University. His current research interests include ethnic behavior, culture and crime, and police brutality. His recent publications have appeared in several leading criminological journals, including *The Justice Professional*, *International Journal of Comparative and Applied Criminology and Criminal Justice*, *The Police Journal*, *Journal of Nigerian Affairs*, *African Journal of Criminology & Justice Studies*, and *International Journal of Police Science & Management*.

TASER Found Excessive for Bizarre Behavior in Traffic Stop

Michael P. Stone, Esq., Founding Partner, Stone Busailah, LLP
Marc J. Berger, Esq., Senior Writs and Appeals Specialist, Stone Busailah, LLP

Firing a TASER can result in liability for excessive force unless the officer faces an immediate threat to himself or the public. This was the holding of the Ninth Circuit Court of Appeals on December 28, 2009, in the case of *Bryan v. McPherson*.

The result was not surprising as Officer Brian McPherson of the Coronado Police Department fired his TASER at a seat-belt violator who engaged in bizarre but nonthreatening behavior. In reaching that predictable outcome, the Court provided useful insight into the examination of factors bearing on excessive force claims that are gradually becoming more clearly defined as the judicial system encounters opportunities to apply the legal test to a series of ever-varying fact patterns. The Court's reasoning in the new case appears legally sound, but it is perhaps regrettable that the defendants brought an appeal under facts that gave the Court an easy opportunity to strike a blow against officer safety.

Twenty years after the landmark U.S. Supreme Court ruling in *Graham v. Connor* (1989), appellate courts appear to be evolving from the broad, diffuse totality-of-the-circumstances formula decreed in that case toward a more systematic balancing test that measures the degree of force used, then examines the justification in terms of immediacy of the threat, the seriousness of the offense, and the resistance of the suspect. This evolution exemplifies the ideal functioning of the judicial system as the more fact patterns the courts are able to test against the controlling legal rules, the more predictable becomes the outcome in any particular case.

Facts of the Case

The opinion portrays a colorful factual history. The plaintiff in a federal civil rights suit, Carl Bryan, was a 21-year-old driver who was stopped at 7:30 on a Sunday morning on Coronado Island for not having his seat belt fastened. Slip Opn. at 1. When Officer McPherson approached the passenger side window and asked Bryan if he knew why he had been stopped, Bryan only stared straight ahead. Officer McPherson asked Bryan to turn down his radio and pull over to the curb.

As Bryan pulled over, he hit the steering wheel and yelled expletives. After putting the car in park, Bryan stepped out of the car. Officer McPherson saw Bryan was wearing only boxer shorts and tennis shoes and that he was "yelling gibberish and hitting his thighs." Id.

Unknown to Officer McPherson, the probable source of Bryan's anger at himself was that he had already received a speeding ticket earlier on his drive from Camarillo to Coronado. Id. The opinion does not explain why Bryan was only wearing boxer shorts nor does it discuss any indecent exposure or public nuisance issue connected to that fact. It is noted that before starting on his trip from Camarillo, Bryan had to ride to Los Angeles to get his keys because his cousin's

girlfriend had accidently taken them there the previous day. The opinion does not say that the loss of his keys was the reason Bryan was only wearing boxer shorts, but if it was, then once he recovered his keys, he should have been able to find some respectable clothes to wear. Nevertheless, as all modern law enforcement officers learn in training, under the totality-of-the-circumstances test of *Graham v. Connor* (1989, 490 U.S. at 396), the only strictly relevant facts are those perceived by the officer in the field at the time of the use of force.

From Officer McPherson's perspective, it was undisputed that Bryan appeared agitated, but he did not verbally threaten the officer, he was standing 20 feet away, and he was not attempting to flee. Officer McPherson claimed he had told Bryan to remain in the car, but Bryan claimed he did not hear that instruction. Slip Opn. at 1.

At most, Officer McPherson claimed Bryan took one step toward him. Bryan denied taking any step at all, and the evidence tended to show he was facing away from Officer McPherson when, without warning, Officer McPherson fired his TASER at Bryan. Id. A TASER probe became embedded in Bryan's upper left arm, immobilizing him, so he fell face forward into the asphalt pavement and fractured four front teeth. Id. at 1-2. Bryan was arrested and tried for resisting an officer in violation of *Penal Code*, Section 148, but the jury deadlocked and the charge was dismissed. Id. at 1 and fn. 1.

Procedural History of the Case

In Bryan's civil rights suit for excessive force, the trial court granted summary judgment in favor of the City but denied the motion as against Officer McPherson, finding he was not entitled to qualified immunity because "a reasonable jury could find that Bryan 'presented no immediate danger'" to the officer and that "no use of force was necessary." Slip Opn. at 2 (quoting the trial court decision). The trial court found that from the facts, Bryan was located at least 15 feet away from Officer McPherson, was not facing or advancing toward him, and that the TASER could foreseeably cause injury by causing Bryan to fall to the asphalt. It would be clear to a reasonable officer that using the TASER under these circumstances was unlawful. Id. at 2. The Ninth Circuit panel unanimously affirmed these conclusions.

Analysis of the Ninth Circuit's Opinion

The Ninth Circuit began its analysis by framing the *Graham v. Connor* (1989) inquiry in terms of balancing "the amount of force applied against the need for that force." Slip Opn. at 2 (quoting from *Meredith v. Erath*, 342 F.3d 1057, 1061 [9th Cir. 2003]).

Examining the "amount of force" side of the scale, the Ninth Circuit surveyed the physical effects produced by a TASER shot. While acknowledging that a TASER shot can result in accidental death (Slip Opn. at 3, fn. 7), it concluded the weapon is "non-lethal" but represents "an intermediate, significant level of force that must be justified by a strong government interest that compels the employment of such force." Slip Opn. at 4 (omitting citations and internal punctuation). This holding illustrates that the higher degrees of force require correspondingly greater showings of justification. In placing the TASER at the intermediate degree of the scale, the Court observed that the TASER could, and did, cause "non-minor

physical injuries" when fired at "a shirtless individual standing on asphalt." Slip Opn. at 3. The Court quantified the TASER as a degree of force greater than pepper spray or baton strokes because its use "may result in serous injuries when intense pain and loss of muscle control cause a sudden and uncontrolled fall." Id. at 4.

However, the Court also recognized the social utility of the TASER on the basis that its "ability to defuse a dangerous situation from a distance can obviate the need for more severe, or even deadly, force and thus can help protect police officers, bystanders, and suspects alike." Id. Having placed the TASER at a level where its use must be justified by a "strong government interest," the Court then examined the governmental interest in using the TASER under the facts of the case.

For the purpose of examining the governmental interest in the use of the TASER, the Court distilled from *Graham v. Connor* (1989) "three core factors, 'the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight'" Id. at 5 (quoting from *Graham*, 490 U.S. at 396).

The Court observed that the immediacy of the threat is the most important factor in the *Graham* test. Slip opn. at 5. The Ninth Circuit in *Deorle v. Rutherford* (2001) held that the immediacy of a threat must be justified by objective factors beyond the officer's statement of fear for his own safety or the safety of others. Slip Opn. at 5. That case also held that "A desire to resolve quickly a potentially dangerous situation is not the type of government interest that, standing alone, justifies the use of force that may cause serious injury." Id.

Applying this standard, the Ninth Circuit agreed with the trial court that while an officer would properly be wary of Bryan's "volatile, erratic conduct" this "unusual situation" by itself did not justify a use of significant force. The Court held that to justify the use of the TASER, "the objective facts must indicate that the suspect poses an immediate threat to the officer or a member of the public." Slip Opn. at 5.

Agreeing with the trial court, the Ninth Circuit found "Bryan did not pose an immediate threat" because he was unarmed. It should have been apparent from his lack of clothing that there was nowhere to conceal a weapon, and Bryan's use of expletives and gibberish did not include any verbal or physical threat to the officer. Id.

The Court rejected Officer McPherson's argument that Bryan manifested a threat by taking a step in his direction from roughly 20 feet away. Even resolving this disputed evidence in favor of the officer, Bryan remained 19 feet away "by the officer's own estimate" and was facing away from the officer. Id. at 5-6. The Court also observed that by unholstering and charging his TASER, Officer McPherson placed himself "in a position to respond immediately to any change in the circumstances." Id. at 6. It appears that from the distance shown by the evidence, Officer McPherson would still have had plenty of time to use his TASER if Bryan had started to manifest more threatening behavior.

The Court proceeded to distinguish the case of *Draper v. Reynolds* (2004), which was cited by the defense for the proposition that a TASER could properly be used against "an aggressive, argumentative individual." Slip opn. at 6. In that case,

after the officer had asked Draper to retrieve some paperwork from his truck, Draper had engaged in "increasingly heated argument" and displayed "a growing belligerence" to the officer. In walking back to his truck to get the papers, Draper had turned back toward the officer four times to accuse the officer of harassing and disrespecting him. Draper was not TASERed until the fifth time he turned back, when he yelled at the officer and paced toward him in agitation. The Court in *Draper* had also recognized that an attempt to physically handcuff the suspect at that point would have escalated the situation and itself risked serious injury. Id.

While the Ninth Circuit expressly declined to adopt the holding of *Draper* as the law of this circuit, the contrast drawn between the two fact patterns gives useful guidance on the quantity and quality of evidence of immediacy that would justify using a TASER. For one example, it is quite significant that Officer McPherson gave no warning or indication that force might be used if Bryan persisted in his bizarre behavior. Another important lesson from the comparison of these cases is that where the act of drawing and charging the TASER gives the officer enough protection for the time being, that act will be all that is permitted unless the situation continues to escalate.

The Court in *Bryan* proceeded to rule that a mere traffic infraction "generally will not support the use of a significant level of force." Slip Opn. at 7. While Officer McPherson argued that he suspected Bryan of being mentally ill and therefore possibly subject to detention, the Court found that fact diminishes rather than increases the justification for using force as it noted that "the purpose of detaining a mentally ill individual is not to punish him, but to help him." Id.

Officers working dangerous assignments are likely to find this aspect of the Court's ruling somewhat disturbing as it can often be difficult to tell the difference in an encounter with a suspect in the field, especially when taking into account the well-known quality of superhuman strength, resistance, and imperviousness to pain sometimes experienced from individuals under the influence of hard drugs such as PCP or methamphetamine. While it is hoped that the Court's holding on this subject does not cause a future officer to hesitate in a situation of genuine danger, it is the defendants who gave the Court the occasion to voice this sentiment by choosing to assert this justification in a perhaps overzealous strategy for avoiding civil liability.

The Court next examined the degree of resistance posed by Bryan, guided by the general rule that "the level of force an individual's resistance will support is dependent on the factual circumstances underlying that resistance." Slip Opn. at 8. Discussing a body of precedent that distinguishes between active and passive force, the Court placed Bryan's resistance closer to the passive end of the scale as he complied with all the officer's demands except the instruction to remain inside his car, which he claimed he never heard. Id. The defendant's justification was also undermined by the fact that there was adequate time to give a warning that force was imminent and no reason not to give such a warning. Id.

The Court concluded that while officers need not employ the least intrusive means of force available in any given situation, they must at least consider less intrusive means and feasible alternatives to the use of force in effecting an arrest. Id. at 9 and fn. 15. In making this assessment, the Court stated that Officer McPherson

should have considered the fact that he had called for backup, and that the arrival of additional officers would have changed the tactical calculations and created additional alternatives if necessary. Id. at 9.

On balance, the Court found there was only a "minimal interest in the use of force" in this situation, which was "insufficient to justify the use of an intermediate level of force against an individual." Id. It was a tense but static situation in which there was "no immediate need to subdue" the suspect before the arrival of backup. Id.

Finally, because an officer is entitled to qualified immunity if he had a reasonable belief that the particular use of force was lawful under the circumstances, the Court was constrained to examine whether Bryan's right to be free from the use of the TASER was clearly established under current precedent. This analysis does not require the plaintiff to show direct precedent controlling the precise factual situation if existing precedent gives the officer "fair notice" that the particular use of force would violate the suspect's rights to be free of unreasonable seizure under the Fourth Amendment. Id.

In this case, the Court held that a reasonable officer "would have known that it was unreasonable to deploy intermediate force" against an unarmed suspect, stopped for a minor traffic offense, standing 20 feet away, not physically confronting the officer, not attempting to flee, and posing no serious threat to the officer or the public. Id. While the officer's desire to put a quick and decisive end to "an unusual and tense situation" was "understandable," the use of significant force to do so did not amount to a reasonable mistake of fact or law. Id. Accordingly, the Court ruled that Officer McPherson was not entitled to qualified immunity and, consequently, would properly be required to stand trial for the injuries inflicted.

This decision has given rise to considerable press and media reaction, largely because there have been hundreds of deaths nationwide resulting from use of TASERs, and the officer here seemingly used this dangerous device for his own convenience in bringing a quick and decisive end to a situation that in reality demanded more patience. The case furnishes an object lesson to remember the ladder of escalation and not use significant force as a shortcut for systematic thought and action in the field.

The case provides a somewhat disconcerting example of the readiness of courts to expect officers to incur physical risks for the sake of protecting criminal suspects from injury. While these facts do not add up to a shining example of law enforcement excellence, it requires only a few slight variations to see that situations of this type may not be as innocuous as their superficial appearance may suggest. Officers cannot easily be faulted for not wanting to grapple at close quarters with a suspect who may have HIV or another contagious disease or who may suddenly burst into a drug-induced rampage. But a case where the suspect did no more than display a foul temper after being stopped for failing to wear his seat belt was an unfortunate set of facts to highlight that concern and, thus, resulted in enabling the judicial system to further erode the safety of law enforcement officers and of the law-abiding public in the service of an abstract social ideal that is arguably not compelled by the Constitution.

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Michael P. Stone is Stone Busailah, LLP's founding partner and principal shareholder. He has practiced almost exclusively in police law and litigation for 30 years, following 13 years as a police officer, supervisor, and police attorney.

Marc J. Berger is the firm's senior writs and appeals specialist. He has been associated with Michael P. Stone since 1986.

A Multivariate Analysis of Traffic Stop Decisions that Transcend Benchmarking: Data from an Illinois City for 2007

Bonny M. Mhlanga, PhD, Associate Professor, School of Law Enforcement and Justice Administration, Western Illinois University
Michael H. Hazlett, PhD, Professor and Assistant Director, School of Law Enforcement and Justice Administration, Western Illinois University

Overview of the Problem

Within the last decade, the concern over possible biased enforcement has created both public concern and perceptions of differential treatment. Public attention began with a number of stops of an African-American dentist during the 1980s and 1990s by the New Jersey Highway Patrol (Purdy, 2001). Based upon the initial assessment, African Americans accounted for 17% of motorists on the New Jersey Turnpike but accounted for over 80% of the actual turnpike stops. Such data inspired the acronym "DWB" or "Driving While Black" (Bowles, 2000).

In reaction to such events, governmental entities have begun to acknowledge that such biased enforcement may exist. The U.S. Justice Department began with a general definition of the action of racial profiling:

> . . . racial profiling is defined as any police-initiated action that relies on the race, ethnicity, or national origin rather than the behavior of an individual or information that leads the police to a particular individual who has been identified as being, or having been, engaged in criminal activity. There is almost uniform consensus on two corollary principles that follow from adopting this definition of racial profiling: police may not use racial or ethnic stereotypes as factors in selecting whom to stop-and-search, and police may use race or ethnicity to determine whether a person matches a specific description of a particular suspect. (Ramirez et al., 2000)

It was the intent of the Office of the President that local agencies begin some form of comprehensive data collection of traffic stop patterns in order to ascertain the nature of non-white stops that may be initiated by race. Development and monitoring of local agency ratios of non-white drivers to non-white stops, a biased enforcement benchmark, became a recommended tool for assessing biased enforcement (Walker, 2003). As researchers were recommending such benchmarks, the U.S. Department of Justice was undertaking drug enforcement practices such as "Weed and Seed Initiatives" that concentrated enforcement on mostly inner-city and non-white areas of selected communities. Enhanced and federally directed drug efforts were in many cases a self-fulfilling process in that most non-white arrests for drugs were non-white residents in the targeted enforcement zones. In order to receive such federal assistance, the areas with the highest concentration of drug activities became the enforcement zones, leading to disproportionately non-white arrests.

Still, the drug enforcement and arrests of Caucasian drivers has also been found to be higher in mostly minority neighborhoods (Harris, 1999).

Going into the first decade of the 21st century, there were inconsistencies between court decisions allowing pretext stops and agency policies that restricted such stops. Pretext stops became a focus of concern for both white and non-white drivers in the 1990s. Such pretext stops involve a minor traffic violation, giving law enforcement the discretion to make stops when probable cause is reached. Civil liberties groups indicated that such stops constitute an excuse to stop minority drivers and make wider searches with or without consent:

> A "pretext stop" is a stop in which the officer detains the citizen for a minor crime (i.e. traffic offense) because the officer actually suspects the person of involvement in a major crime (i.e. drug possession). The ruling in *Whren v. U.S.* demonstrates how easy it is for officers to do this. There are numerous minor infractions for which officers can legally pull over a car, thus officers frequently choose which cars to pull over based on suspicions that something more serious might be going on. Frequently, police officers decide who to pull over based on age, race, and appearance. This is unconstitutional, but impossible to prove. (www.flexyourrights.org/pretext_traffic_stops)

However, in the U.S. Supreme Court case *Whren vs. United States* (1996), the Court upheld the constitutionality of using minor infractions as reasonable standard to make a stop and perform a search of a vehicle and passengers. It was felt by the Court that requests by those seeking restriction of pretext searches had not demonstrated at what point a stop goes beyond an ordinary infraction. The opinion, delivered by Justice Scalia, indicated that it was hard to set a standard allowing law enforcement the flexibility to perform a search. Justice Scalia indicates that the only standard is that of the common law rule allowing a search or seizure when probable cause is found:

> . . . we are aware of no principle that would allow us to decide at what point a code of law becomes so expansive and so commonly violated that infraction itself can no longer be the ordinary measure of the lawfulness of enforcement. And even if we could identify such exorbitant codes, we do not know by what standard (or what right) we would decide, as petitioners would have us do, which particular provisions are sufficiently important to merit enforcement. . . . For the run of the mill case, which this surely is, we think there is no realistic alternative to the traditional common law rule that probable cause justifies a search and seizure.

Even with this decision, law enforcement agencies began a process of policy development and training to discourage pretext stops based upon factors such as race (Grover, 2002; Thomann & Howe, 2001). Such efforts encourage agencies to adopt policies that oppose "biased enforcement" behavior. These policies and standards created a nationwide effort among many law enforcement agencies to develop policies and provide training. Such training and policy implementation served agencies as a first step in an affirmative defense in the event of litigation. Failure to train law enforcement employees and other governmental officials is to invite Title VII litigation (Lotito & Lewis, 2005; Myers & Hazlett, 2006).

Paralleling the effort toward training and policy formation was the effort to mandate data collection of traffic stops by local and state agencies. Such data collection would

document pretext stops and provide a comparison of the ethnicity of the driving public with those stopped by law enforcement. These comparisons of the driving public with those stopped would provide a ratio of non-white stops to non-white drivers, forming an agency benchmark. These benchmarks could be used as a method of determining higher-than-expected ratios of non-white stops (Walker, 2003). Efforts were authorized in a number of states to begin collection of traffic stop information such as the reason for the stop; the time and date of the stop; the disposition of the stop; and the search of the driver, passengers, and/or vehicle during the stop. As of October 2004, 29 of the 49 state law enforcement agencies were requiring those officers in charge of traffic enforcement to collect the race-ethnicity of those stopped for traffic offenses (Hickman, 2005, p. 1). However, there was some indication in the literature that law enforcement executives opposed the collection of race-ethnicity information for traffic stops in their jurisdiction (Bowles, 2000; Harris, 1999; Hoover, 2001). Within the State of Illinois, a survey of law enforcement executives revealed that most did not favor mandatory data collection during traffic stops (Cox & Hazlett, 2001).

However, in 2003, the Illinois Legislature authorized mandatory data collection of driver and stop demographics and dispositions beginning in 2004. Pursuant to this act (625 ILCS 5/11-212, 2003), every law enforcement officer was instructed to begin data collection on traffic stops within their jurisdiction. This data collection was to begin January 1, 2004, until December 31, 2007. Information was to be collected as part of any issuance of a uniform traffic citation or warning citation for any violation of the *Illinois Vehicle Code* for calendar years 2004, 2005, 2006, and 2007. Information collected by the officer would be collected on an Illinois Department of Transportation (IDOT) *Traffic Stop Reporting Form*. This data collection effort has been extended in time by Illinois legislative authorization through 2009. Current speculation is that the data collection effort in Illinois may become a permanent data collection process ("Illinois Eyes," 2005).

The result of the data collection effort in Illinois has been to reveal higher-than-expected benchmarks of non-white stops compared to non-white drivers. Analyzed by the Northwestern University Center of Public Safety (2008), the ratio of non-white drivers stopped for traffic violations remained higher than expected based upon the motoring public:

> In this first analysis we examine whether minority drivers are more or less likely to be stopped than white drivers. This task poses significant methodological challenges. Nonetheless, we have developed a reliable and consistent measure that remains instructive. In 2007, the statewide ratio was 1.10. That is, a minority driver was 10 percent more likely to be stopped than a Caucasian driver. This is the lowest level recorded since we began our work in 2004. (p. 5)

Beyond these benchmark findings, other research has questioned the benchmark's ability to discover if the variable of ethnicity has a direct effect on the decision to make a traffic stop and subsequent decision points within the stop. In a recent paper, Epp, Haider-Markel, and Maynard-Moody (2008) discussed the need to go beyond simple traffic stop analysis to look at other factors beyond race:

> Most studies of "racial profiling" in traffic law enforcement find that African American drivers are stopped and ticketed at rates dramatically higher than white drivers, yet virtually all such studies have been criticized for failing to

> control adequately for factors other than race, among them driving habits. The proposed paper is drawn from a study designed to sort out the relative influence of various factors—particularly race, social status, and a broad range of controls—on police traffic stops and tickets. (p. 2)

In 2004 through 2007, a study of Springfield, Illinois, police stops explored other factors beyond just benchmarking. Using bivariant tests of magnitude, traffic stop outcomes such as citations, search, and arrests were strongly predicted by factors other than race. Area of the city, time of the day, and gender of the driver were more predictive of traffic stop outcomes than the race of the driver (Hazlett, 2005, 2006, 2007, 2008). Similarly, studies conducted by other local and state agencies have revealed more complex patterns predicting traffic stop outcomes. The second year of a study of traffic stops made by Pennsylvania State Police, independently conducted by the University of Cincinnati, concluded that "the type of data collection and statistical analyses of those data presented in this report cannot determine whether or not officers make decisions to stop motorists based solely or partially on their race/ethnicity" (Engel, Frank, Tillyer, & Klahm, 2005, p. viii). A Wichita, Kansas, study (Withrow, 2004) examined the traffic stops to determine if the percent of the population of each race of citizen correlated with percent of that citizen's involvement with police practices. The Wichita Stop Study found that African-American citizens were stopped at a higher rate than non-African-American citizens, and that the African-American and Hispanic citizens were more likely to be searched than non-African Americans and non-Hispanics. A more recent study by Collins (2005) found that there was no significant relationship between the race of the citizen and the results of the traffic stop in Kansas agency stops. Using multiple regression procedures, Collins revealed that in cities of larger populations, a citizen is more likely to receive a citation when a law enforcement officer stops them than in a city with a smaller population. Although nonsignificant, the data revealed that African Americans who were stopped were less likely to receive a citation and more likely to receive a warning than Caucasian or Hispanic citizens.

With conflicting methodologies and somewhat nondefinitive results, the researchers will explore factors related to traffic stop decisionmaking. Time, place, and demographic characteristics that help determine the probability of these decision steps will be measured using a logistical regression procedure. This process should allow the estimate of the probable influence that race may be statistically related to traffic stop outcomes. This study will also estimate the probable influence of other rival influences such as other driver and vehicle characteristics as well as probable impact of areas and times that reveal the most vehicle stop activity.

Methodology

In this research effort, the researchers used a cross-sectional design using secondary data collection of traffic stop activity as provided by IDOT stop card data recorded for the City of Springfield, Illinois, in 2007. The units of analysis were 21,869 traffic stops during that period, with 988 cases removed from analysis as a list-wise selection across all variables. The researchers approached this problem by constructing seven orthogonally (dummy) coded independent variables and three dependent (outcome) variables—all were dichotomous. These variable frequencies and attribute codes are revealed in Appendix 1.

It is the intent of this research to reveal tentative probability of predicting a citation, search, or arrest given the independent variables of race and gender as well as area of the city, time of day, and age of the vehicle and driver. Such probabilities will allow the comparison of additive probabilities that may predict stop outcomes when race, gender, and other factors are known.

With these variables the researchers will explore the proposition and related hypotheses that follow.

Proposition

It is proposed that there will be a statistically significant binomial relationship between areas of higher stop activity; times of higher patrol activity; vehicle age; driver age, race, and sex; and the likely probability of predicting a citation or search during a traffic stop:

- *Hypothesis 1* – There is no statistically significant binominal relationship predicting the issuing of a citation and the orthogonal factors of a moving violation, high stop areas, times when stop activity is higher, older vehicles, older drivers, male drivers, and Caucasian drivers in Springfield, Illinois, traffic stops recorded in 2007.
- *Hypothesis 2* – There is no statistically significant binominal relationship predicting the vehicle-driver or passenger search and the orthogonal independent factors of a moving violation, high stop areas, times when stop activity is higher, older vehicles, older drivers, male drivers, and Caucasian drivers in Springfield, Illinois, traffic stops recorded in 2007.
- *Hypothesis 3* – There is no statistically significant binominal relationship predicting an arrest of a driver-passenger and the orthogonal independent factors of a moving violation, high stop areas, times when stop activity is higher, older vehicles, older drivers, male drivers, and Caucasian drivers in Springfield, Illinois, traffic stops recorded in 2007.

Based upon this proposition, there are a number of operational definitions that must be explored.

Statistically significant refers to the additive and joint model's likelihood that predictor variables that help explain the probability of stop activity could be due to random chance. The level of statistical significance for this study was set at or below the 5% chance of random error ($p \leq 0.05$). The significance of specific independent variables was achieved using a student t test, while the overall model's significance level was tested using a Chi Square ratio comparing correctly predicted outcomes versus noncorrectly predicted outcomes within the three models tested as well as a probability of sampling error at or lower than five chances out of one hundred chances ($p \leq 0.05$).

Binomial relationships refer to the binary coding of the seven independent and three dependent variables. This allows the probabilities to be compared to a positive (toward code 1) or negative (toward code 0) additive beta coefficient, determining the direction of a probable relationship between the predictor and dependent variables.

Orthogonal factors refer to the dummy coding of all variables. The three dependent variable attributes of citation, search, and arrest during a stop were coded as a 1. The presence of no citation (warning), no search performed during a stop, and no arrests

of a driver or passenger were coded as a 0. These codes of 1 (the attribute is present) and 0 (the attribute is absent) were collapsed from the original *Traffic Stop Reporting Form – City of Springfield for 2007*. This reporting form is found in Appendix 2.

Citation refers to the indication on the *Traffic Stop Reporting Form* that the officer making the traffic stop issued a formal citation during the stop. The presence of a citation to the driver was represented as a 1 code. If the officer issued a verbal or written warning, this attribute was represented as a 0 code. Information on the presence of a citation or warning was from the 2007 *Traffic Stop Reporting Form*.

Vehicle-driver or passenger search refers to the indication on the *Traffic Stop Reporting Form* that a search of the vehicle, driver, and/or passenger occurred during the stop; this was represented as a 1 code. If no search was conducted, the attribute was recorded as a 0 code. Information on the presence or absence of a search was from the 2007 *Traffic Stop Reporting Form*.

Arrest of a driver-passenger refers to those drivers or occupants placed under arrest or custodial arrest at the time of the stop and search. The presence of an arrest for any driver or occupant was coded as a 1 value. If an arrest was not recoded during the stop, a 0 code was recorded. Information on arrests was coded from the information on vehicle, driver, and passenger search results found on the 2007 *Traffic Stop Reporting Form*.

Moving violation refers to those traffic code offenses stated on the *Traffic Stop Reporting Form* such as speeding, lane violations, seat belt violations, traffic sign or signal violations, following too close, or other moving violations. Moving violations were coded as a 1 value. Offenses that were not moving violations (e.g., driver license and vehicle registration, and vehicle equipment violations) were coded as a 0. Information on moving violations was from the 2007 *Traffic Stop Reporting Form*.

Areas of higher stop activity refer to the geographic beats within the City of Springfield, Illinois—Beats 100 through 800. Those beat areas that had at or over 13% of the citywide traffic stops were represented as having a higher than expected stop activity and were coded with a 1 value. Those beat areas that represented less than 13% of the citywide stops were coded as a 0 value, representing less than the expected share of stop activity. The beat areas included Beat 200 or central Springfield at 13.2% of city stops, Beat 300 or east Springfield at 19.9% of city stops, Beat 400 or southeast Springfield at 14.6% of stops, and Beat 500 or south Springfield at 13.0% of city stops. Areas coded with lower activity (an attribute of 0) included the following: Beat 100 or northwest Springfield at 11.5% of city stops, Beat 600 or southwest Springfield at 10.5% of stops, Beat 700 or west Springfield at 8.0% of city stops, and Beat 800 or northwest Springfield at 9.3% of stops. Information on the beat areas of the city was from the 2007 *Traffic Stop Reporting Form*.

Times where stop activity was higher than expected were recorded as a 1 code. Higher than expected stop activity was found during Watches 1 and 2, exceeding 25% of the citywide stops for any one watch. This represented the following times: 7:31 AM to 2:29 PM and 3:31 to 10:29 PM, respectively. Also the overlapping one-hour periods between Watches 1 and 2, and 2 and 3 were higher than expected with more than 2.5% of stops during each overlapping hour. These hourly overlaps included 2:30 to 3:30 PM and 10:30 to 11:30 PM. Watches 1 and 2 each represented 33.5% of citywide stops. The overlapping hours between Watches 1 and 2 and Watches 2 and 3 represented 4.1 and 4.5% of stops correspondingly. Times of patrol with lower than 25%, or 2.5% overlapping hours,

were 11:31 PM to 6:29 AM, with 22.9% of citywide stops occurring during that watch. The overlap between 6:30 and 7:30 AM (overlap between Watches 1 and 3) only recorded 1.5% of citywide stops. Watch 3 and the overlapping time between Watches 1 and 3 was recoded as a lower than expected stop proportion and, thus, coded as a 0 attribute. The time of day for construction of the watch periods came from the time of day of the stop in hours and minutes as recorded on the 2007 *Traffic Stop Reporting Form*.

Older vehicles were defined as those vehicles of at least 9.97 years of age or older based upon the frequency distribution median for age of the vehicle in 2007 stops. The median was used due to the extreme outliers of vehicle age—for example, antique cars. Vehicles that were 9.97 years or older were coded with an attribute of 1. Vehicles that were younger than 9.97 years were coded as newer vehicles with the code of 0. The age of the vehicle came from the year of manufacture for the vehicle stopped, with 2008 being age 0, 2007 being age 1, and so forth. Information on vehicle manufacture age came from the 2007 *Traffic Stop Reporting Form*.

Older drivers were defined as those at 29.89 years or older based upon the frequency distribution median for the age of the drivers. Median was used due to the positive skewed frequency distribution toward older drivers. These older drivers (at or above 29.89 years of age) were coded with the attribute of 1. Those drivers younger than 29.89 years of age were given an attribute of 0. Age of the driver was calculated by subtracting 2007 from the driver's year of birth found on the 2007 *Traffic Stop Reporting Form*.

Male drivers were orthogonally coded as a 1 attribute. Conversely, female drivers were given the attribute code of 0 or of non-male drivers. The information on driver gender was found on the 2007 *Traffic Stop Reporting Form*.

Caucasian drivers were also orthogonally coded with an attribute of 1. On the other hand, all other ethnicities or races of the driver were coded with a 0 attribute, representing non-Caucasian. These non-white ethnic groups included African Americans, Native American/Alaskans, Hispanics, and Asian/Pacific Islanders. There was no "other or multiethnic" groups included in the non-Caucasians. This information on ethnicity was found on the 2007 *Traffic Stop Reporting Form*.

Statistical Procedures to Test Hypotheses

Using these orthogonal variables, the researchers used a logistical regression procedure to determine the likely probability that Caucasian male and older drivers, driving older vehicles in higher beat activity areas during higher watch activity times, and being stopped for moving violations (all coded as a attribute of 1) help predict a citation, search, or an arrest (also coded with an attribute of 1). Inversely, non-Caucasian, younger female drivers, driving newer cars in lower beat activity areas and at low stop activity watch times, committing a nonmoving violation will help predict a noncitation, no search, or no arrest during the stop (all coded as a 0 attribute).

Logistical regression allows for the additive probability of predictor factors to be estimated as contributing to the presence of a dependent variable attribute such as a citation, search, or arrest. Because of non-normally distributed errors and the presence of only nominal dependent variables, the researchers felt that a least-squared regression model would be inappropriate. Unlike using least-squared regression where the difference in unit change in an independent variable can predict a standard deviational

change in the dependent variable, logistical regression does not depend on a starting value (such as an intercept). Logistical regression beta coefficients, unlike least-square regression "standardized correlation coefficients," help estimate the change in the "log odds" that a single category of interest can be predicted (such as a citation) if one unit of increase (such as a shift from non-Caucasian to Caucasian) in the independent variable is estimated as a probability, holding the other variables constant. Using the *MicroCase* software (at the Wadsworth Resource website: www.microcase.com), the initial data to construct Tables 1 through 3 and Figures 1 through 3 were performed, generating the initial beta coefficient of logarithmic odds and the SE of those odds. These odds are constructed for all independent variables. The first is the *constant* of all null (0) values of the seven independent variables chosen for the model that received a code of 0. These 0 attributes represented in the seven independent variables are (4) non-Caucasian; (3) sex-female; (2) driver age less than 29.98 years old; (1) vehicles under 9.97 years old; (8) geographic beats with less than 13% of citywide activity; (9) shift times with less than 25% of citywide activity or overlapping hours with less than 2.5% of citywide activity; and (10) nonmoving violation composed of equipment violations, and license and registration violations. Beta coefficients of the logarithmic odds and SEs are calculated for the direct attribute being measured in the independent variables (coded as a 1) as follows: (4) non-Caucasian; (3) sex-female; (2) driver age less than 29.98 years old; (1) vehicles under 9.97 years old; (8) geographic beats with less than 13% of citywide activity; (9) shift times with less than 25% of citywide activity or overlapping hours with less than 2.5% of citywide activity; and (10) moving violations such as speeding, lane violations, seat belt violations, traffic sign or signal violations, following too close, or other moving violations. For example, a negative beta weight reveals that the negative attribute (warning = 0) is predicted by the direction of the beta weight (negative sign) as opposed to the positive value of the beta weight that would predict to direct attribute of the dependent variable (1 = citation). The left most column of beta weights gives an approximate standardized weight of ranking the direct effect upon the dependent variables such as citations, searches, and arrests. The constant beta weight + beta weight for each variable gives the additive beta coefficient used to calculate the odds ratio and direct probability of a single variable predicting one of the orthogonal attributes of the dependent variable (citation = 1 or warning = 0; search = 1 and no search = 0; arrest = 1 and no arrest = 0).

The researchers added a number of additional columns of information to the *MicroCase* output. First, a corrected **ODDS RATIO** was calculated using the exponential value (anti-logarithm) of additive beta weights referred to in the tables as **CONSTANT + BETA**. Using this additive function, the beta weight of the constant value is added to the original beta weight of each of the seven independent variables, which are shown in the table as the **CONSTANT + BETA or additive beta weight**. Using the additive beta weight, the *ODDS RATIO* for the constant and the independent variables is performed by an exponential function of the beta weight. The process can be written as an **exponent (independent variable beta weight + constant beta weight)**. Since this is often referred to as an antilogarithm, an exponential function is really the mathematical constant—that is, the base number of the natural logarithm which is approximately 2.718281828. With this new *ODDS RATIO* (chance of predicting an event divided by the chance of not predicting an event) for each variable and the constant, the additive probability that the independent variables may be estimated.

To test the significance of the constant and seven predictor variables, based upon our new additive *ODDS RATIO* and *PROBABILITY* of predicting dependent

variables, a *t*-value was calculated. The original beta coefficient is divided by the SE estimates—both original columns from the *MicroCase* software. T-values that exceeded the 0.05 and 0.01 critical values (two-tailed hypothesis) were statistically significant. These critical values of *t* were 1.960 ($p = 0.05$) and 2.576 ($p = 0.01$), representing the reduction in the chance that sampling error in stop patterns influenced these *ODDS RATIOS* and *PROBABILITIES* to less than 5% and 1%, respectively. An asterisk (*) indicates a significant *t*-value at the 0.05 level. Two asterisks (**) indicates that the *t*-value was significant at the 0.01 level.

Using the adjusted odds ratios (from the additive beta weights), these authors represented the probability that race and gender combined may predict the dependent variables of citation, search, or arrest. Differences in the probabilities between Caucasian and non-Caucasian were represented for both female and male stops. Such a probable difference was represented as a proportion and as a percent of marginal difference explained by race. These estimates of marginal difference due to race are shown at the bottom of each table and are derived from the additive betas for the constant, race and sex of drivers, from the top columns in each table.

Just above the marginal probabilities of race estimates, each table reflected the *MicroCase* estimates of covariance probabilities, comparing likely proportions of joint predictability of all eight variables compared one with another. These joint approximate covariance tables also show the direction of the estimated covariance. Also reflected after the estimated covariance tables is an estimated significance of the logistical regression model predicting citations, searches, and arrests. This significance estimate begins with the log likelihood ratio (a method for predicting which odds ratio model is most significant by the size of the likelihood ratio). In all three tables, the "-2 Log Likelihood Ratio" was maximized using the prediction rule of 0.5, which means that the odds of prediction are twice (once for correct prediction and once for incorrect predictions). The Wald Chi Square test was interpreted like an F-Test in standard regression analysis. In this formula of Chi Square, the original beta coefficients are divided by the SE^2. Such a test gives us a measurement of significant predicted shifts in the dependent variables versus expected SE in predicting the dependent variable in the model. This allows one to accept or reject the null hypothesis that the seven independent variables help jointly predict the dependent variables. Using the degrees of freedom, the critical value of seven degrees of freedom was 14.067. In all three tables, the Chi Square was statistically significant, indicating that the logistical odds of predicting a citation, warning, search, or arrest were not the result of chance, causing the researchers to reject all three null hypotheses.

Limitations of the Analysis and Traffic Stop Data

Given the complexity of this analysis, it is just as important to discuss the limitations of this approach as well as the issues of data validity and reliability.

First, keep in mind that the traffic stop data used in the study do not actually reflect all police contacts and enforcement; they only reflect those events officially recorded as violations of the *Illinois Vehicle Code*. This traffic-stop-generated data fits only a narrow purpose of the collection as set forth in the legislation. Utilizing such secondary information to estimate bias in police stops may fail to capture other dimensions of stops (ordinance citations, felony stops, and the like); and due to over- or underreporting, the data may fail to measure the subtle nuances of actual police stops. Since this analysis uses mandated stop-card data as applied to this particular

research effort, there is a likelihood of systematic error in such data. The researcher is aware that such data collection may not match the original purpose of the legislation, lacking some validity in measuring biased enforcement or false stops as intended.

Second, even more of a problem is the possible systematic error of coding race on the stop cards. An officer's perception of race, not the actual race of the driver, is coded on the traffic stop card. It is speculated that when an officer is uncertain, he or she may guess to the race of the driver. The extent of such error cannot be controlled for in the analysis of this information, but it should be acknowledged as a limitation. For example, the information on alcohol seized as contraband during a search was completely missing from IDOT information. Inconsistencies in the officer coding of the stop card were noted. For example, the officer would check that a search was conducted but would fail to give information about the search or provide details on those searches that were with consent. These systematic omissions created the need to code many of the responses (that would have otherwise been coded by the officer) to be treated as a missing response, creating different counts of activities such as searches and arrests.

A third problem to be aware of is that by using traffic-stop-generated data, its use may have internal validity problems inherent in the collection itself. Such internal agency dynamics include: pressures to over- or underreport information; incomplete information; different jurisdictional or operational definitions used in classifying and counting activity such as false stops; recordkeeping changes or data entry problems; and inconsistencies in data collection across jurisdictions, leading to artificial differences between jurisdictions on key benchmark information. Traffic stop information coded for the City of Springfield was found to have systematic errors (nonrandom errors and/or incorrect entry of stop information). Computer entry errors were observed to affect the quality of statistical records for the city, which, in turn, pointed to problems of data reliability.

Finally, the use of logistical regression is only one method of determining probable odds that selected independent variables have a predicted statistical outcome on dependent variables. These probabilities and ratios are only for one time period and one agency. While the dependent variables follow some degree of increasing level of stop seriousness, the prediction of citations, searches, and arrests by understanding binomial probabilities of the seven dependent variables is only tentative. Further research is needed to develop a scale of traffic stop seriousness such as a Thurstone scale (scale from 1 to 11). This would allow the use of traditional regression analysis and could be the topic of another research effort.

Logistical Regression Findings

Based upon the findings of the logistical regression procedures in Tables 1 through 3, all three models have some value in predicting the dependant variables. However, with only a few exceptions the actual magnitudes and probabilities in predicting citations, searches and arrests were small. Tables 1 through 3 reflect each independent variable's additive probability (holding constant the presence of other variables in the model). These tables also reveal the unadjusted and additive beta coefficients as well as the Wald Chi Square and other supporting tests, including the Pearson's R^2 measure of magnitude for binominal variables. The Nagelkerke approximation of prediction strength was not used in this analysis. Graphing of the additive change in the independent variable beta weights against the probability of predicting the dependent variables is reflected in Figures 1 through 3.

Table 1. Logistic Regression Coefficients – Prediction of Citation During a Stop (Springfield, IL, Traffic Stop Cases in 2007)

N: 21,869 Missing: 988 Dependent Variable: (13) Citation-Dummy Code (DC)
Logistical Regression Table

Variable	Beta Coef.	Constant + Beta	SE	Prob.	Odds Ratio	*t*-Value	Sig. Level	Beta Direction
Constant	-1.107	-1.107	0.054	0.2484306	0.3305491	-20.5	**	Warning
(4) Race-White	-0.131	-1.238	0.031	0.2247843	0.2899635	-4.225806	**	Warning
(3) Sex-Male	-0.007	-1.114	0.030	0.2471259	0.3282434	-0.2333333	--	Warning
(2) Drv > 29.89	-0.295	-1.402	0.029	0.1974989	0.2461043	-10.17241	**	Warning
(1) Veh ≥ 9.97 Y	0.082	-1.025	0.029	0.2640546	0.3587965	2.827586	**	Citation
(8) Beat ≥ 13% A	-0.139	-1.246	0.030	0.2233933	0.2876531	-4.633333	**	Warning
(9) Shift > 25 (2.5)	0.267	-0.840	0.034	0.3015348	0.4317105	7.852941	**	Citation
(10) Moving Viol.	1.109	+0.002	0.032	0.5005	1.002002	34.65625	**	Citation

Estimated Approximate Covariance-Variance Matrix

	(13) Citation-DC	(4) Race-White	(3) Sex-Male	(2) Drv > 29.89
(13) Citation-DC	0.003	-0.001	-0.001	-0.000
(4) Race-White	-0.001	0.001	0.000	-0.000
(3) Sex-Male	-0.001	0.000	0.001	-0.000
(2) Drv > 29.89	-0.000	-0.000	-0.000	0.001
(1) Veh ≥ 9.97 Y	-0.001	0.000	-0.000	0.000
(8) Beat ≥ 13% A	-0.001	0.000	-0.000	0.000
(9) Shift ≥ 25 (2.5)	-0.001	-0.000	0.000	-0.000
(10) Moving Viol.	-0.001	-0.000	-0.000	-0.000

	(1) Veh ≥ 9.97 Y	(8) Beat ≥ 13% A	(9) Shift ≥ 25 (2.5)	(10) Moving Viol.
(13) Citation-DC	-0.001	-0.001	-0.001	-0.001
(4) Race-White	0.000	0.000	-0.000	-0.000
(3) Sex-Male	-0.000	-0.000	0.000	-0.000
(2) Drv > 29.89	0.000	0.000	-0.000	-0.000
(1) Veh ≥ 9.97 Y	0.001	-0.000	0.000	0.000
(8) Beat ≥ 13% A	-0.000	0.001	0.000	-0.000
(9) Shift ≥ 25 (2.5)	0.000	0.000	0.001	-0.000
(10) Moving Viol.	0.000	-0.000	-0.000	0.001

Predictions/Chi-Square
-2 Log Likelihood = 27,819.529
Chi-Square = 1,522.926 df = 7 Prob. = 0.000 **
Predictions Using 0.5 Rule Binominal Pearson's R^2 = 0.067 **

Cases Observed	Cases Predicted: No Citation	Cases Predicted: Citation	Correct Percent	Correct Percent (All Categories)
No Citation	11,051	2,183	83.505	--
Citation	6,054	2,581	29.890	--
Totals	17,105	4,764	--	62.335

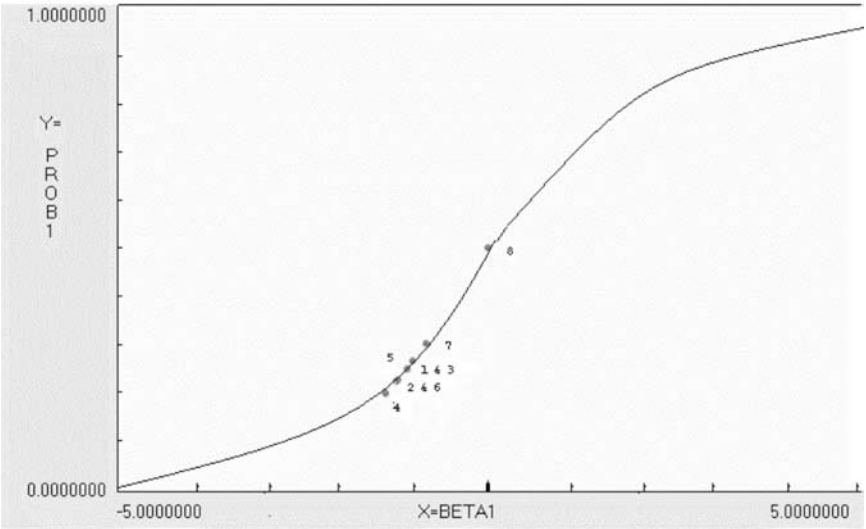
Additional Additive Probabilities Comparing Race-Gender in Predicting Citations

Race-Gender Category	Odds Ratio	Probability	Margin of Probable Difference in Citations
Non-Caucasian Female	0.3305491	0.2484306	Race-Female Probable
Caucasian Female	0.2899636	0.2247843	Difference = 0.024 or 2.4%
Non-Caucasian Male	0.3282434	0.2471259	Race-Male Probable
Caucasian Male	0.2879410	0.2235669	Difference = 0.024 or 2.4%

* Significant at the 0.05 level ** Significant at the 0.01 level

Figure 1. Probability of Citation During Vehicle Stops – Seven Predictor Variables (Springfield, Illinois, 2007)

Y-Axis Probability of a Citation



X-Axis Additive Beta Weights Predicting Unit Change in Citations

Source: City of Springfield, Illinois, 2007 Traffic Stop Data. Variables represent logistical regression of binomial probabilities and additive beta weights of seven independent variables and the constant, predicting a citation during a traffic stop; N = 21,869 stops. **Graph Notes:** 1 = Constant (represents opposite codes of 0 for independent variables); 2 = Race-White; 3 = Sex-Male; 4 = Driver > 29.89 years old; 5 = Vehicle > 9.97 years old; 6 = Beat ≥ 13% activity; 7 = Shift > 23% activity; and 8 = Moving Violation Init. Stop.

Results of Analysis Predicting Citations

From the analyses in Table 1 and Figure 1, the direction of nearly all beta weights revealed that the null (0) values of the independent variables were more likely to predict warnings (also code 0) as compared to citations. It was found that warnings were more likely to occur with non-white, more likely female, and younger drivers—beta weights of -0.007 through -0.295. Warnings were also more likely to occur in areas of the city where stop patterns were lower than expected (less than 13% of stops)—beta weight of -0.139. Conversely, citations were more likely to occur when the driver was in a slightly older vehicle—a beta weight of 0.082. Also citations occurred more often during times of higher stop activity—a beta weight of 0.267. Citations were most likely to be predicted by a moving violation—a strong positive beta weight of 1.109. Using the *t*-values from Table 1, only the gender of the driver did not have a significant value in predicting citation. All of the other *t*-values were statistically significant at the 0.01 level ($p \leq 0.01$). Still, the probability of predicting a citation was relatively low based upon the probabilities and odds ratios constructed from the additive beta weights, adding the effect of the constant for all independent variables. Citations were predicted by white drivers in 22.47% of stops. Slightly older vehicles, higher than normal shift activity, and stops for a

moving violation were more likely to predict a probable citation—probabilities represented as percentages ranging from 28.7 to 50.1%. A plot of the additive beta weights and the joint probabilities calculated from the odds ratios of independent variables reveal that most probabilities fall into the area of lower probabilities and negative beta weights (see Figure 1). This reveals a trend toward greater prediction of warnings and not citations. Comparing combined probabilities using the additive beta coefficients of the constant, the margins of probable difference in citations was compared across race-gender groups. Between female Caucasian and non-Caucasian drivers, the probability of a citation was between 22.47 and 24.84%—a difference of 2.37% across race and controlling for gender. For male Caucasian and non-Caucasian drivers, the probability of a citation was between 22.35 and 24.71%—a difference of 2.36% across ethnicity when controlling for the male gender. The overall significance of six of the seven independent variables seemed to predict fewer citations and/or more warnings, with the nature of the violation (moving violation) being the strongest predictor. Moving violations also revealed the strongest *t*-value. This was followed by older drivers, higher shift activity, areas of the city with lower than normal stop patterns, Caucasian drivers, and somewhat older vehicles—all statistically significant. The overall model was assessed using the Wald Chi Square of 1,522.926 based upon the beta coefficients divided into the corresponding SEs for the independent variables. This overall model was statistically significant at the 0.01 level of significance with over 63.34% of independent variables predicting correctly a citation and non-citation (warning). While the Nagelkerke approximation of prediction strength was not used because of the dichotomous independent variables, the Pearson's R^2 was used. Based upon the Pearson's R^2 of 0.067, the likely magnitude of predicting a citation from the seven independent variables was only 6.7%. Remember that even with the statistical significance of this model, overall magnitude is rather low and is not to be interpreted as substantive magnitude.

Table 2. Logistic Regression Coefficients – Prediction of Search During a Stop (Springfield, IL, Traffic Stop Cases in 2007)

N: 21,869 Missing: 988 Dependent Variable: (14) Search-DC

Logistical Regression Table

Variable	Beta Coef.	Constant + Beta	SE	Prob.	Odds Ratio	*t*-Value	Sig. Level	Beta Direction
Constant	-2.631	-2.631	0.090	0.0671698	0.07200642	-29.23333	**	No Search
(4) Race-White	-0.788	-3.419	0.049	0.0317069	0.03274516	-16.08163	**	No Search
(3) Sex-Male	0.835	-1.796	0.055	0.1423387	0.16596140	15.18182	**	Search
(2) Drv > 29.89	-0.391	-3.022	0.047	0.0464418	0.04870371	-8.31915	**	No Search
(1) Veh ≥ 9.97 Y	0.318	-2.313	0.048	0.0900520	0.09896392	6.62500	**	Search
(8) Beat ≥ 13% A	0.703	-1.928	0.057	0.1269721	0.14543880	12.33333	**	Search
(9) Shift > 25 (2.5)	-0.556	-3.187	0.049	0.0396579	0.04129557	-11.34694	**	No Search
(10) Moving Viol.	0.225	-2.406	0.049	0.0827163	0.09175260	4.59184	**	Search

Estimated Approximate Covariance-Variance Matrix

	(14) Search-DC	(4) Race-White	(3) Sex-Male	(2) Drv > 29.89
(14) Search-DC	0.008	-0.001	-0.002	-0.001
(4) Race-White	-0.001	0.002	0.000	-0.000
(3) Sex-Male	-0.002	0.000	0.003	-0.000
(2) Drv > 29.89	-0.001	-0.000	-0.000	0.002
(1) Veh ≥ 9.97 Y	-0.002	0.000	-0.000	0.000
(8) Beat ≥ 13% A	-0.003	0.001	-0.000	0.000
(9) Shift ≥ 25 (2.5)	-0.001	-0.000	0.000	-0.000
(10) Moving Viol.	-0.001	-0.000	-0.000	-0.000

	(1) Veh ≥ 9.97 Y	(8) Beat ≥ 13% A	(9) Shift ≥ 25 (2.5)	(10) Moving Viol.
(14) Search-DC	-0.002	-0.003	-0.001	-0.001
(4) Race-White	0.000	0.001	-0.000	-0.000
(3) Sex-Male	-0.000	-0.000	0.000	-0.000
(2) Drv > 29.89	0.000	0.000	-0.000	-0.000
(1) Veh ≥ 9.97 Y	0.002	-0.000	-0.000	0.000
(8) Beat ≥ 13% A	-0.000	0.003	-0.000	0.000
(9) Shift ≥ 25 (2.5)	-0.000	-0.000	0.002	-0.000
(10) Moving Viol.	0.000	0.000	-0.000	0.002

Predictions/Chi-Square
-2 Log Likelihood = 13,029.108
Chi-Square = 1,329.911 df = 7 Prob. = 0.000**
Predictions Using 0.5 Rule Binominal Pearson's R^2 = 0.058**

Cases Observed	Cases Predicted: No Search	Cases Predicted: Searched	Correct Percent	Correct Percent (Expected/Observed)
No Search	19,650	0	100.000	--
Searched	2,219	0	0.000	--
Totals	21,869	0	--	89.853

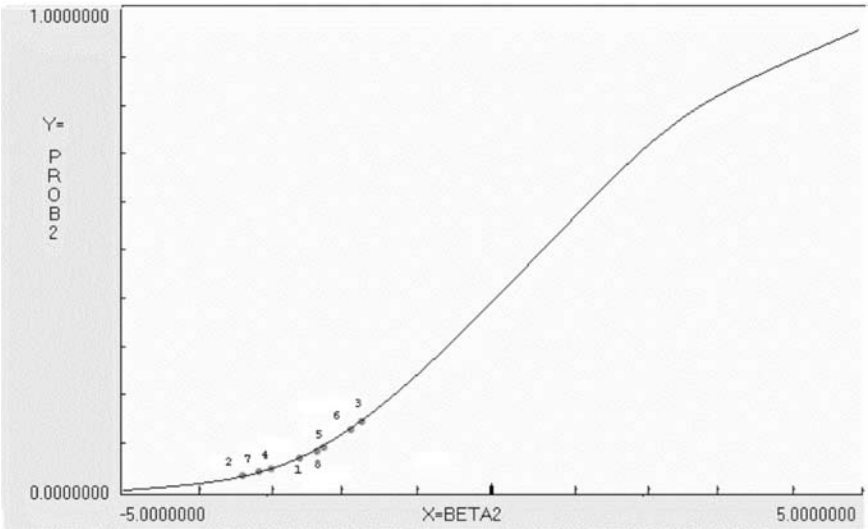
Additional Additive Probabilities Comparing Race-Gender in Predicting Searches

Race-Gender Category	Odds Ratio	Probability	Margin of Probable Difference in Searches
Non-Caucasian Female	0.0720064	0.0671698	Race-Female Probable
Caucasian Female	0.0327452	0.0317069	Difference = 0.036 or 3.6%
Non-Caucasian Male	0.1659614	0.1423387	Race-Male Probable
Caucasian Male	0.0754715	0.0701753	Difference = 0.072 or 7.2%

* Significant at the 0.05 level ** Significant at the 0.01 level

Figure 2. Probability of a Search During Vehicle Stops – Seven Predictor Variables (Springfield, Illinois, 2007)

Y-Axis Probability of a Search



X-Axis Additive Beta Weight Predicting Unit Change in Searches

Source: City of Springfield, Illinois, 2007 Traffic Stop Data. Variables represent logistical regression of binomial probabilities and additive beta weights of seven independent variables and the constant, predicting a search during a traffic stop; N = 21,869 stops. **Graph Notes:** 1 = Constant (represents opposite codes of 0 for independent variables); 2 = Race-White; 3 = Sex-Male; 4 = Driver > 29.89 years old; 5 = Vehicle > 9.97 years old; 6 = Beat ≥ 13% activity; 7 = Shift > 23% activity; and 8 = Moving Violation Init. Stop.

Results of Analysis Predicting Searches

From the analyses in Table 2 and Figure 2, the direction of three of the beta weights revealed some prediction toward no search being made during a stop (also code 0) as compared to a search made (coded as a 1). It was found that non-white, younger male drivers, driving somewhat older vehicles in areas with high stop activity were slightly more likely to be subject to a search. Further, a search was somewhat more likely to occur during the times of 11:30 PM to 7:30 AM. There was a slightly greater chance of a search when there was a moving violation. Those less likely to be searched were white, female, older drivers in newer vehicles during a nonmoving violation. The absence of a search was found in low stop areas (beats) of the city during the higher times of stop activity—7:31 AM to 11:30 PM. Particularly high beta coefficients were found predicting searches for non-Caucasian drivers (beta coefficient of -0.788). A higher beta coefficient was observed for the higher stop areas of central, east, southeast, and south Springfield (beta coefficient of 0.703). The strongest beta coefficient was that of male drivers as a positive predictor toward a search (beta coefficient of 0.835). Using the *t*-values from Table 2, all of the *t*-values were statistically significant at the 0.01 level ($p \leq 0.01$). Still, the probability of predicting a search was relatively low similar to citations, based

upon the probabilities and odds ratios constructed from the additive beta weights. Searches were only predicted by the independent variable of white drivers in 3.17% of the stops. Male drivers helped predict a citation in about 14.2% of stops. The probability that older drivers helped predict a search was just 4.6% of the time. The probability that older vehicles predicted a search was 9.0%. The probability was 12.7% that higher beat activity could help predict a search. Higher shift activity and a stop for a moving violation were observed to have a lower probability of a search—probabilities represented as percentages ranging from 3.9 to 8.3%. A plot of the additive beta weights and the joint probabilities of independent variables and the constant reveal that most of the variables fall into a logarithmic prediction toward nonsearches—negative beta weights (see Figure 1). Comparing combined probabilities using the additive beta coefficients of the constant, race and sex, margins of probable difference in probable searches was compared across race-gender groups. Between female Caucasian and non-Caucasian drivers, the probability of a search was between 6.7 and 3.1%—a difference of 0.6% across race and controlling for females. For male Caucasian and non-Caucasian drivers, the probability of a search was between 14.2 and 7.0%—a difference of 7.2% across ethnicity when controlling for the male gender, which was a larger difference than observed for citations. The overall model was assessed using the Wald Chi Square of 1,329.911 based upon the beta coefficients divided into the corresponding SEs for the independent variables. This overall model was statistically significant at the 0.01 level of significance with over 89.85% of independent variables predicting correctly a search and nonsearch. Because of the dichotomous independent variables, the Pearson's R^2 was used to judge rough magnitude of the model. Based upon the Pearson's R^2 of 0.058, the likely magnitude of predicting a citation from the seven independent variables was only 5.8%. Remember that even with the statistical significance of this model, overall magnitude is rather low and is not to be interpreted as substantive magnitude.

Table 3. Logistic Regression Coefficients – Prediction of an Arrest During a Stop (Springfield, IL, Traffic Stop Cases in 2007)

N: 21,869 Missing: 988 Dependent Variable: (15) Arrest-DC

Logistical Regression Table

Variable	Beta Coef.	Constant + Beta	SE	Prob.	Odds Ratio	*t*-Value	Sig. Level	Beta Direction
Constant	-3.089	-3.089	0.110	0.04356328	0.0455475	-28.0818	**	No Arrest
(4) Race-White	-0.701	-3.790	0.061	0.02209632	0.0225956	-11.4918	**	No Arrest
(3) Sex-Male	0.706	-2.383	0.068	0.08447826	0.0922734	10.3824	**	Arrest
(2) Drv > 29.89	-0.339	-3.428	0.059	0.03143176	0.0324518	-5.7458	**	No Arrest
(1) Veh ≥ 9.97 Y	0.286	-2.803	0.060	0.05716228	0.0606279	4.7667	**	Arrest
(8) Beat ≥ 13% A	0.612	-2.477	0.070	0.07748638	0.0839949	8.7429	**	Arrest
(9) Shift > 25 (2.5)	-0.624	-3.713	0.059	0.02382282	0.0244042	-10.5763	**	No Arrest
(10) Moving Viol.	0.34	-2.749	0.062	0.06014315	0.0639918	5.4839	**	Arrest

Estimated Approximate Covariance-Variance Matrix

	(15) Arrest-DC	(4) Race-White	(3) Sex-Male	(2) Drv > 29.89
(15) Arrest-DC	0.012	-0.002	-0.004	-0.001
(4) Race-White	-0.002	0.004	0.000	-0.000
(3) Sex-Male	-0.004	0.000	0.005	-0.000
(2) Drv > 29.89	-0.001	-0.000	-0.000	0.003
(1) Veh ≥ 9.97 Y	-0.002	0.000	-0.000	0.000
(8) Beat ≥ 13% A	-0.004	0.001	-0.000	0.000
(9) Shift ≥ 25 (2.5)	-0.002	-0.000	0.000	-0.000
(10) Moving Viol.	-0.002	-0.000	-0.000	-0.000

	(1) Veh ≥ 9.97 Y	(8) Beat ≥ 13% A	(9) Shift ≥ 25 (2.5)	(10) Moving Viol.
(15) Arrest-DC	-0.002	-0.004	-0.002	-0.002
(4) Race-White	0.000	0.001	-0.000	-0.000
(3) Sex-Male	-0.000	-0.000	0.000	-0.000
(2) Drv > 29.89	0.000	0.000	-0.000	-0.000
(1) Veh ≥ 9.97 Y	0.004	-0.000	-0.000	0.000
(8) Beat ≥ 13% A	-0.000	0.005	-0.000	0.000
(9) Shift ≥ 25 (2.5)	-0.000	-0.000	0.004	-0.000
(10) Moving Viol.	0.000	0.000	-0.000	0.004

Predictions/Chi-Square
-2 Log Likelihood = 9,462.880
Chi-Square = 736.616 df =7 Prob. = 0.000**
Predictions Using 0.5 Rule Binominal Pearson's R^2 = 0.033**

Cases Observed	Cases Predicted: No Arrest	Cases Predicted: Arrest	Correct Percent	Correct Percent (Expected/Observed)
No Arrest	20,507	0	100.000	--
Arrest	1,362	0	0.000	--
Totals	21,869	0	--	93.772

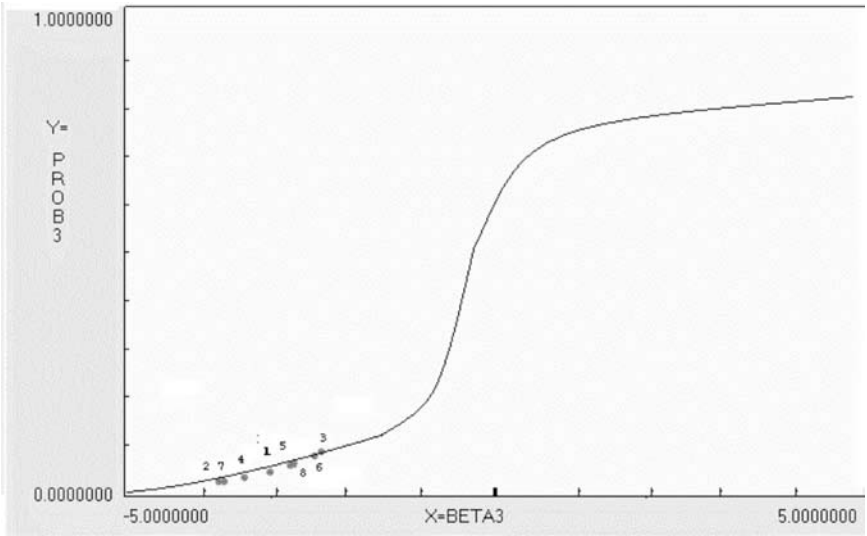
Additional Additive Probabilities Comparing Race-Gender in Predicting Searches

Race-Gender Category	Odds Ratio	Probability	Margin of Probable Difference in Searches
Non-Caucasian Female	0.0455475	0.0435563	Race-Female Probable
Caucasian Female	0.0225956	0.0220963	Difference = 0.022 or 2.1%
Non-Caucasian Male	0.0922733	0.0844783	Race-Male Probable
Caucasian Male	0.0457758	0.0437721	Difference = 0.041 or 4.1%

* Significant at the 0.05 level ** Significant at the 0.01 level

Figure 3. Probability of an Arrest During a Vehicle Stop – Seven Predictor Variables (Springfield, Illinois, 2007)

Y-Axis Probability of an Arrest



X-Axis Additive Beta Weights Predicting Unit Change in Arrests

Source: City of Springfield, Illinois, 2007 Traffic Stop Data. Variables represent logistical regression of binomial probabilities and additive beta weights of seven independent variables and the constant, predicting an arrest during a traffic stop; N = 21,869 stops. **Graph Notes:** 1 = Constant (represents opposite codes of 0 for independent variables); 2 = Race-White; 3 = Sex-Male; 4 = Driver > 29.89 years old; 5 = Vehicle > 9.97 years old; 6 = Beat ≥ 13% activity; 7 = Shift > 23% activity; and 8 = Moving Violation Init. Stop.

Results of Analysis Predicting Arrests

From the analyses in Table 3 and Figure 3, beta weights were similar to those found in analysis predicting searches. The direction of three of the beta weights revealed some prediction toward a non-arrest being made during a stop (also code 0) as compared to an arrest (coded as a 1). It was found that non-white, younger male drivers, driving somewhat older vehicles in areas with high stop activity were slightly more likely to be subject to a arrest. Further, during the times of 11:30 PM to 7:30 AM, an arrest was somewhat more likely to occur. A slightly greater chance of an arrest occurred when a moving violation was involved. Those less likely to be arrested during a stop involved white, female older drivers in newer vehicles during a nonmoving violation. The absence of an arrest was found to be slightly more likely in low stop areas (beats) of the city during times of higher stop activity from 7:31 AM to 11:30 PM. Particularly high beta coefficients were found in predicting searches for non-Caucasian drivers (beta coefficient of -0.701). The strongest beta coefficient was that of male drivers as a positive predictor toward an arrest (beta coefficient of 0.706). A higher beta coefficient was observed for the higher stop areas of central, east, southeast, and south Springfield (beta coefficient of 0.612). The time most likely to predict an arrest was during the times of lower shift activity from 11:30 PM to

7:30 AM—a beta coefficient of -0.624. Using the *t*-values from Table 3, all revealed statistically significant predictions of an arrest at the 0.01 level ($p \leq 0.01$). Still, the probability of predicting an arrest was relatively low based upon the probabilities and odds ratios constructed from the additive beta weights. Arrests were only predicted by the independent variable of white drivers in 2.2% of stops. Likewise, the probability of male drivers being involved in an arrest during a stop was 8.4%. The probability that beat (location) of the city could predict an arrest was 7.7%. Older vehicle, higher shift activity, and a stop for a moving violation had a higher probability of resulting in a citation—probabilities represented as percentages ranging from 2.4 to 6.0%. A plot of the additive beta weights, and the joint probabilities, of independent variables and the constant reveal that most of the variables fall into logarithmic predictions toward non-arrests—negative beta weights (see Figure 3). Comparing combined probabilities using the additive beta coefficients of the constant, race and sex, margins of probable differences in arrests were compared across race-gender groups. Between female Caucasian and non-Caucasian drivers, the probability of an arrest was between 4.2 and 2.2%—a difference of 2.1% across race and controlling for gender. For male Caucasian and non-Caucasian male drivers, the probability of an arrest was between 8.4 and 4.3%—a difference of 4.1% across ethnicity when controlling for the male gender. The overall model was assessed using the Wald Chi Square of 736.616 based upon the beta coefficients divided into the corresponding SE for the independent variables. This overall model was statistically significant at the 0.01 level of significance with over 93.772% of independent variables correctly predicting arrest or non-arrest. Based on the dichotomous independent and dependent variables, the Pearson's R^2 of 0.033 revealed a likely magnitude of predicting an arrest from the seven independent variables was only 3.3%. Remember that even with the statistical significance of this model, overall magnitude is rather low and is not to be interpreted as substantive magnitude.

Summary, Conclusions, and Recommendations

From this analysis, some additional information has been revealed regarding the decision to issue a citation, perform a search, or make an arrest based upon 21,869 traffic stops that took place in Springfield, Illinois, in 2007. It should be noted that this analysis used dichotomous variables to predict with what direct probability each positive attribute could successfully predict a citation, search, or arrest. In predicting a citation, the direct probability that being male could predict that outcome was 24.7%. Likewise, somewhat older vehicles had a higher probability of predicting a citation at 26.4%. Times of high shift activity (7:31 AM to 11:30 PM) revealed a higher probability of predicting a citation—30.5%. The strongest probability of predicting a citation was a moving violation at just over a 50.1% chance of successfully predicting a citation. The probability of race (Caucasian or non-Caucasian) as a factor in a citation was somewhat low, differing by only 2.4% regardless of gender. The probability of a search of a driver, passenger, or vehicle was only marginally predicted by the seven independent variables. The probability of predicting a search due to being male was 14.2%. The probability of a search in geographic areas where greater concentrations of stops occurred was 12.7%. The probability of race (Caucasian or non-Caucasian) as a factor in a search was somewhat higher for non-white males at 14.0%. The probability for white males being searched was 7.0%, revealing a 7.0% higher probability of being searched while controlling for male drivers. The probable difference was smaller between white and non-white females, with a probability difference of only 3.6% controlling for only female drivers.

Similar to searches, arrests during a stop were only moderately predicted with the seven independent variables chosen. The probability of predicting an arrest due to being male was 8.4%. The probability of a search in geographic areas where greater concentrations of stops occurred was 7.7%. The probability that a moving violation could predict an arrest was found to be 6.0%. The probability of race (Caucasian or non-Caucasian) as a factor in an arrest was only slightly higher for non-white males at 8.4%. The probability for white males being searched was 4.3%, revealing a 4.1% higher probability of being arrested if a driver was non-white while controlling for male drivers. This was a significant finding based upon the probability that these differences did not likely occur due to sampling alone (< 0.01). However, other variables such as gender of the driver (in searches and arrests), age of vehicle and driver, activity levels by beat and watch, and moving violations also were statistically significant predictors of the three dependent variables: (1) citations, (2) searches, and (3) arrests. The probable difference in arrests was smaller between white and non-white females, with a probability difference of only 2.2% controlling for only female drivers. Overall, the probability of sampling error was low (less than one chance out of 100). However, this low sampling error resulted from the large number of stops analyzed (21,869 stops).

Still, the overall magnitude of any and all of the independent variables was low as a predictor of these dependent variables. As earlier literature revealed, there is a need to explore the effect of race and other variables on traffic stop decisions. This analysis has been an attempt to extend multivariate analysis into the key traffic stop decisions of citations, searches, and arrests. As revealed, race plays a statistically small direct effect on stop outcomes, with race statistically predicting a search decision in about 7% of stops, controlling for gender. It is hoped that other research, using different traffic stop information from other jurisdictions and times can further replicate this research. The researchers hope to extend this study further by developing a "seriousness of the stop" scale. This new scale may be used in a multiple regression or discriminate analysis procedure to further explore the impact of race and other factors in traffic stop outcomes.

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Bonny M. Mhlanga, PhD, is currently an associate professor in the School of Law Enforcement and Justice Administration, and has been an LEJA graduate faculty member since 2005. Dr. Mhlanga received his PhD in 1993 (published in 1997) and MS degree in 1984, both from the University of Surrey in the United Kingdom. Previous to joining Western Illinois University, he worked as a Senior Research Officer in the Research, Development and Statistics Directorate of the UK Home Office and for the Department of Criminology and Criminal Justice at Hull University.

Michael H. Hazlett, PhD, received his doctorate in 1984 from Sam Houston State University in Huntsville, Texas, and joined the Western Illinois University School of Law Enforcement and Justice Administration in 1986. Dr. Hazlett currently holds the rank of Professor and serves as Assistant Director of the School. Before his current appointment, he was an assistant professor at the University of Alabama and an instructor at Sam Houston State University. He also worked for a number of years for the Texas Governor's Office of General Counsel and Criminal Justice. Having published and coauthored numerous articles and monographs. Dr. Hazlett currently teaches and consults with agencies on issues of diversity, biased enforcement, quantitative and research applications, criminological theory, and organizational theory and practice. He has consulted with the City of Springfield, Illinois, regarding their traffic stop patterns since 2005.

Appendix 1. Logistical Regression Variables (Springfield, IL, Traffic Stops – 22,857 Cases)

	Total	%
Independent Dummy-Coded Variables Used in Logistical Regression		
Variable 1: Vehicle Age ≥ 9.97 Years (Independent Variable) – Age of Vehicle—Newer or Older Vehicle (< 9.97 Yrs or ≥ 9.97 Yrs Median Age)		
< 9.97 Yrs	10,677	46.7 Code 0
≥ 9.97 Yrs	12,180	53.3 Code 1
Total	22,857	100.0
Variable 2: Driver Age ≥ 29.89 Years (Independent Variable) – Age of Driver-Dummy Coded (< 29.89 Yrs Younger ≥ 29.89 Yrs Older by Median)		
< 29.89 Yrs	11,197	49.0 Code 0
≥ 29.89yrs	11,657	51.0 Code 1
Missing	3	
Total	22,854	100.0
Variable 3: Sex-Male (Independent Variable) – Driver Sex Recoded Male or Non-Male		
Non-Male	8,951	39.2 Code 0
Male	13,906	60.8 Code 1
Total	22,857	100.0
Variable 4: Race-Caucasian (Independent Variable) – Race as White or Non-White		
Non-White	8,898	38.9 Code 0
White	13,959	61.1 Code 1
Total	22,857	100.0
Variable 8: Beat > 13% Citywide Stops (Independent Variable) – Beat Activity by Proportion of Activity (Low Under 13% – High 13%+ of City)		
< 13% CtyTl	8,920	39.1 Code 0
≥ 13% CtyTl	13,879	60.9 Code 1
Missing	58	
Total	22,799	100.0
Variable 9: Shift-Watch > 25% Stops (> 2.5 Overlaps) (Independent Variable) – Watch Activity Rated as Higher or Lower by Time of Day		
Low Pct Stops	5,588	25.5 Code 0
High Pct Stops	16,338	74.5 Code 1
Missing	931	
Total	21,926	100.0
Variable 10: Moving Violations (Independent Variable) – Moving Violation-Dummy Coded		
No Moving Viol.	8,001	35.0 Code 0
Moving Viol.	14,856	65.0 Code 1
Total	22,857	100.0
Dependent Dummy-Coded Variables		
Variable 13: Citations (Dependent Variable) – Citation Result of Stop-Dummy Coded		
No Citation	13,811	60.4 Code 0
Citation	9,046	39.6 Code 1
Total	22,857	100.0
Variable 14: Search-DC (Dependent Variable) – Search Made During Stop-Dummy Coded		
No Search	20,536	89.8 Code 0
Searched	2,321	10.2 Code 1
Total	22,857	100.0
Variable 15: Arrests or Custodial Arrests (Dependent Variable) – Arrest or Non-Arrest-Dummy Coded		
No Arrest	21,435	93.8 Code 0
Arrest	1,422	6.2 Code 1
Total	22,857	100.0

Appendix 2. Traffic Stop Reporting Form – City of Springfield, 2007

Officer's Name: | Agency Code:

Mon. Day | Time of Stop: Hr Min | Officer's Badge Number: | Beat Location: | Duration of Stop (mins): Min

Driver's Information Name:

Street:

City: State: Make of Vehicle:

Zip Code: | Driver's Yr of Birth:(19) | Year of Vehicle: 19 20 | Driver's Sex: Male, Female | Driver's Race: Caucasian, African/American, Native American/Alaskan, Hispanic, Asian/Pacific Islander | Reason for stop: Moving Violation, Equipment, License Plate/ Registration | If Moving, type of violation: Speed, Lane Violation, Seat Belt, Traffic Sign / Signal, Following too Close, Other

Result of Stop: Citation, Written Warning, Verbal Warning/ Stop Card

B. Searches (other than Vehicle Consent Searches):

Was a search conducted/requested (other than a vehicle consent search)?

1-Consent 2-Reasonable Suspicion 3-Probable Cause 4-Incidental to Arrest 5-Custodial Arrest 6-Drug Dog Alert 7-Other 8-Consent Search Request Denied

Vehicle: Driver: Passenger/s:

If a search was conducted, was contraband found?

Drugs Drug Par Alc Weap Stol.Prop Other

If the contraband found was drugs, what was the amount?

1: <2 grams 2: 2-10 grams 3: 11-50 grams 4: 51-100 grams 5: >100grams

C. Vehicle Consent Searches:

Was a consent search on the vehicle requested and/or performed?

If consent was requested to search the vehicle, was consent granted?

If consent was granted to search the vehicle, was a consent search performed?

If a vehicle consent search was conducted, was contraband found?

Drugs Drug Para. Alc Weap Stol.Prop Other

If the contraband found was drugs, what was the amount?

1: <2 grams 2: 2-10 grams 3: 11-50 grams 4: 51-100 grams 5: >100grams

TS-2980 (12/06)

Goal Diffusion and Miscommunication Across Rank Levels

Richard R. Johnson, PhD, Assistant Professor, Department of Criminal Justice, The University of Toledo

Introduction

A clear understanding of goals and values is crucial for the efficient operation of any organization. Members of the organization can only be expected to pursue the organization's goals and values if they are aware of them. This may be even more important in law enforcement organizations where a failure to pursue the agency's goals and values can result in a lack of justice, disgrace of the organization, and harm to citizens. Textbooks on leadership in law enforcement describe how top-level administrators set the priorities of the agency, simply assuming that patrol officers and detectives know and understand these priorities (Sheehan & Cordner, 1995; Whisenand & Ferguson, 2002). After all, most law enforcement agencies have very thick and extensive policy and procedures manuals that are provided to officers, and officers are expected to know and abide by the rules and guidelines they contain (Sheehan & Cordner, 1995; Swanson, Territo, & Taylor, 2001; Whisenand & Ferguson, 2002).

Some policing scholars, however, have suggested that patrol officers often lack a firm understanding of the goals and values of their leaders. Qualitative studies of police officers have suggested that patrol officers rarely know what their leaders' true priorities are, making their work frustrating and politically treacherous (Broderick, 1977; Brown, 1988; Muir, 1977; Wilson, 1968). Several reasons for this lack of understanding have been presented such as the ambiguous nature of police agency rules and regulations, the contradictory nature of the police role, and the breakdown in intent as directives are interpreted at various levels of the chain of command (Broderick, 1977; Brown, 1988; Lipsky, 1980; Wilson, 1968). One quantitative study by Engel and Worden (2003) also found no correlation between officers' perceptions of their supervisors' work priorities and the real work priorities of their supervisors.

The present study sought to address this issue and investigate the influence of goal diffusion across ranks within municipal law enforcement agencies. Using survey data collected from different levels of supervisors within three municipal law enforcement agencies, this study attempted to reveal how organizational priorities diffuse across the various levels of command within each law enforcement agency.

Communicating Goals and Values

Several researchers have pointed to the importance of goals and values in regulating behavior (Peak, 2004; Stojkovic, Kalinich, & Klofas, 2003; Wasserman & Moore, 1988). In a law enforcement agency, the degree to which employees perceive that they share similar values and goals as their chief may influence their compliance. Lack of officer agreement with these goals and values, however, can be overcome by good middle management. A key function of supervisory personnel in law enforcement agencies is to ensure that the organization's values and goals are achieved by their subordinates (Brewer, Wilson, & Beck, 1994), but this can only

happen if their subordinates have a clear understanding of what these values and goals are. Davis (1969) suggested that these values and goals are the underlying factors that shape the discretionary judgments of police officers. Values and goals guide employees and are particularly important in guiding organizations that have difficulty measuring performance outputs such as law enforcement agencies (Peak, 2004; Wasserman & Moore, 1988).

In order for subordinates to achieve these values and goals, however, they need to have a clear understanding of what they are. Unfortunately, some policing scholars have suggested that patrol officers encounter great difficulty in interpreting exactly what it is that they are supposed to be doing—what the agency's true values and goals are. Lipsky (1980) argued that new officers lose their vision and idealism, in part, because of the absence of clearly articulated values and goals. Manning (1977) suggested that public pressures on police administrators tend to take contrary public and private positions or selectively pursue changing priorities in the interest of self-protection. This ambiguity and contradiction on the part of police administrators creates anxiety and uncertainty for the patrol officer who expects and requires clear and well-structured decision rules.

In his qualitative study of officers on eight municipal law enforcement agencies, Wilson (1968) found that patrol officers perceived their work expectations as being difficult to define. He found that one of the reasons patrol officers often sought after specialized assignments, such as in the training, investigations, or traffic units, was because the work expectations in those units were more clearly defined. These specialized positions had less ambiguity. Broderick (1977) and Brown (1988) also found this to be the case with the officers they studied. Officers assigned to patrol duties quickly became uneasy trying to perform a job handling problems for which the right solution was not usually obvious, yet punishment from management was likely if the officer selected a wrong solution. This often caused patrol officers to develop a risk-aversive orientation to their work, thus explaining why in numerous studies, patrol officers have been found unlikely to make arrests unless faced with a serious offense and significant evidence of the suspect's guilt (Novak, Frank, Smith, & Engel, 2002; Worden & Shepard, 1996).

Theoretical explanations have been offered for why patrol officers have difficulty grasping the true goals, values, and priorities of their leaders. One suggestion has been the ambiguous and contradictory nature of many of the directives and policies within the agency. Effective supervisors are more likely to make their expectations of subordinates clear, and it is true that some of the goals and expectations for patrol officers can be easily clarified (Brewer et al., 1994). For example, explicit quantitative performance goals (i.e., quotas) for traffic enforcement citations are clearly understood by patrol officers. If they are directed to issue a minimum number of citations a month, it is very easy for officers to know where they stand in relation to this goal. Supervisors can also easily verify if this goal has been attained by checking the ticket production records of each officer (Lipsky, 1980; Wilson, 1968).

Only a few of the duties that patrol officers perform, however, are amenable to such clear quantification. Such goals as avoiding excessive force, acting ethically, maintaining positive community relations, and maintaining the peace are much harder to actually quantify. The work of patrol officers routinely involves ambiguous goals for which the actions that would achieve the goal in one circumstance would not be appropriate in another. For example, while it may be discourteous for an

officer to raise her voice and place her hands on an elderly woman who failed to yield the right of way at a roadway intersection, it may be fully appropriate and necessary if the same elderly woman is later physically trying to prevent officers from entering her home to execute a murder warrant on her adult grandson.

Lipsky (1980) argued that many of the goals for patrol officers are ambiguous and often contradictory. While patrol officers are directed to pursue the goals of preventing crime and maintaining order, they are also directed to foster good relations with the community and protect civil liberties. Many of the tactics that have proven most effective at reducing crime and maintaining order (such as the aggressive policing of hot spot locations or targeting repeat offenders for frequent stops and field interviews) tend to conflict with the goals of fostering good community relations and protecting civil liberties.

Another argument for why it is difficult to make expectations clear to subordinates is that departmental expectations are filtered through the various levels of the agency's chain of command. Scholars have suggested that while the chief executive may set the tone for the department through his or her statements and written policies, it is up to the field supervisors to communicate the chief's expectations to the officers in the field and interpret the intent of the chief's policies (Brown, 1988; Wilson, 1968). The farther the chief's directives move down the chain of command, the greater the danger that these directives will be misinterpreted or altered by the personal attitudes or beliefs of the various levels of supervisors.

Brown (1988) suggested that the implementation of departmental goals and values depended both on the willingness of patrol officers to comply and upon the degree of consensus among field supervisors about how officers should handle different incidents. He argued that patrol officers take their cues from their sergeants and lieutenants, enforcing violations that appeal to these supervisors. Unfortunately, Brown lamented, supervisors are as different as patrol officers in their priorities and pet concerns.

These sentiments were also shared by Wilson (1968) who suggested that it is only the expectations of the sergeants in the field that matters to patrol officers. He suggested that patrol officers gave little thought to the expectations of their chief as the chief is usually far removed from them and has little direct knowledge of their daily activities. Officers did, however, care about what was important to their sergeant as the sergeant had much more knowledge about what the officers were doing. The sergeant also had a more immediate impact on the officers' quality of work life, especially if the sergeant was displeased with the officers' work.

This last theoretical argument, the diffusion of priorities and goals as they pass through the chain of command, has yet to be investigated fully. The works of Wilson (1968), Lipsky (1980), and Brown (1988) relied only upon statements of subordinates to various open-ended questions about their work. While it is plausible that the communication of goals, values, and priorities breaks down as they are diffused across the various levels of the chain of command within a law enforcement agency, no empirical data has yet been presented to support it. Furthermore, no evidence exists to date on the degree to which these goals, values, and priorities are altered by the chain of command communication process. The present study sought to provide an initial investigation of this theoretical argument.

Method

The present study surveyed multiple levels of the command structure of three law enforcement agencies in order to measure how consistent the respondents were in regard to the roles and responsibilities of patrol officers. All of the supervisors within the patrol divisions of three municipal law enforcement agencies were surveyed. These surveys were conducted with supervisors who were participating in a community policing management course provided to all of the supervisory personnel of each police department. Each agency will be described in more detail below.

Agency A was a police department for a city of approximately 96,500 persons in a southern state. This agency employed 258 sworn officers, and its patrol division was supervised by a captain, three lieutenants, and eight sergeants, all of whom completed the survey. Agency B was a county police department for the same county where Agency A was located. Agency B policed a jurisdiction of unincorporated area within the county, including a population of approximately 99,000 residents. This agency employed 194 sworn personnel, and its patrol division was supervised by a captain, three lieutenants, and seven sergeants. Finally, Agency C was a police department for a suburban city of approximately 45,000 residents in a midwestern state. Agency C employed 68 sworn officers, and its patrol division was supervised by one lieutenant and nine sergeants.

As part of a pretest to a training seminar on supervision in a community policing environment, all of the supervisors completed the survey. Among the various items on the survey instrument, the respondents were presented with a list of seven common duties performed by patrol officers, and the respondents were asked to indicate which three duties they thought were most important. The respondents were also presented with five value statements about the work of patrol officers and were asked to indicate their opinion on a four-point scale, ranging from strongly disagree to strongly agree. Finally, the respondents were presented with six potential work activities of patrol officers and were asked whether or not patrol officers should be required to regularly engage in each of these activities. Their responses were recorded as either yes or no.

The responses of the participants were then tabulated. They were compared across rank levels within each agency in order to determine whether or not there was consistency within each agency. Specifically, the study sought to answer the following questions with the data: Did the answers of the lower-ranking supervisors match the responses of the commander of the patrol division? If not, to what degree were their responses different?

Findings

Table 1 reveals the findings from the question that asked the supervisors to select, from a list, the three most important duties performed by a patrol officer. As can be seen for Agency A, the captain in charge of the entire patrol division indicated that handling calls for service in their assigned area, reducing public disorder, and reducing citizen fear of crime were the three most important duties for patrol officers. When looking at the responses of the three lieutenants who report to this captain, however, there were different results. While all three lieutenants agreed with the captain that handling calls for service in one's assigned area was one of the three most important duties of a patrol officer, only one lieutenant felt

that reducing public fear of crime was a top priority, and none of them selected reducing public disorder. All three lieutenants indicated that getting the public involved in the neighborhood was a top priority, while one lieutenant indicated that making arrests and issuing citations was a top priority, and another lieutenant indicated that seizing drugs, guns, and other contraband was a top priority. None of those three categories were chosen by the captain as a top priority.

The sergeants with Agency A also provided responses that varied from the responses of their captain. The captain and all three lieutenants agreed that handling calls for service in one's assigned area was one of the three most important duties of a patrol officer as did seven of the eight sergeants. Regarding reducing public fear of crime, the captain viewed this as one of the three most important duties of patrol officers, yet only one of the three lieutenants agreed and only four of the eight sergeants agreed. Finally, the captain considered reducing public disorder to be a top priority, but only one of the lieutenants and only two of the sergeants considered this a priority. The sergeants prioritized a number of duties that the captain, and even some of the lieutenants, did not consider a top priority. Even among the sergeants, there was a clear lack of consensus on what duties were priorities.

Table 1. Rank Differences for the Top Three Duties of Patrol Officers

	Agency A			Agency B			Agency C	
Rank	**CPT**	**LT**	**SGT**	**CPT**	**LT**	**SGT**	**LT**	**SGT**
Respondents	1	3	8	1	3	7	1	9
Handling calls for service in assigned area	100%	100%	88%	100%	100%	100%	0%	56%
Making arrests and issuing citations	0%	33%	63%	0%	33%	29%	0%	11%
Reducing repeat calls to the same address	0%	0%	38%	0%	0%	14%	100%	44%
Seizing drugs, guns, and other contraband	0%	33%	13%	0%	0%	29%	0%	0%
Reducing public disorder	100%	0%	25%	0%	0%	14%	100%	44%
Getting the public involved in the neighborhood	0%	100%	25%	100%	67%	71%	0%	78%
Reducing public fear of crime	100%	33%	50%	100%	100%	43%	100%	67%

CPT = captain, LT = lieutenant, and SGT = sergeant

Table 1 also demonstrates that there is a higher degree of consensus in Agency B regarding the top priority duties. The captain, all three lieutenants, and all seven sergeants rated handing calls for service in one's area as a top priority; the captain, two lieutenants, and five of the sergeants listed getting the public involved in the neighborhood as a top priority; and the captain, all three lieutenants, and three of the sergeants held reducing public fear of crime as a top priority. Nevertheless, variation still occurred as one of the lieutenants indicated making arrests and issuing citations was a top priority, and the responses of the sergeants indicated that every one of the choices was a top priority to at least one of the sergeants.

Finally, the variation in Agency C was more pronounced, even though it only had two levels of command structure. While the lieutenant indicated that reducing repeat calls to the same address, reducing public disorder, and reducing public fear of crime were the top three most important duties for patrol officers, the sergeants under his supervision held very different views. Two of the lieutenant's choices

did not raise a majority of support from the sergeants. The choices of the sergeants were varied, but the majority indicated that getting the public involved in the neighborhood, handling calls for service in assigned area, and reducing public fear of crime were the top duties for patrol officers.

Across all three agencies, the perceptions of the top three duties of patrol officers varied with each level of supervisory rank, and there was generally a lack of consensus within the lowest rank of supervision. It was also noteworthy that the degree of dispersion appeared to vary across the three agencies, with Agency B experiencing the least variation. Having to choose three top priorities out of a list has inherent weaknesses, however, as the respondent may only feel strongly about one or two priorities, picking a third almost at random. It could also be that the respondent had four top priorities, forcing the respondent to eliminate one almost at random. Therefore, the respondents were also presented with five core value statements about the work of patrol officers and were asked to indicate their opinion on a four-point scale, ranging from strongly disagree to strongly agree. Table 2 reveals the results of those respondents who answered that they agreed or strongly agreed with each statement.

As can be seen in Table 2, there is more uniformity across ranks within each department in the responses to these questions, yet variation still existed. In Agency A, the captain, all of the lieutenants, and all of the sergeants agreed with the statements that assisting citizens is just as important as enforcing the law and that a good police officer is one who tries to find out what residents think the neighborhood problems are. Conversely, only two of the lieutenants and one of the sergeants agreed with the statement that police officers have reason to be distrustful of most citizens. Furthermore, the captain did not agree that a good police officer is one who patrols aggressively by stopping cars and checking people out, but all of the lieutenants and all but one of the sergeants agreed with this statement. Clearly these differences of opinion could make it extremely difficult for patrol officers to understand what their supervisors expect from them in their work.

Table 2. Respondents Who Agreed with Statements by Rank

	Agency A			Agency B			Agency C	
Rank	**CPT**	**LT**	**SGT**	**CPT**	**LT**	**SGT**	**LT**	**SGT**
Respondents	1	3	8	1	3	7	1	9
Enforcing the law is by far the patrol officer's most important responsibility	0%	67%	88%	100%	67%	86%	0%	44%
Police officers have reason to be distrustful of most citizens	0%	67%	13%	0%	0%	57%	0%	0%
A good police officer is one who patrols aggressively by stopping cars, checking people out, etc.	0%	100%	88%	100%	100%	100%	0%	67%
Assisting citizens is just as important as enforcing the law	100%	100%	100%	100%	100%	100%	100%	100%
A good police officer is one who tries to find out what residents think the neighborhood problems are	100%	100%	100%	100%	100%	100%	100%	100%

CPT = captain, LT = lieutenant, and SGT = sergeant

Just as with the results in Table 1, the Table 2 results for Agency B show more uniformity than that which existed within the other agencies. In Agency B, only one lieutenant and one sergeant disagreed with the statement that enforcing the law is by far the patrol officer's most important responsibility, and one sergeant disagreed

with the statement that police officers have reason to be distrustful of most citizens. There was 100% agreement across all ranks for the remaining three statements. In Agency C, as with Agency A, there was more of a mixture of responses. The lieutenant and all of his sergeants agreed with the statements that assisting citizens is just as important as enforcing the law and that a good police officer is one who tries to find out what residents think the neighborhood problems are. They also all disagreed with the statement that police officers have reason to be distrustful of most citizens, yet there was significant disagreement between the lieutenant and sergeants, and among the sergeants themselves, about the remaining two statements.

Finally, the respondents were provided with a list of six tasks and asked if they believed that patrol officers should routinely be expected to perform each task. Each respondent was to simply answer yes or no, and the responses are presented in Table 3. The results revealed that there was much less variation across ranks in all three agencies regarding the responses to these questions. In Agency A, there was complete agreement across all three rank levels on half of these duties, and complete agreement across the top two rank levels for all but one of these duties. Only one supervisor, a sergeant, did not agree that patrol officers should regularly be expected to handle family disputes. Only three supervisors (all of whom were sergeants) did not agree that patrol officers should be expected to deal with nuisance businesses that create problems in their beat. Also, only four supervisors (one lieutenant and three sergeants) did not agree that patrol officers should be expected to assist parents who cannot control their kids.

Table 3. Responses by Rank of Work Expectations of Patrol Officers

	Agency A			Agency B			Agency C	
Rank	**CPT**	**LT**	**SGT**	**CPT**	**LT**	**SGT**	**LT**	**SGT**
Respondents	1	3	8	1	3	7	1	9
Patrol officers should be expected to handle public nuisances such as loud parties or barking dogs	100%	100%	100%	100%	100%	57%	100%	78%
Patrol officers should be expected to handle neighbor disputes	100%	100%	100%	100%	100%	57%	100%	89%
Patrol officers should be expected to handle family disputes	100%	100%	75%	100%	100%	71%	100%	100%
Patrol officers should be expected to handle problems of litter, trash, and graffiti on their beat	100%	100%	100%	0%	67%	43%	100%	56%
Patrol officers should be expected to assist parents who cannot control their kids	100%	67%	63%	100%	100%	29%	100%	78%
Patrol officers should be expected to deal with nuisance businesses that create problems in their beat	100%	100%	63%	100%	100%	71%	100%	89%

CPT = captain, LT = lieutenant, and SGT = sergeant

Agency B, which had consistently shown much more homogeneity in responses across ranks in the previous tables, showed more variation than before. Although there was complete agreement across the top two ranks for five of the duties, complete agreement across all three ranks did not occur for any of the duties listed. Two of the sergeants disagreed with the statements that patrol officers should be expected to handle family disputes or that patrol officers should be expected to deal with nuisance businesses that create problems in their beat. Three sergeants did not agree that patrol officers should be expected to handle public nuisances such as loud parties or barking dogs or

that patrol officers should be expected to handle neighbor disputes. Two lieutenants and three sergeants agreed that patrol officers should be expected to handle problems of litter, trash, and graffiti on their beat, while the captain, one lieutenant, and the majority of the sergeants did not agree with this statement. Finally, while the captain and all three lieutenants believed that patrol officers should be expected to assist parents who cannot control their kids, the majority of sergeants did not.

The results for Agency C showed more homogeneity in responses than had been experienced up to this point, but variation across the two ranks was still obvious. There was complete agreement between the lieutenant and the sergeants in that patrol officers should be expected to handle family disputes, and only one sergeant disagreed with the statements that patrol officers should be expected to handle neighbor disputes and that patrol officers should be expected to deal with nuisance businesses that create problems in their beat. Nevertheless, two sergeants each disagreed with the statements that patrol officers should be expected to handle public nuisances such as loud parties or barking dogs and that patrol officers should be expected to assist parents who cannot control their kids. Furthermore, only five sergeants agreed that patrol officers should be expected to handle problems of litter, trash, and graffiti on their beat.

Discussion and Conclusion

The results of the comparisons of these responses suggested four important conclusions. First, significant variation in supervisor expectations about patrol officer values and duties clearly existed across the ranks within each police department. In each of these three law enforcement agencies, there were measurable differences of opinion between the sergeants and higher-level commanders in what patrol officers should be expected to do. This fact supports the theoretical argument that at least one reason patrol officers have difficulty deciphering the true goals, values, and expectations of their leaders has to do with differences in these goals, values, and expectations at different levels in the chain of command (Brown, 1988; Lipsky, 1980; Wilson, 1968).

Second, measurable differences were frequently found within the same rank level of the same law enforcement agency. Some lieutenants held different expectations than other lieutenants in the same department, and sergeants held different expectations than other sergeants in the same department. Imagine the difficulty of being a patrol officer in Agency A, who has a captain who does not believe that a good police officer is one who patrols aggressively by stopping cars and checking people out. The officer's lieutenant, however, does expect the officer to patrol aggressively. Making matters worse, the officer's primary sergeant may expect the officer to patrol aggressively, while the sergeant who fills in when this primary sergeant is on days off does not want the officer to patrol aggressively. So how does the officer serve all of these masters with directly contradictory views of how aggressively he or she should be patrolling?

Third, the amount of variation in the responses differed with the agency involved. Some agencies clearly had more uniformity across supervisors than others in expectations for their patrol officers. Further study is definitely needed to determine what factors are correlated with this homogeneity of expectations. Some research exists to suggest that supervisor modeling is an effective way to communicate expectations (Johnson, 2008a). In one study, patrol sergeants who engaged in traffic enforcement themselves experience increases in the traffic enforcement activities of their subordinate officers (Johnson,

2006). Another study found that, after controlling for other management factors, the greatest predictor for how much shift time officers spent on personal business was how much shirking the officers' supervisor did (Johnson, 2008b). Engel (2000) also found that the frequency with which patrol officers used force was positively correlated with how often their sergeants and lieutenants used force. More practical research is needed to identify how best supervisors can transmit expectations down the line of command with the least interpretation or alteration by lower-level supervisors.

Fourth, the amount of variation differed dramatically based on which officer duties or agency values were being discussed. This suggested that sometimes the directives of the commander of the patrol division were clearly understood and embraced by subordinates, yet at other times there was a lack of understanding across individual supervisors and ranks. Perhaps some issues are more clearly communicated than others, suggesting again that more research is needed into how top-level administrators within law enforcement agencies can clearly communicate their expectations consistently throughout the entire chain of command of the organization.

In summary, it appears that the communication of goals, values, priorities, and work expectations across all the levels of the chain of command within a law enforcement agency is a difficult undertaking. Chief executives need to strive to ensure that those in the lowest ranks within the organization "get the message" about what the chief executive wants and expects. Middle managers should strive to make certain they know what their supervisors expect out of their subordinates, and they must also do all they can to communicate these expectations to their officers. Finally, researchers should expend more effort to study the effective communication of directives within law enforcement agencies.

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Contact Information
Richard R. Johnson, PhD
Assistant Professor
Department of Criminal Justice
The University of Toledo
2801 W. Bancroft Street, MS119
Toledo, OH 43606-3390
(419) 530-4639
Fax: (419) 530-2153
E-mail: Richard.Johnson4@utoledo.edu

Reflections on Police Leadership: An Examination of Core Principles

Thomas J. Jurkanin, PhD, Assistant Professor, Department of Criminal Justice Administration, Middle Tennessee State University

The focus of this article is on police leaders. In my 35 years of working closely with police administrators, I have learned to appreciate the myriad challenges they face on the job. Several factors influence the actual or perceived effectiveness or ineffectiveness of police administrators in the day-to-day leadership and management of their departments. Most would agree that when an administrator ascends to the top position, they desire to "make their mark"; to distinguish themselves; and to survive and give proof that they are not only deserving of the position, but they have something new to offer in terms of providing vision, implementing new programs, effectively utilizing personnel, and moving the organization forward. Upon appointment, police administrators embark on a process of proving themselves. This article examines ten principles of leadership, with an analysis and discussion of their relevance and application within the field of policing.

Research demonstrates that law enforcement administrators are given very little time to prove themselves. The tenure of the average police chief is three years. In most cases, police administrators are promoted from within after serving years within the organization. In other cases, the police administrator is hired from the outside. In either case, upon assuming the new position, unique challenges must be faced.

Promoted from Within the Ranks

A police administrator who is promoted from within the department is a known entity. While some might disagree with their appointment, most insiders have knowledge relative to the person's capabilities, reputation, and interpersonal style. Likewise, the "newly appointed" knows the key personnel, has enduring personal relationships with many within the department, has impressions of whom they can trust and whom they cannot, knows the mayor's philosophy, knows the community, and is cognizant of the special interest groups that are influential.

While insider appointments offer advantages, they also can be problematic. Familiarity may breed contempt. Did our colleague gain his or her appointment through politics? Did he or she step on others to achieve the position? Many officers will remember a time (over years of experience) when the now appointed leader was just one of the guys—someone who they could trust—"a working patrol officer." Now they are the chief. Has he or she changed or is he or she still our beloved "old partner"?

Hired from the Outside

Most police agencies operate under the auspices of local government. As such, the mayor or city manager makes the final decision in hiring the chief administrator. Presumably, the employment decision centers on choosing the best person for the position. The primary consideration is whether the person sought should come from "inside" or "outside" the organization. Implicit in this decision is a consideration as to

whether there is someone currently serving in the department who could assume the position—one who has served with honor and pride and proven him- or herself as an effective leader in waiting. Or, after a review of potential internal candidates, it might become clear that change and establishing a new direction is desirable—that there is a pressing need to seek someone from the outside, to signal a change in direction, to make a fresh start. If an "outsider" is chosen, the lack of familiarity causes anxiety for all involved. Critics within the department might view the choice as an indication that city administrators do not recognize the leadership talent of others within the department. The personnel on the force might "turn a cold shoulder" to the new chief simply because they have no familiarity with him or her as a person or as an administrator. Trust and loyalty is something that will take time to develop.

The Study of Police Leadership

Over the past several decades, I have had the opportunity to study police leadership, conducting several studies designed to provide insight on current police practice. The focus of this research has been operational in nature. In other words, I have sought to initiate studies based upon an examination of what police agencies and administrators are doing and how practice influences and defines effective leadership. Of particular interest, my research has explored why it is that some chief executives succeed, and the reasons why they succeed; and why some chief executives fail, and why they fail.

My Perspective

I had the opportunity to serve as a staff member for the Illinois Law Enforcement Training and Standards Board (Illinois POST) for 30 years, the past 17 years as Executive Director. In my capacity as a staff member, and later as Executive Director, I initiated several studies, which were designed to understand how police agencies operate, how police leaders go about the task of managing, and how they exercise their leadership roles and responsibilities. The purpose of this article is to briefly describe two studies, which were centered on police leadership and management, and to summarize and discuss major components of police leadership. It is my hope that such reflection and summarization may be useful to emerging and newly appointed police administrators as they seek and assume a position as the "top cop." This article will provide a check list or guide of important leadership considerations for aspiring or newly appointed police leaders.

Study 1: *Enduring, Surviving, and Thriving as a Law Enforcement Executive*

The purpose of this study was to identify and examine factors that were relevant to survival as a law enforcement leader. Why is it that some law enforcement leaders arrive on the scene and within a few years find themselves looking for other employment? Conversely, why do some police administrators survive and thrive? A working title for this research was *20/20*. Twenty law enforcement administrators were selected from within the State of Illinois. The criteria for selection were that the administrators must have been a chief executive for at least 20 years and that they each had established a reputation as an effective leader.

The *20/20* administrators were invited to a forum hosted by the Illinois Law Enforcement Training and Standards Board. The forum was led by a facilitator whose

task was to prompt participants to share their career experiences in order to find out what made the law enforcement leaders effective. In other words, what were their secrets to success—what is it that they did to not only to survive, but to thrive? As the two-day forum began, it was apparent that many of the administrators had not systematically considered the questions being asked. They appeared uncomfortable with the questions at first; however, as discussion progressed, they became reflective and bought into the idea of working through the process of evaluating their careers. The overriding purpose of this process was to learn from the "old lions." If we know why law enforcement administrators succeed, it might just be possible to isolate such successes in order to educate and train new leaders, based upon lessons learned from the past. *20/20* findings are based upon 400 years of collective wisdom.

Study 2: *Chicago Police: An Inside View (The Story of Superintendent Terry G. Hillard)*

In contrast to Study 1 (*20/20*), Study 2 focused on one chief executive and examined his 35 years of service with the Chicago Police Department. Terry G. Hillard began his career as a patrolman and rose to become superintendent of the second largest police agency in the country, a position he held for over five years. Hillard was widely popular with the citizens of Chicago and gained acclaim as one of the best police chiefs in America. This study, conducted over a one-year period, focused on Hillard's career and his personal and professional leadership style. The study involved extensive interviews with Hillard and his staff; an examination of the challenges he faced as superintendent; and how he dealt with the media, politicians, and rank-in-file personnel. The culmination of this research resulted in a publication of a book, in which summary thoughts are provided on leadership skills and abilities practiced by Hillard. Similar to the purpose of the *20/20* study, this research was designed to discover why police administrators succeed and what lessons we can take away and share with aspiring or newly appointed police administrators.

What Factors Are Important in Finding Success as a Police Administrator?

Volumes have been written on leadership. Are the leadership abilities and skills required in police organizations different from those leadership abilities and skills required in other organizations such as business, other governmental agencies, the clergy, the military, and education? It is my contention that leadership is leadership, wherever it may be practiced: "Leadership is about coping with change" (Kotter, 2008, p. 6). While the dynamics of police leadership may be different in some respects, police leaders must do what all effective leaders do. They must model the way, inspire a shared vision, challenge the process, enable others to act, and encourage from the heart (Kouzes & Posner, 2008).

On Serving Others

> I don't know what your destiny will be, but one thing I know: the only ones among you who will be really happy are those who have sought and found how to serve.
>
> –Albert Schweitzer

> The most infectiously joyous men and women are those who forget themselves in thinking about others and serving others. Happiness comes not by deliberately courting and wooing it but by giving oneself in self-effacing surrender to greater values.
>
> –Robert J. McCracken

At the outset, I must admit a bias. I consider public service a noble calling. Police officers and police leaders must never forget that they are dedicating their lives; careers; and significant talents, energies, and abilities to serving mankind. Police are in a unique position to observe the human condition—to experience human behavior exhibited in extremes, from good to bad. It is critical that police leaders accept and "hold on to" the philosophy of service, to appreciate the fact that they are contributing something very special to society. Knowing that the police leaders are doing something noble sets the operating foundation for all that they do. Having pride in "what one does" (in this case, serving the public) becomes an insulating protector from the day-to-day battles and disappointments police administrators will ultimately face. Effective police administrators are guided by an internal compass that is deeply embedded in principles of justice, fairness, and ethics.

Leadership Principle One

> The secret of a leader lies in the tests he or she have faced over the whole course of his life and the habit of action he develops in meeting those tests.
>
> –Gail Sheely

Leaders are not created by appointment to a position. Individuals develop leadership skills over time through a difficult process of overcoming failure and adversity and rising to meet new challenges. The "battlefield of life" prepares people to become resilient, and personal character is built in the process. In examining the lives of effective leaders in history, we learn that most endured several failures, setbacks, and disappointments. However, they endured to achieve recognition as great leaders.

This principle was demonstrated when studying the career of Superintendent Hillard. He grew up in the segregated South and faced discrimination based simply on the color of his skin. He credits his time in the Marines and Vietnam as an experience that instilled discipline, maturity, and preparedness. As a young patrol officer, Hillard was shot on the job and spent months in rehabilitation. In his early 50s, he battled colon cancer and survived. When Mayor Daley sought to select a new superintendent, Hillard was considered a long-shot for the position but was nevertheless selected as one of three people to interview with the Mayor. Hillard explains that the Mayor spent nine hours interviewing him one-on-one, discussing every detail of his life, before selecting him as superintendent. It is not a stretch to speculate that Mayor Daley saw a leader who was well-tested, who could step into the role, and whose character had been forged over a lifetime. The following vignette, involving a personal experience, is provided to illustrate how adversity builds character:

Player in the Box

As a sophomore in high school, playing football, I learned an important lesson that influenced my life forever, and remains as a guiding principle in all that I do. I had a coach who today would be considered sadistic. In practice, he would direct his team to line up single file. He would then have one player face the team, with the team coming at him one at a time in succession, to knock him off his feet. The "player in the box" would be knocked down time and again, without the chance to recover. I was knocked on my ass time and again, but got up each time. As 30 to 50 members of my team knocked me senseless, and as I quickly became disoriented and fatigued, I became ever more determined that I could survive, if not prevail. I remember hating the coach, hating my fellow players for buying into the scheme, and feeling sorry for myself for having to endure what seemed to be a bizarre exercise premised on destruction.

Ironically, a bizarre and unfair experience in my youth led me to a better understanding of survival in life. Consistent with the theme of this discussion, I learned that no matter how unfair or difficult the situation, I must get up each time. If I get up, I may be knocked down again; but not to get back up would be a personal failure. The important lesson here is not to deliberate the fairness of the situation but to learn from the experience of being knocked down and to have the character to rise again. To put it in crude, but realistic language, "do not let the bastards win." All leaders will eventually become the "player in the box"; all will face situations of unfairness wherein one's "metal" will be tested. If they waiver, complain, and whine, their character will be questioned; if they endure, their character, credibility, self-confidence, and personal resolve will be enhanced. And, everyone is watching how they choose to respond.

Leadership Principle Two

He who has never learned to obey cannot be a good commander.

–Aristotle

In hiring police leaders, politicians place a great deal of importance upon prior experience. Likewise, the general public expects appointed police leaders to have demonstrated a competency level gained as a result of practice. Also noteworthy, without exception, rank-in-file police practitioners want assurances that the selected leader has "served in the trenches." While one can debate the relevancy of "serving years as a police officer" and the translation effect of those acquired skills in producing effective leaders, the accepted notion is that experience matters. In other words, has one paid their dues? In valuing experience and examining an individual's developmental career path, we gain assurance that that individual has shown a progression toward becoming a leader, that they are familiar with contemporary issues in the profession, and that they have demonstrated a pattern of commitment and an ability to survive and thrive in the profession. In both studies previously discussed, the examinations revealed that police leaders traditionally emerge to lead organizations only after years or even decades of serving in rank-in-file positions and of demonstrating competence and leadership qualities in various assignments.

This *valuing of experience* in selecting police leaders might strike the reader as obvious and not worthy of discussion. However, if we compare the process by which police leaders are selected with the process by which city managers are selected, there are obvious differences. The path to becoming a city manager typically begins with education, attaining a master's degree in Public Administration, followed by a short stint as a staff member or assistant city manager, before applying to become a city manager. Conversely, without exception, all subjects participating in the two studies cited had years of progressive career experience before ascending to top leadership positions.

Leadership Principle Three

> The respect that leadership must have requires that one's ethics be without question. A leader not only stays well above the lines between right and wrong, he stays well clear of the grey areas.
>
> –G. Alan Bernard

Public trust is the most important commodity we have to sell. Government agencies, police organizations, and those who assume positions of public trust are granted power, decisionmaking authority, and guardianship centered on protecting the best interests of the public and the citizens they serve. With the proxy of government power and oversight comes a tremendous amount of responsibility. Despite the obvious and well-understood principle that government officials should be ethical and persons of good moral character, history demonstrates that too many violate their oath of office, fail to place professional duty above personal gain, take inappropriate actions, and fall into disgrace. Ironically, education, intelligence, and talent have nothing to do with character. We have witnessed many examples in recent years of talented and intelligent government officials who presented an image of integrity but quietly defrauded the public. Whether these individuals were involved in criminal activity or personal indiscretions, they portrayed an image to the public that belied their true character. They were ultimately revealed as imposters. Examples include Senator John Edwards, Governor Elliot Spitzer, Governor George Ryan, Governor Rod Blagojevich, Governor Mark Sanford, and countless other government officials, including police officers who have been accused and convicted of perjury, violating citizen rights, drug dealing, taking bribes, and other official misconduct. Why do they do it? Why do they choose to disregard their professional duty? Why do they not realize that personal and professional indiscretions are likely to be discovered and that all that they have worked for will disappear overnight?

In both studies cited, the police officials examined had an established history of demonstrating a high level of personal character and integrity. They honored the public trust. They honored their oaths of office. One employee who worked for Superintendent Hillard stated, "The worst thing they can ever accuse Terry Hillard of was getting his shoes shined on company time" (Jurkanin, 2006, p. 192).

Leadership Principle Four

> A leader takes people where they want to go. A great leader takes people where they don't necessarily want to go, but ought to be.
>
> –Rosalyn Carter

Effective leaders have a way of recognizing those who have talent and skill or the potential to contribute significantly to the goals of the organization if given the opportunity. Leaders know that their strength lies not in doing it by themselves, but in building a capable, involved, and contributing force of employees who, if unleashed, will all become leaders. Empowerment of employees is necessary if a leader wants to truly improve an organization. Also, importantly, leaders must select a team of people who share their values and vision. In studying Superintendent Hillard's leadership, an example of this principle was revealed:

> The Chicago Police Department was about to launch a major initiative to build an information technology system, which would allow the department to more effectively manage crime data and management information and to have input and output capacities accessed by in-car computers. Hillard identified a young patrol officer, with an educational background in computer science, and appointed him to lead the project. Hillard then allowed the officer to select his own team, which included other patrol level officers who had skills in information technology. It was Hillard's belief that if the officers on the street did not buy into the new information technology system, it would not work. The project was successfully developed and implemented and became a national model for integrated management of crime-related data. Hillard promoted the young officer in charge from patrol officer to Assistant Deputy Superintendent. This young man later went on to be appointed as Chief of Staff for the mayor, and later as Superintendent of the Chicago School District.

Hillard knew that with 17,000 employees, he had a vast reserve of talent. The art of leadership is mining such talent and then placing people in positions to thrive. Effective leaders are unselfish and know that turning their employees loose to innovate, while monitoring and encouraging their work, will pay great dividends.

Leadership Principle Five

> Stand with anybody that stands right, stand with him while he is right and part with him when he is wrong.
>
> –Abraham Lincoln

Policing is a complex, dangerous, and demanding job. Police and their agencies are placed in positions wherein their every action will be critically reviewed by the media, citizens, interest groups, and politicians. Police leaders must "stand up" and support their employees when they are being unfairly criticized by others. We know that police actions are often criticized. However, in the majority of cases, the officers involved in controversy are simply trying to do the right thing to the best of their ability when things go wrong. For example, there have been a number of cases wherein police have deployed the TASER in lieu of using deadly force to control an aggressive or noncompliant subject; in some cases, the subject later died. When the critics "Monday morning quarterback" police actions, how is the police leader going to respond? Police leaders must not allow themselves to be pressured or swayed by the media, citizens, and politicians to undercut the men and women who work under their command. Law enforcement leaders must exercise the necessary moral courage to act fairly, based upon the circumstances of the situation,

and must choose to do what is right over what is comfortable for them personally or professionally. If police administrators fail to establish trust, or lose the trust of those who work under their command, they surrender their ability to lead.

Likewise, effective police leaders cannot allow themselves to minimize troubling incidents involving their personnel; to become overprotective of their personnel; or to delay attention to a matter when clearly the actions of the officer(s) violated department policy, protocol or established law. Cases involving alleged police corruption, excessive use of force, or even lesser violations of policy and procedure must be handled in a responsive, timely, and judicious manner. Police leaders need to send a strong message to their officers that they will support them when they are right and discipline them when they are wrong. This principle requires a delicate balance, based upon a deeply imbedded sense of fairness to all and the notion of concurrently protecting interests of public trust as well as the integrity of the organization and its personnel.

Leadership Principle Six

> A successful man can lay a firm foundation with the bricks others throw at him.
>
> –David Brinkley

Leaders, by virtue of their designation, place themselves in a position to draw criticism from many circles; they become the lightning rod for all that occurs on their watch. In most cases, the criticisms leveled are unwarranted, unfair, and unfounded. Such criticisms from others may be motivated by frustration, jealousy, politics, or personal and professional discontentment. It is natural for critics to go after the top dog; however, in reality, it is the top dog who is ultimately answerable. Leaders must necessarily develop thick skin. Police administrators will invariably have their motives, integrity, and character questioned as they go about the task of managing and leading their organizations. Effective leaders recognize that there will be critics and detractors, but they are able to keep focused on carrying out their duties in a conscientious and professional manner. Police leaders must always take the high road. They cannot allow themselves to become consumed by doubt based upon criticism leveled by those who attempt to diminish or unfairly undercut them as a person, as a professional, or as a leader.

Adversity builds character and strength. A seasoned leader has endured many battles and has developed the wherewithal to face the next challenge. Effective leaders know the difference between those who criticize with malicious intent based upon veiled motives and those who may be critical but genuinely want to make things better and be part of the solution. Police leaders must understand and recognize the difference between the two and pave the way for inclusion of the latter.

Leadership Principle Seven

> Great leaders are almost always great simplifiers, who can cut through argument, debate and doubt to offer solutions everyone can understand.
>
> –Secretary of State Colin Powell

Great leaders must be good listeners and remain humble in the realization that they do not have all the answers. Among the many complex decisions faced by

leaders, there is rarely a clear and definite best choice. More commonly, one is forced to consider the final decision to be made within the context of competing interests, associated risks, potential outcomes (both positive and negative), and the calculated likelihood of achieving the best result. Much has been written about "open communication" and the "building of coalitions" within organizations for the purpose of facilitating effective decisionmaking (Schein, 2008).

Time factors also figure into the equation. How much time does the leader have to make the decision; how much time does the leader have to gather input from key advisors and staff; and how critical is it that the decision is made sooner, rather than later? Another critical aspect of the leadership decisionmaking process involves accurately recognizing and assessing the level of importance of the decision to be made. Too often, police administrators have failed to be responsive or failed to act quickly enough to resolve an issue. It might be that they underestimated the problem and the importance of the impending decision to be made from the outset. Many police administrators have been relieved of their duties for failure to act.

One example from the recent past is a major city police official whose department had experienced a succession of complaints related to alleged incidents of police use of excessive force against citizens. In this case, it could be argued that the police administrator was methodically investigating each alleged case in order to be fair to the officers involved and to the citizens who filed the complaints. However, the mayor was feeling the political heat voiced by the community, and the chief took too long to react. The chief was asked to step down. Fair or not, this is the reality of serving in a sensitive position encompassed by political interests.

Effective police leadership dictates that, when faced with difficult decisions, the leader must be open to gathering input and ideas regarding the best course of action; that they consider all possible solutions, time allowing; and that they are capable of cutting through argument, debate, and doubt to arrive at the best solution. In the end, it is the leader who is held responsible for the decision.

Leadership Principle Eight

> A good leader takes a little more than his share of the blame and a little less than his share of the credit.
>
> –Arnold Glaslow

The theme of authenticity and humility is emphasized throughout the present discussion of leadership. While there is no definitive empirical evidence to suggest that one leadership style is favorable to others, all effective leaders demonstrate a unique capacity to keep their egos in check—always quick to give credit to others and to minimize their own contributions. Police leaders must be authentic:

> Contrary to what much of the literature says, your type of leadership style is not what matters. Great world leaders—George Washington, Abraham Lincoln, Winston Churchill, Franklin Roosevelt, Margaret Thatcher, Martin Luther King, Mother Teresa, John F. Kennedy—all had very different styles. Yet each of them was an entirely authentic human being. (George, 2008, p. 89)

Police administrators oversee and direct personnel who are well-trained in reading human behavior; oftentimes, an officer's life depends upon accurately assessing the character, motives, and intent of other human beings. In short, it is hard to fool seasoned cops, and a police leader should know this better than anyone. Police leaders need to be honest and direct in dealing with their personnel, even if the truth might hurt. Police officers who demonstrate good performance should be rewarded appropriately; police officers who are out of line should be disciplined. Police officers will respect a leader more for being honest and fair, regardless of the action taken and the message delivered. To the contrary, if the police administrator attempts to mislead those under his or her command; tends to dance around the issue; or acts in a manner that is interpreted as showing favoritism, being disingenuous, or self-serving, then they will lose respect as a leader. Additionally, police leaders need to demonstrate by example that all successes achieved are the accomplishments of the department, not the chiefs' accomplishments. Too often, police administrators have been labeled by their personnel as egotistical, self-centered, "résumé building," and as someone who seeks to promote his or her best interests above the best interests of the organization.

Leadership Principle Nine

> The act of progress is to preserve order amid change and to preserve change amid order.
>
> –Alfred North Whitehead

Newly selected police leaders are under the microscope. Everyone is waiting with anticipation for clues of what changes might be on the horizon. Is the new leader coming in with a reform agenda (strategy) or, alternatively, is he or she taking a more measured approach to assess current personnel, practices, and programs before announcing any significant organizational changes?

Effective leaders must articulate a clear vision that everyone understands; such a vision must be carefully cultivated and communicated. Change must not be pursued simply for change sake. Not all change is productive, and the new leader must be careful not to be overaggressive in the first few months by proposing widespread organizational change without first selling his or her vision. Change must be managed in such a manner that employees do not become unnecessarily alarmed and/or overwhelmed. Change is often disruptive to the day-to-day operations of the department, and the wise police leader will consider the extent to which introduced change might disrupt current organizational function and service delivery. On the other hand, when operating in a dynamic environment characterized by rapid social shifts and technological development, well-planned change is needed to facilitate organizational effectiveness, efficiency, and service delivery. How do police leaders balance the need for change against the need to maintain the status quo? A helpful guide in sorting through this dilemma is given below:

> Police agencies must strike a balance between retaining and refining organizational elements that have proven effective, and taking the risks necessary for continuous innovation, renewal, and organizational rebirth. Stated in other terms, police agencies must remain traditional, when traditional methods have proven (and remain) effective, but must be willing to abandon traditionalism when the old way of doing things is no longer effective. (Jurkanin, Hoover, Dowling, & Ahmad, 2001, p. xiii)

Fads come and go. Effective leaders are able to wade through the waters of shifting tides and arrive at innovative and sound solutions that prepare the organization for the future. The essence of leadership is in foreseeing the problem, evaluating possible strategies for change, selling the vision to all affected parties, and effectively managing the change process.

Leadership Principle Ten

> What wisdom can you find that is greater than kindness.
>
> –Jean-Jacques Rousseau

Leaders must never become so consumed by the job that they surrender the basic core principles and values of who they are as a person; no job is worth such a sacrifice. A good leader should operate from a base of good will toward all. Leaders' actions are continually being evaluated by others. Effective leaders do not dictate and demand; they encourage and support. They know how to motivate people by employing good interpersonal skills and demonstrating understanding and sensitivity to the perspectives, values, and interests of others. Leaders must be compassionate. Policing is a tough profession wherein the experience of witnessing too much human tragedy over the years can wear and tear on leaders' personal and professional outlook on life and potentially make them cynical, bitter human beings.

Leaders must care for themselves by consciously maintaining a positive and healthy perspective on life; and leaders must genuinely care for those under their command. Taking a personal interest in others is a cornerstone of effective leadership. In examining the leadership of Superintendent Hillard, it was obvious that he understood this principle well. When employees were experiencing personal problems in their lives, Hillard would reach out to them—not as a boss, but as a friend. Hillard understood that while the work of the department was important, it is the people in the department who matter most. A leader who incorporates genuine kindness and compassion as a tenet of his or her leadership philosophy will garner respect—respect as a person and as a leader. The following passage demonstrates this point:

> No one could pass by Terry Hillard without receiving a warm greeting and being asked how they were doing. It didn't matter whether they were a boss, a patrol officer, or a cleaning person in the building. Terry looked through titles and facades and always showed a genuine concern for the person as an individual. Whether he did it with his caring words or with his signature smile, the person he was speaking to always knew that, in that moment, Terry had their interests in mind and that he really wanted them to tell him how they were doing. (Jurkanin, 2006, p. 198)

In short, kindness and compassion are critical components of effective leadership. The police culture too often emphasizes "toughness" or "machismo." A police leader can cut away at these dysfunctional, organizational, stereotypical behaviors by showing sensitivity. Police leaders can "model the way" to the practice of kindness.

Concluding Remarks

America is experiencing unprecedented, rapid social change. Institutional adaptation to such change is the hallmark of a fully functioning social system—one that shapes the future in a responsive, innovative, and caring manner. As society changes, police organizations must effectively adapt to offer innovative and improved service. Police organizations serve a critical role in maintaining social order and in protecting both the public interest and individual liberties. In today's changing environment, it is ever more critical that honest, caring, and capable men and women step forward to assume leadership positions in the policing field. The leadership principles discussed in this article will hopefully serve as a useful guide for the men and women who "take the challenge" and assume leadership positions within the policing field in the years to come.

Note

All quotes at the beginning of sections were accessed via the Internet on February 19, 2010, from www.quotesandsayings.com.

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Dr. Thomas J. Jurkanin is an assistant professor in the Department of Criminal Justice Administration at Middle Tennessee State University. He has over 35 years of experience in the policing field. He is currently Senior Editor of the *Law Enforcement Executive Forum*. Jurkanin is the author of four books on policing and numerous journal articles. He holds the PhD from Southern Illinois University at Carbondale.

Key Administrative and Operational Differences in the Police Quasi Military Model

Jon M. Shane, Department of Law and Police Science, John Jay College of Criminal Justice (CUNY)

Introduction

In 1829, Sir Robert Peel conceptualized the civilian police with a military bent, but he was quick to assert they *were not* military despite their suspect appearance (Emsley, 2008). When American policing emerged in the mid 19th century, the quasi-military model became the dominant orientation. The American model differed from the English model in that American police agencies issued firearms, recruited largely from local communities, were heavily decentralized with local control, and imposed residency requirements (Fogelson, 1977; Miller, 1977; Smith, 1940). They were also replete with rank structures, uniforms, insignias, and a morass of rules set inside a rank-driven hierarchical organization fixated on rote process and compliance. Boston (1838), New York (1845), Philadelphia (1850), Chicago (1855), and Newark (1857)—a few of the earliest U.S. police departments[1]—adopted this model, and others quickly emulated their structure. And so goes the foundation of contemporary U.S. policing, a model so prevalent among police agencies it is virtually a given by those who practice or study the police (Bittner, 1970, 1990, 2003).

As policing evolved in its first quarter century in the United States, instead of following the path of established professions (e.g., law, medicine, teaching) or amalgamating with corporate and collegial models to form a profession, they became calcified institutions of craftsmen entrenched in politics and corruption and growing distant from the community (Berman, 1987, p. 71; Caiden, 1977; Fogelson, 1977; Haller, 1976; Johnson, 1981; Kefauver Committee, 1951; Lexow Committee, 1895; Ruchelman, 1974; Sherman, 1978; Walker, 1977; Wickersham Commission, 1968). During the professional movement in U.S. policing, from the 1920s to the 1970s, police agencies sought to divorce themselves from machine politics that dominated their work environment. They narrowed their focus from a broad array of services to law enforcement and relied on military-style regimentation to accomplish this task. Yet, despite an abundance of research on the defects of applying a military-style model to civilian policing, police leaders have done little to abandon it in favor of alternative approaches, particularly community policing (e.g., Brown, 1996; Fry & Berkes, 1983; Haar, 2005, pp. 442-443; Jermier & Berkes, 1979; Redlinger, 1994; Stinchcombe, 1980-1981; Witham & Gladis, 1986).

The purpose of this paper is to render ethnographically the administration and operations of a police department and the differences between civilian policing and the military. To this end, a single question is addressed: *How are the police arranged administratively and operationally to carry out their function?* It takes a step forward by creating a taxonomy of the properties, behaviors, and constraints on policing, thus contributing to a better understanding of their structure and function. By

comparing these neglected differences, it is easy to see where police-community tension might arise when the police follow military principles.

The study begins with a discussion of the quasi-military model in civilian law enforcement, including the difference between the quasi-military model and a paramilitary police unit, the conceptual similarities between the police and military, the rise in American policing, and the associated problems. The second section analyzes the major administrative and operational aspects of the military and the police. The final section concludes with a discussion on community policing and the future of the military model.

Methodology

Since the aim of this research is to fully understand the differences between the military and American policing, thus extending previous research, the major administrative and operational aspects were viewed using the complete participant-observation method (Gold, 1969). According to Champion (2006), oftentimes such methods lean on the expertise of the observer who typically has firsthand experience in the field. Such experience is crucial in this research to grasp significant events that may indicate/demonstrate the differences in organization and operations between the military and American policing. Furthermore, such observations contribute to the researcher's ability to determine what constitutes reality from the point of view of the group being studied—in this case, American policing. Consequently, through the researcher's experience, a more complete description of administrative and operational functions of a police department are discussed presenting unique insight that was informed by the backstage setting, politics, and operations that occur in policing.[2]

Further, using complete participant-observation was an opportunity to systematically collect data on the similarities and differences between policy/ideology and implementation/practice since people and processes can be observed in their natural setting. Relying on the researcher's familiarity with the field presented a unique opportunity to gain rare insight into police administration, operations, and organizational culture, something that is difficult to observe in most other ways and is often hidden from outsiders (Shils, 1975). It was also an opportunity to contemporaneously record processes, interactions, and effects as they occurred instead of relying on recollection. An observation protocol was used to focus field notes and document review on issues related to police policy and practice, including decisionmaking, organizational arrangement, socialization, legal constraints, and industry practices.

Complementing 24 months of direct observations that took place between January 2004 and December 2005 was 127 semistructured interviews with command rank officers, supervisors, and line officers from the Newark Police Department, Newark Fire Department, New York City Fire Department, the U.S. Marine Corps, and the U.S. Air Force in 2009. The researcher's collective experience with both operations and administration contributes to a better understanding of a police organization's life course, including the structural reform efforts, constancies, and deficiencies noted by King (2009).

The Quasi-Military Model in Civilian Law Enforcement

Quasi-Military or Paramilitary Police Unit?

The quasi-military model is defined by a hierarchical bureaucracy, stratified by formal rank, a body of rigid rules, chain of command, and regimentation in which the work process is valued more than the employees (Katsampes, 1974, pp. 60-66; see Maguire, Shin, Zhao, & Hassell, 2003, for "vertical differentiation"). This is the basic operating structure of virtually all American police departments, but it differs from a paramilitary police unit (PPU). A PPU is an element of a police department, subsumed within the quasi-military model. A PPU is staffed by police officers who are trained and equipped to resolve high-risk situations beyond the capabilities of patrol officers and detectives (e.g., SWAT). The terms *quasi-military* and *PPU* are used interchangeably in the police literature, but they are not synonymous. When the increasing paramilitarization of American police departments is discussed, it is often equated with the quasi-military structure of police agencies (Kraska, 1996; Kraska & Cubellis, 1997; Kraska & Kappeler, 1997; Weber, 1999). This confusion conveys the impression that the basic structure of the agency is undergoing a militaristic transformation. The reality is that paramilitary *units* and their operations are becoming more popular and more militarized, a response typically rationalized by the proliferation of high-powered weapons appearing on U.S. streets, the "war on crime," the "war on drugs," and the "war on terrorism." Amid the increase in PPUs, the quasi-military model remains a constant.

Conceptual Similarities

On the surface, the American policing model does bear some limited conceptual similarity to the military in its organizational and doctrinal approach (Leichtman, 2008), including "applying government-sanctioned force to resolve conflicts; applying organizational resources to resolve crises; relying on problem solving efforts when confronting adverse conditions; employing specialized units and experts to resolve complex issues; relying on a use of force continuum to shape the 'rules of engagement' and the need for logistics to support field operations" (Cowper, 2000, p. 232). Other similarities have an even more superficial appearance: Carrying guns, wearing uniforms, keeping shoes shined, standing at attention, maintaining a short hair style, marching in a straight line, and saluting superiors—hardly the pillars of police doctrine conceptualized by Peel and subsequently promulgated in the Metropolitan Police Act of 1829 (Reith, 1948).

The Rise in American Policing

The American policing model became entrenched in military trappings during the professional era between the 1920s and the 1970s as policing narrowed its focus from broad service to crime control in an attempt to divorce itself from widespread political interference and conflict among urban reformers that characterized policing at the time (Caiden, 1977; Fogelson, 1977; Walker, 1977). This period was meant to "professionalize" the police (Kelling & Moore, 1988), except instead of adopting the tenets of established professions,[3] policing adopted a factory-type bureaucracy (Fuld, 1971), where management and labor are dichotomized and often set against each other, owing to union semantics and management rhetoric (Reuss-Ianni, 1984).

The model rose in popularity because the outward projection had conservative appeal—a "thin blue line" of officers separating order from chaos, thus preserving middle class tradition and the status quo. Internally, the ostensible benefit was to subject police officers to situational stress so they developed personal restraint, maintained composure in the face of bellicose individuals, and instilled a sense of strict internal discipline as a measure of control (Cahalane, 1924, p. 12; Emsley, 2008, p. 75; Lundman, 1980; Peak, 1997, p. 79; Stone, 1929, p. 65). Whatever its purported benefits, there is no empirical evidence to suggest this model is better than the recommended alternatives (e.g., Angell, 1971; Witham & Gladis, 1986)—that is, that it controls corruption or is better at reducing crime (Leichtman, 2008, p. 69).

Problems with the Model

Although the benefits of the quasi-military model remain vague and uncertain, a body of research reveals several problems with the model in civilian law enforcement, including an obstacle to professionalization (Auten, 1981; Staufenberger, 1977; Stinchcombe, 1980-1981), job-related stress (Smith & Ward, 1983), leadership failures (Cowper, 2000), recruiting and retention (Haar, 2005, pp. 441-443; Peak, 1990, pp. 63-64; Wilson & Grammich, 2009, p. 1), incongruity between academy training and the realities of police work (Bayley & Bittner, 2001), and impaired performance (Franz & Jones, 1987, p. 155; Vila, Morrison, & Kenney, 2002, p. 7). The model imposes constraints on personnel and dictates organizational expectations about how things are to be accomplished. Using the military's command and control doctrine, mundane behavior is regulated in minute detail, yet it fails miserably when personnel must make split-second, idiosyncratic, and complex decisions (e.g., when to use deadly force). It also does little to recognize individual discretion at the operating level, the hallmark of true professions (Bordua & Reiss, 1966).

Prominent among the criticisms is the model's authoritarian command style wherein power is concentrated at the top of the agency in the hands of the agency's leader (Smith & Ward, 1983). The chief and other executives think and decide for subordinate staff, which paralyzes them from acting on their own initiative and is justified because senior commanders dictate they have walked in their subordinates' shoes and know exactly what needs to be done. The return may be a "learned helplessness" of sorts (Seligman & Maier, 1967); subordinates know what to do, but they give up and wait for instructions—they do nothing until they are told. After the instructions, they carry out the task in a literal sense with little initiative or creativity, often ignoring the spirit of the order. This creates plausible deniability if something goes wrong—"The sergeant told me to do it this way"—and second, it keeps the subordinate from having to devise procedures on his or her own (breeding indolence). This also reinforces the agency's paternalistic role wherein officers are treated like children and administrators act as parents, micromanaging their every move lest they get into trouble or embarrass the agency if left to think on their own (Goldstein, 1990; Webber, 1991, p. 116).

The quasi-military autocracy also limits employee participation and decision-making, which results in job-related stress, including low motivation and self-esteem, a depressed mood state, job dissatisfaction, and low morale (Margolis, Kroes, & Quinn, 1974; Walker, 2008, p. 93; Witte, Travis, & Langworthy, 1990). It also

increases isolation; reduces autonomy; and encourages dependence, subordination, passivity, and immature behavior (Cizanckas & Hanna, 1977, pp. 8-9; Reuss-Ianni, 1984, pp. 14-16). The resulting frustration from continued exposure to such a stressful constraining work environment may lead some police officers to exact their anger on hapless citizens as a response to the limitations imposed on them by the organization (Dollard, Doob, Miller, Mowrer, & Sears, 1939; Grant & Grant, 1996; Griffin & Bernard, 2003; Miller, 2004, p. 34; Toch, 1996).

Through a process of behavior modeling—a form a social learning theory—persistent subjugation to the authoritarian command system and the indifference that arises from that system may contribute to hostility when police officers interact with citizens. Since the dominant management style is one of deference to rank and authority, the officer does not get a chance to participate in decisions that affect him or her or to practice negotiation, compromise, and tact consistent with the values of a democratic police (Rhoades, 1991, p. 13; see also Angell, 1971, pp. 187-188).

Instead, officers rely on taking control, issuing imperatives, and perhaps using force to gain compliance (Bayley & Bittner, 2001; Neiderhoffer, 1967, pp. 150-151, 182) in the same manner that they have been exposed to in their dealings with police supervisors and management. Police officers learn how to exert their authority when dealing with citizens; they also learn the motives, drives, rationalizations, and attitudes necessary to gain compliance from (potentially) uncooperative citizens as well as explain away their actions when necessary. Inspiration for this behavior lies in the process of cultural transmission of roles, attitudes, and socialization passed along in the language, training, and mannerisms of the vocation (Fielding, 1988; Lundman, 1980, pp. 81-87, 90).

Comparing the American Police and the Military

Whatever minor resemblances American police may bear with the military, they are far too narrow and contextually remote to fully ascribe the designation *quasi-military*. When something is designated *quasi*, the outward aesthetic appeal must be backed by some substance; it is insufficient to designate something *quasi* simply because it looks like something else without it also behaving like the entity to which it is compared. If appearance alone is sufficient to designate the police as *quasi-military*, then armed private security guards are quasi-military since they resemble the military with uniforms, rules, and regulations as well as the capacity to use deadly force. The legal, social, and political responsibilities of the police are much more vast and complicated than the military, and their administrative and operational repertoire reflects a wide divergence from the military's practices (e.g., Bayley, 2005, pp. 141-149; Buerger, 2000, p. 453; Manning, 2005, pp. 191-213; Monkkonen, 1981; Westley, 2005, pp. 137-139). Further exploring the major administrative and operational aspects of the U.S. military and civilian police reveals the military more closely resembles the structure and operations of a fire department than a police department (Table 1).

Table 1. Major Administrative and Operational Aspects of the Military, the Police, and the Fire Department

Primary Category	Subcategory	Military	Police	Fire
Administration	Structure	• Centralized	• Decentralized	• Decentralized
	Entry Practices	• Accepts members "of rank"	• Accepts entry-level only	• Accepts entry-level only
	Organization of Personnel	• Garrisoned on military installations	• Dispersed throughout the community	• Garrisoned inside fire stations
	Occupational Viewpoint	• All are viewed as supporting the war-fighting effort	• Not all are viewed as supporting the crime fighting effort	• All are viewed as supporting the firefighting effort
	Supervision	• Close and embedded	• Distant and dispersed	• Close and embedded
	Training Concepts	• As a unit or team; peer support • Advance with weapon fire • Guided by combat doctrine and the principles of war fighting • Destroy or degrade the enemy's capabilities (strategy of annihilation)	• As an individual; relative peer isolation • Advance with restraint • Guided by constitutional doctrine, judicial process, and the "reasonableness" standard • Community caretaking; protect life and property; respect individual rights	• As a unit or team; peer support • Advance with "fire attack" • Guided by principles of "fire tetrahedron" • Annihilate all sources of concealed heat, smoke, and fire; "overhaul" operations
Operations	Basic Operational Metaphor	• **War:** Appropriate since there is a fixed target with definitive closure • Winning a war is tactically possible through annihilation and capture (warfare by attrition)	• **War on crime:** Inappropriate since it has neither a fixed target nor the prospect of closure • Winning the "war on crime" is not possible; crime can only be reduced or controlled to a limited degree	• **Battle a blaze:** Appropriate since there is a fixed target with definitive closure • Winning is possible through total extinguishment
	Basic State of Readiness	• Stand-by condition until mobilized (staged) • Constantly maintaining capabilities by training and planning for the next deployment • Constantly inspecting, repairing, and caring for equipment	• Constantly deployed in the field and engaged (not staged) • Irregular training to maintain capabilities • Limited capability to respond to a multi-unit, multi-agency deployment or large-scale incident	• Stand-by condition until alarm is transmitted (staged) • Constantly maintaining capabilities by training and planning for the next alarm • Constantly inspecting, repairing, and caring for equipment
	Decisions on Engagement	• Move as a unit • No independent action • Await instructions from leaders; discretion constrained	• Move as individuals • Autonomous independent action • Exercise individual discretion	• Move as a unit • No independent action • Await decisions from leaders (size up and assessment); discretion constrained

Primary Category	Subcategory	Military	Police	Fire
Operations	Operational Maneuvers	• Compass points (E, W, N, S) • Flanking; isolate (Warfare by maneuver)	• Random motor patrol • Confront the target and engage directly • Maneuver directly to the source	• Compass points (E, W, N, S) • Isolate and contain • Compartmentalize
	Response Formation	• Brigade; battalion; company (generally as a group)	• Individual units (generally solo, or with a single partner)	• Brigade; battalion; company (generally as a group)
	Tactics	• Unit-centered • Mission driven • Use of arms and weapons are central • Assault the enemy	• Individualistic • Use of arms and weapons are the last resort • Approach a citizen	• Unit-centered • Mission driven • Use of tools is central • Assault the fire
	Targets	• Generally stationary (fixed) • Hard, inanimate objects (buildings, facilities) • Treated as hostile "enemy compounds" or "enemy concentrations" to be assaulted	• Generally mobile (flexible) • Soft, animate objects (independent offenders operating on the vagaries of human will) • Treated as presumably "innocent suspects" to be brought before the court	• Generally stationary (fixed) • Hard, inanimate objects (buildings, vehicles) • Treated as "hazardous conditions" to be attacked
	Use of Force	• The means of war is the application of force • Permissible to kill or destroy to pursue an objective • Warning shots are permissible • Collateral damage is acceptable	• The means of crime control is co-production of public safety • Impermissible to kill or destroy to pursue an objective • Warning shots are impermissible • Collateral damage is unacceptable	• The means of firefighting is the application of water or chemicals • Permissible to destroy property to pursue an objective

Administration

Structure

The U.S. military is a cohesive, centralized national organization that provides for a common defense—there is but one. To the contrary, policing is decentralized with nearly 18,000 local, county, state, federal, and special law enforcement agencies spread throughout the United States often with overlapping jurisdiction and redundant services (Bureau of Justice Statistics, 2004). Police agencies are created and dissolved each day in the U.S., and there are only estimates of how many actually exist. This has left U.S. law enforcement a very fragmented system fraught with efficiency, coordination, and communication dilemmas, particularly at the local level. These structural issues, which are complicated by the supremacy of "home rule,"[4] interagency rivalries, intraorganizational secrecy, and excessive organizational pride, plague local law enforcement's ability to mount a sufficient "military style" coordinated response with their public safety counterparts at the county, state, and federal level.

Entry Practices

Members of the U.S. military have the option to enlist or to attend one of the prestigious U.S. military academies, from where, upon graduation, they are commissioned as officers in the military service. It is not necessary to enlist in the service as the lowest plebe before being promoted to a ranking position. By contrast, policing only accepts entry-level personnel and virtually forbids members, particularly ranking members, to move laterally among other police departments (MacNamara, 1950, pp. 186-187; President's Commission, 1967, p. 142; Staufenberger, 1977; Van Maanen, 1984). The civil service is largely responsible for police reform failures in this area because crippling laws frequently impose restrictions on local authorities from enacting policies that permit lateral entry for promotion (Buerger, 2000).

In general, policing is a closed, self-contained occupational system compared to the private sector (Beigel, 1977; Peter, 1981). Mobility between cities and states for promotion in an effort to upgrade one's career is typically not an option, except if officers wish to undergo the entire application and training process *and* enter the new agency at the lowest rank. Life inside this system creates a circumscribed workforce with a very provincial outlook.

Organization of Personnel

Military and fire personnel eat, live, train, and work together while sequestered on military installations or inside fire stations. They bed-down together in a barracks, a bivouac, or a fire station, reinforcing the bonds of solidarity, *esprit de corps*, and self-confidence built on devotion to a cause and imbued with orderliness. There is great stress and sacrifice that accompanies separating military personnel from their homeland and their loved ones when deployed overseas.

Police officers, however, typically eat, live, train, and work alone. They are not organized along team lines; they are organized individualistically. They go home each day to their loved ones and bed-down in the personal comforts of their home, not together with their colleagues. Interaction with peers is intermittent since most police officers work alone, are widely separated by geography, and are typically confined to their beat/sector. Social ties are transitory and of much shorter duration than that of soldiers, lasting only as long as the work day unless summoned to "choir practice"[5] to further cement a sense of solidarity and loyalty. But the solidarity binding police officers is not necessarily derived from devotion to a cause. It is derived from an ethos of secrecy, autonomy, and bravery born of the idea that *individual* officers are the gatekeepers of criminal justice, which is not a collective exercise (Crank, 1998, p. 226; Reuss-Ianni, 1984, pp. 14-16; Westley, 1956).

Occupational Viewpoint

Members of the military and the fire service, regardless of rank, view themselves as collectively in support of their respective efforts—warfighting and firefighting. In policing, line officers, supervisors, and managers are segregated as those who "do the work," those who "supervise," and those who "manage" (Reuss-Ianni, 1984). Indeed, many police officers purposely seek promotion to *avoid* distasteful assignments and "get out of the trenches," agreeing it is better to give orders than

to take them. This breeds a sense of occupational individualism wherein officers can define themselves as they like, but which tends to undermine the synergistic effect of group effort that embodies military and firefighting operations. Many officers, including the author, express a deep desire to leave "crime fighting" behind and aspire to become "bosses" so they may ascend to the place where power and prestige reside—at the top of the agency. Supervisors and managers contribute little if anything to the crime fighting effort (Cowper, 2000, pp. 238-239). Rather, their primary responsibility is to process a seemingly endless flow of official paperwork[6] and tend to monotonous administrative chores that keep a government bureaucracy from imploding.

Supervision

Supervision in the military and in fire departments is close and embedded. Military commanders have direct control over detached units, and supervisors are embedded during deployment. Individual discretion is tightly constrained; soldiers are told when they will eat, where they will march, and how they will carry out the day's work. Similarly, fire supervisors ride directly on the apparatus with other firefighters, where they issue directions. This provides immediate and close supervision over personnel and materiel, access to technical competence, and direct communication with a decisionmaker. Close, embedded supervision helps establish control and coordination of the overall effort, ensures swift decisions in dynamic rapidly evolving situations with the fewest bureaucratic obstacles, and keeps account of assets that are committed during an incident.

Policing is largely unsupervised, low visibility work (Brown, 1988; Goldstein, 1960; Lundman, 1979, p. 160). This means the work product is developed outside of close supervision because police officers and supervisors are not beside each other. Rather, they are distant and dispersed geographically, leaving most decisions to the individual officer, which restricts access to technical advice. Police officers have virtually unfettered discretion to decide when and who to arrest; when to use force and how much to apply; where and when to patrol; with whom to interact; and who to stop, question, and search. Supervisors are present at only a small proportion of police-citizen encounters, but when they are, officers tend to be more thorough and take more action (Allen, 1982). Consequently, the *presence* and influence a supervisor has over an employee's attitude, technical competence, and moral sense makes for a better work product in the way that supervisors are present in military and firefighting operations (Engel, 2000; Smith, 1984, p. 31; Van Maanen, 1983, 1984).

Training Concepts

The military and fire service typically train with a team concept that relies on peer support built on devotion to a cause and *esprit de corps.* A central tenet of team training is to know what role others play in executing a particular strategy and how their individual responsibilities integrate as components of a system (synergy). Combat doctrine and the principles of warfighting guide military synergy (U.S. Marine Corps, 1997), part of which is to physically degrade or destroy the enemy's capability to resist, including killing the enemy if necessary (strategy of annihilation). This is accomplished by advancing with artillery fire and combined arms. In a similar context, fire departments train almost exclusively with a team approach in which firefighters advance with "fire attack" and are

guided by the principles of fire tetrahedron; the objective is to use an assortment of tools, tactics, and people to repel the advancing fire and destroy any concealed sources of smoke and heat.

The predominant form of police training is individualized with relative peer isolation, which loses the synergistic effect: Report writing, legal updates, evidence collection, firearms qualification, verbal judo, interviewing techniques, courtroom testimony, investigations, and the like are not team training exercises; they are aimed at improving *individual* competencies. Police are also trained to advance with restraint, not with weapon fire, while concurrently observing legal and judicial constraints; employing the tools of policing—firearm, baton, TASER—are last resort means to resolving an incident. Moreover, the police are not trained to destroy their adversary. They are trained to bring their adversary (the accused) before the court—a fundamental principle inculcated in the police academy. Their actions are guided by constitutional doctrine, judicial process, and the community caretaking function that is embedded in democratic policing and predicated on "reasonableness" and the rule of law, where life and property are protected and respect for individual rights is paramount (Bayley, 2002; *Cady v. Dombrowski,* 1973; *Graham v. Connor,* 1989). Quite simply, the training undertaken to become an effective soldier is not the same as that required to become an effective police officer.

Operations

Basic Operational Metaphor

Military forces primarily exist to ensure that a nation's policy and political objectives are achieved (von Clausewitz, 1976). To achieve these ends, nations may wage war, the essence of which is a "violent struggle between two hostile, independent, and irreconcilable wills, each trying to impose itself on the other" (U.S. Marine Corps, 1997, p. 3). Once war is declared, one of the primary means of imposing political will is "warfare through attrition," where the "enemy is seen as a collection of targets to be engaged and destroyed systematically…[toward] the eventual physical destruction of the enemy's entire arsenal" (p. 36). This method impels enemy combatants to surrender, instigates capture, and illuminates the prospect of annihilation, which is how wars are won. Like waging war, the collection of targets in firefighting are generally fixed[7] (e.g., buildings and other structures) whose physical properties can be overcome by applying sufficient force leading to total extinguishment (i.e., "winning").

The definitive closure brought about by "winning" a war or extinguishing a fire will forever escape policing. Consequently, the "war on crime" is a poor metaphor. Unlike actual war, there is no fixed enemy, no ability to wear the enemy down through attrition, and no prospect of closure largely because crime has natural tendencies (Felson, 2006), and the "cops-and-courts fallacy" (Felson, 1998, p. 6) exaggerates the importance of the police and the judicial system in controlling crime. If "winning" the war on crime were possible through arrest and incarceration, for example, then the U.S. should be the safest place on earth since no other country incarcerates more people per capita: 756 per 100,000 population; Russia is second with 629 per 100,000 (Walmsley, 2008, p. 1). At best, the war on crime has only the chance of reducing crime or controlling it to a limited degree—not of being won.

Metaphors shape individual and collective attitudes and perspectives toward people, institutions, and social problems (Christianson, 1974; Ibarra & Kitsuse, 1993; Lakoff & Johnson, 1980; Spector & Kitsuse, 1987; Steinert, 2003). By declaring a "war on crime," the police mobilize to a heightened state of alert to repel the advancing "enemy," elevating above all the notion that officers must "take back the streets" for the law abiding (Muir, 1977, Chap. 11). The constant preoccupation with winning the war may incite individual police officers, perhaps the entire agency, to act as if they *are* in a war. This may be characterized by aggressive police-citizen encounters; low-quality group-think decisions (Hart, 1990); an inclination toward quick action instead of patience, planning, and listening; deindividuation and diffusion of accountability for aggressive tactical actions (Kopel & Blackman, 1996); depersonalization of all citizens against whom the police are aligned (Van Maanen, 1978, pp. 280-296); "wartime" rhetoric to justify behavior; "bending" due process rules in favor of crime control (Gould & Mastrofski, 2004); reduced empathy and tolerance for citizen behavior; an exaggerated "survival" instinct; and using more force, to name a few. These actions may normalize deviant police behavior, subsequently eroding public trust and legitimacy by placing peer loyalty over integrity (Mollen Commission, 1994, pp. 51-52; Reuss-Ianni, 1984, pp. 14-16; Souryal & McKay, 1996). As such, "service" should replace the "war on crime" as the basic operational metaphor since service connotes devotion to the basic police purpose (Bayley, 2005).

Basic State of Readiness

The military and fire service are garrisoned on military bases and inside fire stations staged for deployment. During this period, both are in a perpetual state of training, caring for equipment and honing their skills for a time when they are activated. This proactive training between man and machine provides personnel with the feedback and preparation they need to confront and overcome the challenges of the next engagement, provides commanders with advance control over personnel and materiel, and, while not infallible, reduces the prospect of normal accidents (O'Hara, 2005, pp. 25-44; Perrow, 1984).

The police, however, are in a perpetual state of deployment, are not garrisoned together, and are not perfecting their skills through constant training. Personnel and materiel are not staged at the ready; they are deployed in the field circulating randomly throughout the community waiting to react (Kelling, Pate, Dieckman, & Brown, 1974; Klockars, 1983, p. 130). Their state of readiness is a "hurry up and wait" posture compelled by a sense of urgency to be "in service" should something happen. They are mired in the everyday minutiae of an incident-driven system, whose readiness is informed more by isolated anecdotes (war stories from police colleagues, relatives, and friends) than systematic training and feedback-based best practices and research.

As a practical matter, training is often seen as a burden to the agency instead of a boon. After initial academy training, police officers train rather irregularly, except for state mandates to maintain certification (e.g., firearms qualification). When officers are scheduled for training, there is a concurrent loss to the agency in some combination of personnel or finances. Every hour spent training by on-duty personnel is one less hour they devote to their regular assignment; off-duty personnel incur overtime. Police officers rarely, if ever, pay for their own training or attend training on their day off. Consequently, training and education become

occasional events that are sacrificed, which compromises leadership, knowledge, and other competencies, making it less likely supervisors and line personnel will be ready when needed.

Because the police are not organized with a team concept and suffer constantly from limited budgets, planning, and training, their capabilities and perceived organizational capacity to meet challenges presented by a team response is often inadequate[8] (e.g., Donnermeyer, 2002; Gerber, Cohen, Cannon, Patterson, & Stewart, 2005). Such major incidents inevitably demand partitioned effort, patience, communication, and planning—the quintessence of interoperability that continually plagues police readiness (e.g., Rojek & Smith, 2007). Thus, when the large-scale incident does unfold requiring a team approach, the police are often not ready to meet the challenge; a chaotic improvised response follows by officials who make decisions within a very limited frame of reference. Ironically, when a large-scale incident does unfold necessitating a team effort, the police may activate the incident command system (ICS)—a unified operating framework for managing multi-unit, multi-agency situations developed by *fire departments*, not police departments (Klaene & Sanders, 2008, p. 2). In the aftermath of such improvised incidents, costly litigation ensues and review committees cite officer behavior as a consequence of little or no training—a problem that has persisted for decades (BART Review, 2009; MacNamara, 1950, p. 187; Winton, 2009).

Decisions on Engagement

Military and fire personnel move as a unit, refrain from taking independent action, and await instructions from their leaders. The synergy exhibited by this team approach demands that each member is a master of their assignment and that they work with a common purpose. Firefighters, for example, act on decisions made by supervisors who "size up" and assess the fire to develop isolation and containment strategies while considering the impact to other firefighters, public safety (i.e., collateral damage and exposure), and available resources in a manner similar to decisions made by military commanders.

Police officers move as autonomous individuals who exercise a great deal of individual discretion and initiate independent action predicated on "agency resources and priorities; personal background; the effects of training; contextual factors (victim and offender characteristics; time and place of the situation; environmental conditions); legal dimensions; and community sentiment" (Center, 1984, p. 303; see also Smith, 1940). They typically work alone—not as part of a unit—and are not generally guided by a supervisor's decision to engage a target. The decision to engage a target or employ any given level of force, especially deadly force, is generally within the individual officer's province and is virtually never a reaction to a supervisor's direction (Alpert, MacDonald, & Dunham, 2005; Dunham, Alpert, Stroshine, & Bennett, 2005; Peter, 1981, p. 3; Pinizzotto, Davis, & Miller, 2004; Werthman & Piliavin, 1967).

Moreover, unlike a military commander who can authorize an air strike to kill an adversary or obliterate a physical target, a police supervisor at any level cannot authorize a police officer to shoot and kill someone or destroy their property. The ultimate decision to engage a target with deadly force is intensely idiosyncratic; it is dictated by experience and the totality of the circumstances that is subject to the

legal authority vested with individual officers, not with supervisors. An officer's claim, "I was just following orders" after a delegated deadly force order from a supervisor is not only unjustified it is legally indefensible.

Operational Maneuvers

Both military and firefighting operations converge on their targets from various compass points after planning strategically by assessing safety, vulnerability, and ease of approach. Contact eventually depends on what is most advantageous to winning the confrontation such as isolating the threat and exploiting vulnerabilities and fleeting opportunities by applying overwhelming force. This is the essence of "warfare by maneuver" (U.S. Marine Corps, 1997, pp. 37-38). It is also the essence of firefighting.

Basic maneuvers for the police are random motor patrol, which is intended to place officers into the community to render assistance and service. In reality, random motor patrol does not give the police an advantage over fear, controlling crime, or apprehending criminals (e.g., Kelling et al., 1974). When a police officer is summoned to a call for service, there is no flanking maneuver to execute, something designed for attacking and reducing the adversary's ability to advance. A police officer confronts a complainant, victim, or offender by making direct contact, which places the officer in his or her obligatory position—to safeguard life and property by rendering some type of service, not by applying overwhelming force.

Response Formation

The military and fire departments configure their assets into large cohesive elements (brigades, battalions, and companies) that facilitate an immediate group response. This provides the capacity to quickly mobilize sufficient resources (i.e., personnel and materiel) to a situation from its inception, offering a forceful and stabilizing effect from the opening moments. If reinforcements are necessary, then another large group of assets is summoned to the scene in a coordinated group effort, where supervisors dictate assignments according to prevailing conditions.

Police officers are organized to respond to most incidents individually. On occasion, they respond with another officer, but the other officer generally originates from a different location and both may arrive at different times leading to a slower or ineffective response, sometimes with deadly results.[9] If reinforcements are necessary, then they too are summoned individually from scattered locations, arriving sporadically, without a specific assignment, and usually without supervision. A response from neighboring jurisdictions (mutual aid) proves even more convoluted because of the inherent interoperability problems. Further complicating the response effort is self-dispatching. This *ad hoc* response occurs when police officers self-assign to an incident without being directed by a dispatcher, which increases situational confusion. Soldiers and firefighters do not self-respond to incidents.

Tactics

The military and fire departments practice unit-centered, mission-driven tactics augmented by weapons and tools designed to overcome the threat. When military and fire department personnel make contact with the enemy (i.e., hostile forces or a raging fire) they have but one mission: To impose their will and overcome resistance.

To this end, the military's use of weapons is central to their tactical approach (e.g., search and destroy mission or "shock and awe" campaign [see Ullman & Wade, 1996]). In the same sense, firefighters have an array of tools, which are central to their tactics (e.g., search and rescue, surround and drown, overhaul operations, and ventilation). The firefighters' mission is to assault the fire using mechanical means to reduce exposure, mitigate collateral damage, and eliminate the threat.

Police tactics are individualized and are not necessarily embedded as part of a larger team strategy articulated by the agency, which prompts the ongoing debate about the utility and relevance of mission statements in policing (Mastrofski, 1999, p. 6; Weiss & Piderit, 1999; Wilson, 1989). Weapons are also not central to crime fighting. Crime fighting tactics are principally threats to invoke the law, some administrative or information-processing activity, or some capacity-building exercise such as developing rapport and partnerships among the police, citizens, victims, witnesses, and even suspects, for example, to encourage peaceful surrender (e.g., Bayley, 1986; Black, 1971); for situational crime prevention (Clarke, 1997); documenting inculpatory evidence to build a criminal case; and collating the myriad formal reports for prosecution and adjudication (Cohen & Chaiken, 1987; Greenwood, Chaiken, & Petersilia, 1977).

Police tactics that rely on weapons to accomplish an objective are the absolute last option in response to a perceived threat; and when they are employed, they are done so as a measure of defense, not as an offensive policy like military and firefighting tactics. During even the tensest situations—a hostage standoff, kidnapping, or barricaded subject—where deadly force may be appropriate, the preferred tactic is communication, dialogue, and a cautious approach, not firepower (e.g., Carter, 1996). Verbal discourse, de-escalation techniques, tact, compromise, persuasion, mediation, coercion, and negotiation are paramount to conflict resolution and order maintenance, which dominate police work (Berger, 2000; Bittner, 1967; Geller & Toch, 1996).

Targets

The military and fire service generally confront stationary inanimate objects with defined physical boundaries (e.g., military installations, government/leadership facilities, and infrastructure), making target acquisition and assessment much easier and more definitive. When the military and fire departments confront such targets, they treat them as enemy compounds or hazardous conditions to be assaulted. Military and fire personnel aggress, egress, then assess the target in an effort to neutralize the threat and achieve their objective.

The police generally confront humans who are flexible animate objects endowed with agency and who operate on the vagaries of human will, making assessment and engagement very tenuous. Humans are autonomous and immune from consultation—they move about freely; change their mind, direction, appearance, and identity; strike without warning and leave without a trace; and deceive each other, making them elusive—something inanimate targets cannot do. With very limited exception, the people police encounter are not treated as hostile targets to be assaulted. They are treated as presumably innocent persons who must be brought before the court where they are adjudged and where police powers are scrupulously reviewed for propriety—a practice rooted in English common law (Sanders & Young, 2008, pp. 281-312).

Use of Force

General war is the ultimate use of the military, and the means of war is the application of force (U.S. Marine Corps, 1997, p. 26). When military action ensues as a measure to impose political will, it is permissible to fire warning shots to gain compliance, to kill people, and to destroy targets in order to pursue an objective. In addition to standing rules of engagement (ROE), military personnel may be given additional ROE for a specific mission, including how to handle retaliation, prisoners, captured targets, and the limits on permissible uses of force that emanate from a higher authority. Bifurcating use of force decisions between commanders and higher authorities affixes accountability and establishes control over personnel to ensure an effective proportional response. Similarly, the means of firefighting is the forceful application of water or chemicals. When, where, and how much force to apply while fighting a fire is vested with fire supervisors in a manner similar to military commanders.

The police exist partly to control crime, and the means of crime control is co-production of public safety together with citizens—not the direct application of force against them (Bayley, 1994; Kerley & Benson, 2000; Pino, 2001; Skogan & Antunes, 1979). Unlike the military, political will does not govern use of force decisions by the police. Substantive law, constitutional procedure, and agency policy do. Use of force is reserved for the moment when an officer is confronted by a visible target who poses an imminent threat of death or serious bodily injury to the officer or a third person, and only after all other reasonable means to stop the threat have been exhausted or are impractical (*Tennessee v. Garner,* 1985). When co-production or other crime prevention measures fail, the police do not resort to firing warning shots,[10] killing their adversaries, or destroying physical targets to gain compliance or pursue their objectives. Firing from the open door of a helicopter (strafing) or dropping a bomb on civilian targets is not an acceptable use of force. When police did fire from a helicopter during the 1993 standoff at the Mount Carmel/Branch Davidian compound (Waco, Texas), and in 1985 when they dropped an incendiary device from a helicopter in Philadelphia during the MOVE confrontation, the result was a national law enforcement disgrace, not a heroic moment (Kopel & Blackman, 1996; Terry, 1996; U.S. Department of Justice, 1993).

Important to the minimalist philosophy of police use of force is collateral damage, defined as the "unintentional damage or incidental damage affecting facilities, equipment or personnel occurring as a result of military actions directed against targeted enemy forces or facilities" (e.g., U.S. Air Force, 1998, p. 180). During military operations, collateral damage ranges from negligible, to moderate, to high and is acceptable when pressing forward to achieve an objective. The military speaks conscientiously of minimizing collateral damage due to weapons malfunctions, human error, and the "fog of war" (Rhem, 2003); however, it is willing to tolerate casualties to noncombatants and friendly forces as well as property damage as an acceptable nuisance to military objectives, particularly when national interests are at stake.

When the police decide to exercise their right to use coercive force, they must do so judiciously, with precision, with a brief moment of hesitation for a future reward, with care for the surrounding environs, and with responsibility for their intent. Police officers assume criminal and civil responsibility for their force decisions that are informed by a policy of no incidental or unintentional damage to targets. Police use of force is broadly limited by the criminal law (e.g., NJSA

2C:3-7(b), Limitations on the Use of Force) and by department policy[11] to ensure the Fourth Amendment's protection from unreasonable governmental seizures is scrupulously honored. When force creates a substantial risk of injury to innocent people or when it exceeds the least amount required (i.e., disproportionate) to accomplish a lawful police objective, it is at best unjustified and at worst illegal (U.S. Department of Justice, 1999).

Discussion

The defining characteristics of police administration and operations are not like the military nor can the field experiences of a combat soldier be compared to those of a domestic police officer (e.g., International Association of Chiefs of Police [IACP], 2009). The quasi-military model of civilian policing is an organizational arrangement that holds little if any hope for improving the quality of life for communities or nurturing the native talents of employees. Indeed, it appears more self-defeating than beneficial. To suggest the police should continue observing a military orientation because it controls crime or instills self-discipline is absurd; as best as can be determined, there is no empirical evidence to suggest this is true. Because policing is not the same as the military, it requires a framework that supports its unique responsibility to the governed. That model is community policing.

Community policing best supports the civilian police mission with its flattened organizational structure, participative management style, and emphasis on service. It goes beyond the crime-fighting image and recognizes individual discretion that exists at the lower levels of the organization and supports community service priorities. To support the entrepreneurial officer, successful community policing agencies have created less complex organizations with (1) officer specialization at the lower level; (2) integrated civilian specialization; and (3) more horizontal differentiation—that is, reduced hierarchy (Anthony, 2000). The service orientation of community policing makes it possible to better understand and carry out the social and political responsibilities of the police as well as to reduce the adversarial attitude between the police and the community (i.e., us vs. them; see Goldstein, 1977, p. 77; Scrivner, 2006, p. 15).

Policing is an individual occupation, not a group or team occupation. The community policing model grants professional autonomy to officers to develop their expertise and orient them toward social responsibility and self-discipline instead of the constant and paralyzing threat of discipline that is omnipresent in the military model. This is how community policing is expected to work, except the formidable power structures that exist in police agencies have all but defeated it.

The community policing movement of the mid-1980s and its uptick of the 1990s during President Bill Clinton's administration has all but failed to take permanent hold—not because the philosophy is flawed, but because police leaders tried forcing a square peg into a round hole. The community policing model is diametrically opposite of the military model. Practitioners twisted and contorted community policing; reformulated the definition to suit their individual agencies' existing structures; then derided it when it did not deliver better results, ultimately keeping with the traditional military model. Police agencies never genuinely renounced the military model in favor of community policing; it was merely window dressing accepted more for its rhetoric and symbolism than its substance, so agencies could

maintain status quo or claim their share of federal grant monies in the 1990s without any substantive change (e.g., Carter, 1999; Chappell, 2009; Lorinskas, Kalinch, & Bana, 1985; Manning, 1988; Weisburd, Shalev, & Amir, 2002). Few agencies flattened their organizational structures, adopted participative management styles, or granted line officers more autonomy to solve perennial crime problems; and despite the best efforts of positive progress, some traditional chiefs did their best to undermine community policing either intentionally or out of blissful ignorance. Others retired shortly after it was introduced (Eck, 1992; Skolnick 1994, p. 299).

At their core, the police are better structured to work with the community than are the military, which is why civilian policing came into existence in the first place. It is curious why the American police remain enamored with all the military accoutrements? Perhaps the best explanation is that it provides a sense of professional acumen—albeit primitive—to which the police and society are addicted. Because the model demands obedience, secrecy, and silence with its insistence on regimentation and rote compliance, the appearance is that the police are in control and available to resolve whatever crime issues may arise; all one needs to do is call them! The police also perpetuate this myth; there is little glory in resolving a crime problem with pen, paper, and thoughtful analysis. However, to physically confront a wrong doer and stand between order and chaos, particularly when called by a fellow citizen, is intoxicating—it is the stuff that makes heroes. Indeed, the moment a "civilian" takes matters in his or her "own hands," the police are first to caution that it is better left to the police, and they should not get involved.

By keeping their administrative and operational structures largely concealed from the public, yet giving the public what they visually expect—a highly mobile armed cadre of uniformed personnel who can invoke the coercive power of the state at a moment's notice—they elevate their legitimacy before a group of political and community power brokers who hold sway over the organization (Crank, 2003; Crank & Langworthy, 1992). This is the myth of the quasi-military model of policing.

The formidable power structures that arose during policing's professional movement are dutifully in place today and continue to pose significant challenges to substantive change. To dismantle the myth that the police follow a quasi-military model and to implement a sustainable alternative structure will require a heavy dose of self-determination, the likes of which will be revolutionary rather than evolutionary. Changes within the police subculture have been underway for some time as the educational level of police officers has steadily risen. As the U.S. workforce becomes better educated, intellectual capital is replacing physical capital (buildings and equipment) as the dominant value orientation, and the perceived need to control employee conduct in minute ways is evanescing.

Intellectual capital lends itself to interpersonal networks and to diffused control in which talent is respected as an individual asset. There is a group of current and future police officers who do not appreciate the rigid hierarchical military structure of command authority so willingly accepted by less educated officers of years past. They resent unquestioned obedience and the logic and imperatives of the quasi-military orientation, particularly when management grants them little or no say in decisions that affect them (Peak, 1990; Thibault, Lynch, & McBride, 1985, p. 328). Not only has the military orientation affected police-community relations, it has also begun to partly affect recruiting and retention because of its rigid, impersonal

features (Bucqueroux, 2000, p. 4; Haar, 2005, pp. 441-443; Peak, 1990, pp. 63-64; Wilson & Grammich, 2009, p. 1). In recent years, there has been a renewed emphasis on college education as an occupational necessity for police officers, and some research supports better individual performance when comparing college-educated officers to non-college educated officers in areas such as use of force, dogmatism, and authoritarianism that characterize the military mindset (Mayo, 2006).

The evolving social preference is recognition of the individual and respect for dignity over absolute authority and deference to rank (Peak, 1990). Because of changing social attitudes, new police officers are less willing to immediately accept the authoritarian military structure that governs their conduct (pp. 63-64). They are more willing to challenge the incongruence between the myths and realities of policing, the utility of agency rules, and their superiors' authority through established means such as civil lawsuits and administrative processes (e.g., arbitration and union grievances; see Peak, 1990, p. 64; Thibault et al., 1985, p. 4). It is commendable that policing is changing for the better from the inside out, but insistence on an autocratic military style is unsustainable and is not worth any short-term gains in public safety at the expense of legitimacy.

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Endnotes

[1] The year these police departments were established requires qualification. During the Colonial period, Boston cites its first "night watch" program as of 1631; Philadelphia cites its first "system of patrol" as of 1663; and Newark cites its first "constable" as of 1668. However, these police departments were not formally organized or unified until between 1830 and 1850. Then, individual citizen agents or loosely coupled groups gave way to organized forces, which are widely credited as being the forerunners to "modern" police departments (see, generally, Bacon, 1939; Critchley, 1977; Emsley, 2008; Flinn, 1973; Lane, 1977; Lankevich, 1998; Lardner & Reppetto, 2000; Lundman, 1980; Miller, 1977; Sprogle, 1887; Steinberg, 1989).

[2] This research draws on the author's 20 years of experience with the Clifton, New Jersey (1985-1989), and Newark, New Jersey (1989-2005), police departments of which ten years were spent at the supervisory (1995-1998), middle management (1998-2000), and command level (2000-2005). The author was a founding member and team supervisor of the Newark Emergency Response Team (ERT)—Newark's version of SWAT (1994-1998). The ERT trained extensively with the Newark Fire Department; University Hospital Emergency Medical Services; and the U.S. Air Force, Air Base Ground Defense Urban Tactics School at Ft. Dix (NJ).

[3] There is some disagreement over what constitutes a "profession" beyond simply distinguishing an amateur (someone who pursues something for fun or as a pastime) from someone who is paid (the professional). However, there are common themes uniting traditional professions that are conspicuously absent from policing: (1) a higher loyalty to the profession and clients above that of the organization, (2) a licensing requirement that certifies competence, (3) a rigorous educational requirement, (4) a strict code of conduct that governs social responsibility in the profession, (5) continuing educational requirements and maintenance of professional standards and practical skills, (6) broad discretion, (7) collegial-type control, and (8) a body of technical scholarly knowledge (see, generally, Cullen, 1978, 1983; Forsyth & Danisiewz, 1985; Geison, 1983; Huntington, 1957, pp. 8-10, 15; Millett, 1977; Volmer & Mills, 1966).

[4] Home rule refers to the concept of self-governance with limited interference from higher units of government, thus granting the political unit increased means of local control. Increasing urbanization and the complexity of society triggered the creation of home rule.

[5] "Choir practice" is a social gathering after the work day to have a drink, relax, and ruminate over the day's events with other police officers who also just got off work (Wambaugh, 1975, p. 20).

[6] The effects of being mired in administrative paperwork have been well-documented elsewhere (e.g., Chatterton, 1989, pp. 107-136; Mollen Commission, 1994, p. 83; *Rampart Reconsidered*, n.d., p. 25 and Appendix B selected comments pp. 8, 25; Report of the Rampart Independent Review Panel, 2000, pp. 7, 52, 193).

[7] A fixed target refers to conventional military targets and does not account for asymmetrical targets of emerging fourth generation warfare (e.g., non-state actors, see Echevarria, 2005; Lind, Nightengale, Schmitt, Sutton, & Wilson, 1989; van Creveld, 1991, p. 224).

[8] Historically, the police have been unprepared to handle one-off unusual incidents, particularly large crowds, mass demonstrations, and riots, or to effectively carry out large-scale group operations that are characteristically chaotic. The results of such incidents are often disappointing and are usually fraught with use of force, tactical, crowd management, communication, coordination, and planning problems (see, generally, BART Review, 2009; Farragher & Abel, 2004; Flynn, 2000; Girgenti, 1993, pp. 155-177; Harry, 1987; Jansons, 1968, p. 36; Los Angeles Police Department, 2007, pp. 43-67; McFadden, 1988; Patterson, 2004; State of New Jersey, 1968, p. 143; Webster & Williams, 1992, pp. 79-80, 92, 110, 121, and Appendix 15-7).

[9] In 2008, 49% of U.S. police officers killed in the line of duty were alone and unassisted at the time of the incident (Federal Bureau of Investigation, 2008).

[10] While some agencies may permit their officers to fire warning shots, generally police officers are prohibited from doing so, and warning shots are not an accepted tactic to gain compliance—for example, New Jersey Attorney General

(2001) policy: "A law enforcement officer shall not discharge a weapon as a signal for help or as a warning shot" (p. 6).

[11] Although policy tends to differ slightly across police agencies, the Commission on Accreditation for Law Enforcement Agencies (CALEA) (2006, pp. 1-6), a national police credentialing authority, mandates police agencies establish a written directive governing use of force. Accepted police practice is for agency policy to establish restrictions or limitations of the use of force within that policy.

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Contact Information
Dr. Jon M. Shane
John Jay College of Criminal Justice (CUNY)
Department of Law and Police Science
899 Tenth Avenue
New York, NY 10019
jshane@jjay.cuny.edu
(646) 557-4625

A Quantitative Analysis of Accountability Indicators in Sheriffs' Offices and Municipal Police Departments

Casey LaFrance, Assistant Professor, Department of Political Science, Western Illinois University
MaCherie Placide, Assistant Professor, Department of Political Science, Western Illinois University

Recent literature has reignited long-standing debates about the various manifestations of accountability inherent in local law enforcement management (LaFrance, 2009, 2010; LaFrance & Allen, 2010; LaFrance & Placide, in press; Teodoro, 2009a, 2009b). This revival has been sparked, in large part, by exploratory qualitative research focused on the county sheriff as a local law enforcement manager (LaFrance, 2009, 2010). Despite this recent literature, there are no large N comparisons of sheriffs' offices and municipal police departments. Thus, scholars find difficulty in attempting to make generalizations about accountability perceptions between the two offices. This paper seeks to remedy this weakness in the accountability literature by comparing accountability dimensions in survey responses from a large, random sample of sheriffs and police chiefs (Hickman & Reaves, 2006a, 2006b).

Types of Accountability

The literature recognizes four interdependent types of accountability, rooted in the work of Romzek and Dubnick (1987): (1) legal, (2) bureaucratic, (3) professional, and (4) political. Along with each type of accountability comes a series of behaviors that tend to exemplify and distinguish one accountability consideration from the other three. In the section that follows, these four forms of accountability, as well as behaviors that indicate their presence (or absence) will be presented.

Legal Accountability

Romzek and Dubnick (1987) define *legal accountability* as the process by which actors outside of an agency wield the ability to impose legal sanctions on the agency. This form of accountability is arguably the most visible of the four in law enforcement agencies due, in part, to the pains the founders took in spelling out offenders' rights in the Bill of Rights (e.g., Amendments 4 through 8). Subsequent legislation and court rulings (e.g., *Miranda v. Arizona*) have further served to guide law enforcement agents' procedural behavior. Thus, the researchers expect perceptions of this realm of accountability to be the most comparable between sheriffs and police chiefs. Legal accountability is closely tied to bureaucratic accountability because laws and regulations must be taken into consideration when formulating an agency's policies in order for an agency to avoid susceptibility to legal sanctions. For the strategic manager, bureaucratic accountability is an "input" variable whereas legal accountability is a "process" variable (Romzek & Dubnick, 1994, p. 275).

However, Falcone and Wells (1995) explain, there is more than just a semantic difference between the nomenclature used to describe sheriff's *offices* and their police *department* counterparts. To wit,

> [a]s an office, in most states, the sheriff is an independent entity within county government, with separately defined responsibilities and powers. As a department, its powers and duties would be determined by the administrative branch under which it is authorized [as is the case with most municipal police departments]. (p. 126)

This distinction implies that

> oversight of the operations of the sheriff's office must occur through different processes compared with local police departments which are formally under the executive purview of a city administrator or committee . . . [meaning that] the structure of accountability is formally changed by the different bases for legal authority and organizational responsibility [between sheriffs' offices and police departments]. (p. 127)

Thus, in regard to legal accountability, it may be a bit naïve to make an informed conjecture as to the expected differences in the decision processes of sheriffs and police chiefs.

In this paper, the researchers will exclude legal accountability comparisons because sufficient data does not exist to merit an adequate comparison of agencies on this accountability dimension. For the time being, the researchers will err on the side of a type II error and propose that legal accountability is given the same consideration by each type of law enforcement manager.

Bureaucratic Accountability

Romzek and Dubnick (1987) explain *bureaucratic accountability* as the process by which public administrators adhere to the expectations of their superiors and the standard operating procedures of their respective agencies. Because police chiefs must be directly accountable to other appointed public administrators (e.g., city managers, police commissioners), it might be expected that police chiefs would be more rigid and rule-bound in their perceptions of bureaucratic accountability than sheriffs, who often lack an administrative authority figure.

Professional Accountability

Romzek and Dubnick (1987) explain that *professional accountability* is "characterized by placement of organizational activities in the hands of the employee with the expertise or special skills to get the job done" (p. 229). Thus, professional accountability evokes images of neutral competence, specialized training, expert power, and efficient service delivery. This realm of accountability also forces scholars to consider the insular nature of a given profession, along with the desire of professional agents in a given area to demonstrate loyalty to professional associations at the expense of loyalty to elected officials and other principals (Moe, 1984) and, in some cases, to become technocratic (Mosher, 1982). Because the selection of police chiefs is more meritocratic than the electoral selection of county sheriffs, I expect that police chiefs

will more intensively prioritize adherence to professional norms than will sheriffs. These propositions are based on the idea that police chiefs are more likely to have had a greater degree of specialized training and education than sheriffs have.

The electoral nature of the sheriff's office may affect his department's attitude toward professional accountability. Citing a 1979 National Sheriffs' Association study, Falcone and Wells (1995) argue that this may be the case because states rarely specify training or experience qualifications for the sheriff and "[m]any states explicitly exempt county sheriffs from their state-mandated training standards for law enforcement personnel" (p. 127). Police chiefs, on the other hand, are not exempt from these qualifications.

When the researchers attempted to find a more recent replication of the 1979 data from the National Sheriffs' Association (NSA), they were informed that no subsequent comparable surveys have been administered by the NSA due to a lack of funding. Still, the NSA representative said that, to his knowledge, the only state that had revised qualifications for county sheriffs was South Carolina, which lists a variety of combinations of experience "as a certified law enforcement officer" and college education for sheriffs (*South Carolina State Statute* 23-11-110, 1988, 1993, 1996). Even here, though, one might query exactly what is meant by the phrase "certified law enforcement officer" as was the case when South Carolina state representative Dennis Moss asked the state's attorney general if reserve or auxiliary officers were included in the phrase (McMaster, 2007).

Political Accountability

Romzek and Dubnick (1987) define *political accountability* as a public administrator's responsiveness to her constituents. This definition, the authors explain, is deceptively simple because a public administrator's constituency can include "the general public, elected officials, agency heads, agency clientele, other special interest groups, and future generations" (p. 230). Thus, political accountability is comprised of at least two subforms of accountability: (1) electoral, or democratic, accountability to citizens and (2) accountability to elected officials. Due to the fact that county sheriffs are directly elected by the citizens of a given county, the researchers expect sheriffs to prioritize electoral accountability above professional and bureaucratic accountability. While police chiefs are certainly expected to consider political accountability, the researchers propose that such considerations will be geared toward pleasing elected officials rather than the citizens at large. The researchers also expect that police chiefs will report less concern with this form of accountability in comparison to professional accountability.

In their explanation of the differences between county sheriffs' offices and municipal police departments, Falcone and Wells (1995) cite several potential sources of variation, including: "historical, political, geographical, functional, [and] organizational" (p. 124) factors. They explain that the election of county sheriffs in the United States was a mechanism created to ensure that the sheriff would be "accountable directly to the local community rather than to a distant executive [e.g., the English monarch]" (p. 124). Additionally, as state constitutions were written, a majority of states (35) constitutionally required the office of county sheriff in each county. When compared to the statutory basis for the existence of local police departments, Falcone and Wells explain that the constitutional basis of the sheriff's office provides more political autonomy to the sheriff *vis-a-vis* the

police chief because, "[w]here the sheriff's office is constitutionally mandated, it cannot simply be abolished, have its powers and responsibilities reduced, or have its personnel decisions made by county boards or commissioners" (p. 127). In fact, though the county legislature does control the budget of the sheriff's office, Falcone (2008) asserts that most state constitutions mandate that the sheriff's office be provided "adequate" funding. Thus, the most obvious sanctions to control the sheriff's office can only be minimally useful.

Another point of demarcation surfaces when the sharply different methods by which the sheriff and police chief, respectively, obtain office is considered. As an appointed official, the police chief enjoys a degree of insulation not afforded the elected sheriff (Falcone & Wells, 1995, p. 127). Thus, Falcone and Wells note that political accountability for the sheriff is somewhat complex because

> [t]he ostensible effect of direct election [of the sheriff] will be that the sheriff's office is more overtly political in a popular sense (i.e. based in popular appeal and voter approval) while being less political in a local government sense (i.e. based in local political organizations and influence structures). (p. 127)

Falcone and Wells (1995) present some anecdotal evidence that sheriffs' offices' employees consider themselves as employees of the sheriff rather than as independent law enforcement professionals, citing one office's business cards that read, "'This card will introduce Deputy _____ representing Sheriff _____ of _____ County'" (p. 139). According to the authors, this example captures the essence of many sheriffs' offices' organizational culture, which they explain to be "less organizational in the sense of functioning within an impersonal, rule bound, hierarchical order" (p. 139).

A complementary dimension of organizational culture in sheriffs' offices might reflect a preference for political responsiveness over the traditional bureaucratic chain of command approach to dealing with citizens. Here, Falcone and Wells (1995) explain that, in the course of conducting telephone interviews, they were generally able to speak directly with the sheriff on the first or second call, and if not, they received prompt callbacks, while "[i]n stark contrast, calls to municipal departments in the same counties [often took] repeated attempts before reaching the police chief, and requests for callbacks were generally ignored" (p. 137). Such experiences, the authors suggest, reflect a general tendency for sheriffs' offices to be more closely adherent to open systems models of organizational operations (Katz & Kahn, 1966), while police departments seem to rely on the classical model of a well-buffered hierarchy (Wilson, 1887). This difference, Falcone and Wells (1995) posit, might have its roots in the historical evolution of each office that has influenced police departments to more widely employ a military or paramilitary organizational ethos "based on the idea of a professional army, recruited for military ability rather than local residency, trained and organized for warfare, and organized into an impersonal, rule-bound, rank-ordered closed organization," while sheriffs offices are more likely to use a militia model that "represents a group organized out of and by the community for its internal protection" rather than "a professional, rigidly organized army that is detached from the community it regulates" (p. 138).

If Falcone and Wells (1995) are correct in their assertion that sheriffs' offices are more open systems than municipal police departments, one might expect that

sheriffs' offices interact with citizens in their service areas more frequently than police departments. Due to the limited functions of police departments, citizens rarely interact with police officers outside of a criminal law enforcement context (i.e., as a victim or an accused criminal). Sheriffs' offices, on the other hand, serve a plethora of different functions beyond criminal law enforcement. Falcone and Wells point out that the historical evolution of the sheriff's role has placed "a broader and more diverse assortment of legal responsibilities than those associated with local policing" (p. 130). Thus, the authors continue,

> [i]n most states, the sheriff is responsible for providing any (or all) of the following: (1) criminal law enforcement and other general police services; (2) correctional services, involving the transportation of prisoners and the management of the county jail; (3) the processing of judicial writs and court orders, both criminal and civil; (4) security of the court via bailiffs; (5) miscellaneous services, such as the transportation and commitment of the mentally ill; (6) seizure of property claimed by the county; (7) collection of county fees and taxes; and (8) sale of licenses and permits; plus other services that do not fall neatly under the statutory responsibilities of other law enforcement or social service agencies. (pp. 130-131)

With all of these added responsibilities, sheer probability dictates that sheriffs and their officers will have more frequent interactions with citizens. One might even wonder whether the mean differences in formal community interaction discussed above are indicators of a police department's reactivity to the awareness that most of their citizen dealings are cheerless affairs. Such an awareness might spawn activities designed to cultivate the sort of trusting relationships that sheriffs' offices already enjoy with citizens in their service jurisdictions.

Method

In order to compare manifestations of accountability between sheriffs' offices and police departments, the researchers rely on data from the 2003 Law Enforcement Management and Administrative Statistics survey conducted by the U.S. Bureau of Justice Statistics (Hickman & Reaves, 2006a, 2006b). It is important to note that, while a more recent survey has been conducted, the results of this survey have not yet been published. This survey asks large random samples of managers from a variety of agencies to respond to a battery of questions regarding the management and administrative infrastructure present in their respective departments. For the purposes of this paper, the researchers have focused on county sheriffs' offices (N = 863) and municipal police departments (N = 1,889) by using the filter function in *SPSS* to exclude all other cases. The researchers then created a dichotomous (dummy) variable, coded 1 for sheriffs' offices and 0 for municipal police departments. The comparisons utilize a variety of statistical tools. For interval and ratio level data, the researchers have used an independent (non-paired) *t*-test to compare differences in group means. For ordinal level data, the researchers report *Tau C*. For nominal level data, the researchers report *Chi-Square* and *Phi.*

Findings

The findings will be presented according to the accountability types described above, though the reader should be cautioned that the interdependence of each

accountability type means that a demonstration of one sort of accountability is likely to influence other accountability streams.

Bureaucratic Accountability

The data provide a window through which an initial glimpse of bureaucratic accountability may be acquired. While the survey questions were limited to a single facet of bureaucratic accountability—that is, the policies written into an agency's SOP—the responses might serve to indicate the relative aggregate emphases that sheriffs' offices and police departments place on bureaucratic control mechanisms. As the propositions above would suggest, police departments are significantly more likely than sheriffs' offices to have 10 of the 16 written policies included on the survey instrument (see Table 2). The sole written policy that sheriffs' offices are more likely to have involves strip searches. When one considers that 78% of sheriffs' offices, on average, have jail operations compared to only 14% of police departments, this difference is a bit more understandable.

Table 1. Romzek and Dubnick's (1987) Accountability Typology

Accountability Stream	Degree of Control over Agency Actions	Source of Control	Key Control Mechanisms
Bureaucratic	High	Internal	SOPs, rules, and hierarchy
Legal	High	External	Oversight from outside groups
Professional	Low	Internal	Expertise; professional discretion
Political	Low	External	Political responsiveness

Table 2. Comparison of Written Policies: Sheriffs' Offices and Police Departments

Agency Has Policy Pertaining to . . .	Sheriffs' Offices Percentage Yes	Police Dept. Percentage Yes	*Chi-Square*	*Phi*	*n* for Sheriffs' Offices	*n* for Police Dept.
Use of deadly force	0.97	0.98	2.168	-0.028	863	1,886
Use of nonlethal force	0.92	0.95	**9.222****	**-0.058****	863	1,885
Code of conduct/appearance	0.95	0.98	**14.613*****	**-0.073*****	863	1,886
Off-duty employment	0.86	0.91	**16.419*****	**-0.077*****	863	1,886
Maximum work hours	0.57	0.61	3.434	-0.035	862	1,883
Dealing with the mentally ill	0.71	0.70	0.010	0.002	862	1,885
Dealing with the homeless	0.24	0.33	**21.830*****	**-0.089*****	862	1,885
Dealing with domestic disputes	0.97	0.93	**28.592*****	**-0.102*****	863	1,886
Dealing with juveniles	0.85	0.91	**22.731*****	**-0.091*****	862	1,885
Strip searches	0.84	0.75	**25.454*****	**0.096*****	863	1,885
Racial profiling	0.66	0.71	**7.717****	**-0.053****	862	1,886
Citizen complaints	0.85	0.93	**38.199*****	**-0.118*****	863	1,885
Off-duty conduct	0.90	0.92	3.616	-0.036	862	1,885
Interacting with the media	0.78	0.86	**29.487*****	**-0.104*****	863	1,885
Employee counsel assistance	0.63	0.69	**12.153*****	**-0.067*****	861	1,885

Note: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$; two-tailed tests were used. A negative value indicates that sheriffs' offices are less likely to have a given policy. Statistically significant items are in bold.

Professional Accountability

The data provide a preliminary glimpse of differences in professional standards between sheriffs' offices and police departments. Analyses conducted using this dataset show significant differences in pre-employment testing between each type of law enforcement agency. The data indicate that there is a significant difference in the use of 17 of the 23 tests or standards about which law enforcement managers were surveyed (see Table 3). Sixteen of these tests were significantly more likely to be used by police departments than sheriffs' offices. An interesting exception is found in one other test—an explicit education requirement. Sheriffs' offices are significantly more likely to have this requirement than police departments. It could be the case, however, that police departments simply assume a high school education or better for potential new recruits so much so that police managers do not feel compelled to explicitly mention this.

Table 3. Differences in Pre-Employment Testing: Sheriffs' Offices vs. Police Departments

Test	Sheriffs' Offices Percentage Yes	Police Dept. Percentage Yes	*Chi-Square*	*Phi*	*n* for Sheriffs' Offices	*n* for Police Dept.
Personal interview	99	98	0.163	-0.008	861	1,887
Medical exam	0.81	0.93	**89.536*** **	**-0.181*** **	861	1,887
Psychological evaluation	0.58	0.82	**187.471*** **	**-0.261*** **	861	1,887
Physical agility test	0.44	0.67	**120.340*** **	**-0.209*** **	861	1,887
Written aptitude test	0.44	0.62	**76.856*** **	**-0.167*** **	861	1,887
Personality inventory	0.25	0.36	**34.460*** **	**-0.112*** **	861	1,887
Polygraph exam	0.30	0.41	**31.940*** **	**-0.108*** **	861	1,887
Voice stress analyzer	0.06	0.06	0.007	0.002	861	1,887
Second language ability test	0.01	0.01	0.780	-0.017	861	1,887
Problem-solving ability test	0.24	0.33	**24.374*** **	**-0.094*** **	861	1,887
Background investigation	0.96	0.99	**15.336*** **	**-0.075*** **	861	1,887
Understanding diverse culture	0.10	0.16	**15.775*** **	**-0.076*** **	861	1,887
Credit history check	0.54	0.70	**60.991*** **	**-0.149*** **	861	1,887
Criminal background check	0.99	0.99	0.051	-0.004	861	1,887
Driving history check	0.95	0.98	**16.677*** **	**-0.078*** **	861	1,887
Drug testing	0.74	0.83	**29.368*** **	**-0.103*** **	861	1,887
Mediation skills assessment	0.05	0.11	**25.905*** **	**-0.097*** **	861	1,887

Note: * = $p < 0.05$, ** = $p < 0.01$, *** = $p < 0.001$; two-tailed tests were used. A negative value indicates that sheriffs' offices are less likely to have a given policy. Statistically significant items are in bold.

Another indication of professionalization is found when collective bargaining is considered. Since unionization is a mechanism to protect professionals in a given field, an agency's willingness to engage in collective bargaining with one or more unions might indicate that the agency views its employees as professionals. If this is the case, agencies that are more attuned to professional accountability would be more likely to integrate collective bargaining into their personnel decisions. When comparing the mean use of collective bargaining for county sheriffs' offices and municipal police departments, the values for collective bargaining use indicates that

police departments are significantly more likely to engage in collective bargaining for both sworn and nonsworn officers than are sheriffs' offices (see Table 4).

Table 4. Use of Collective Bargaining: Sheriffs' Offices vs. Police Departments

Type of Collective Bargaining	Sheriffs' Office Percentage	Police Dept. Percentage	*Chi-Square*	*Phi*	*n* for Sheriffs' Office	*n* for Police Dept.
Collective bargaining for sworn	0.33	0.58	**149.781*** **	**-0.234*** **	858	1,888
Collective bargaining for nonsworn	0.28	0.41	**44.997*** **	**-0.128*** **	858	1,888

Note: *** = $p < 0.001$ on two-tailed test; a negative value indicates that sheriffs' departments are less likely to use a given form of collective bargaining. Statistically significant items are in bold.

Since specialization and expertise are hallmarks of professionalization, the existence of specialized subunits within an agency serves to reinforce professional accountability in the agency. Thus, a more professionally oriented agency should be expected to have a greater number of specialized subunits than would be the case for agencies with less professional orientation. When comparing the sheriffs' offices and police departments, the data indicate that the latter are significantly more likely to have 16 of 23 specialized subunits than the former (see Table 5). In contrast, only two types of subunits are more likely to be found in sheriffs' offices: (1) bomb squads and (2) missing children units. While there is no immediate rationale for sheriffs' offices to use bomb squads more frequently, it is possible that the reason for a larger number of missing children units might be because of the larger area of jurisdiction provided to sheriffs' offices.

Another indication of the professional orientation in a law enforcement agency can be found in the incentives the agency uses for advanced training or special skills. When comparing pay for specialized skills, police departments are significantly more likely to use four of six pay incentives: (1) specialized skills training, (2) bilingual ability pay, (3) education incentive pay, and (4) tuition reimbursement pay (see Table 6). The sharpest differences between these two types of agencies are found in the latter two education categories.

Table 5. Specialized Units Within Departments: Sheriffs' Offices vs. Police Departments

Specialized Unit	*Tau C*	*n* for Sheriffs' Offices	*n* for Police Dept.
Full-Time Drug Enforcement Unit	0.011	863	1,889
Part-Time Drug Enforcement Unit	0.006	863	1,889
Bias/Hate Crime Unit	**0.204*** **	300	521
Bomb/Explosive Disposal Unit	**-0.099** **	300	521
Child Abuse/Endangerment Unit	**0.165*** **	300	521
Community Crime Prevention Unit	**0.153*** **	298	520
Community Policing Unit	**0.224*** **	298	521
Crime Analysis Unit	**0.299*** **	299	521
Cybercrime Unit	**0.096* **	300	521
Domestic Violence Unit	**0.161*** **	300	520
Drug Education in Schools Unit	-0.033	298	520
Gangs Unit	**0.217*** **	299	521
Impaired Drivers Unit	**0.075* **	298	521
Internal Affairs Unit	**0.116*** **	299	521
Meth Labs Unit	**-0.122** **	300	521
Juvenile Crimes Unit	**0.278*** **		
Missing Children Unit	**0.203*** **	300	521
Prosecutor Relations Unit	**0.199*** **	299	521
Repeat Offenders Unit	**0.144*** **	300	521
Research and Planning Unit	**0.238*** **	298	521
School Safety Unit	**0.079* **	298	521
Terrorism/Homeland Security Unit	-0.046	299	521
Victim Assistance Unit	0.033	300	521
Youth Outreach Unit	**0.093* **	298	521

Note: * = $p < 0.05$; ** = $p < 0.01$; *** = $p < 0.001$ on two-tailed test. If positive, sheriffs' offices are less likely to have such a unit; variable coded so that 1= have dedicated personnel and 4 = do not address. Statistically significant items are in bold.

Table 6. Differences in Incentives Used for Full-Time Sworn Officers: Sheriffs' Offices vs. Police Departments

Incentive	Sheriffs' Offices Percentage Yes	Police Dept. Percentage Yes	*Chi Square*	*Phi*	*n* for Sheriffs' Offices	*n* for Police Dept.
Education incentive pay for full-time sworn	0.29	0.52	119.457***	-0.208***	863	1,888
Merit/performance pay for full-time sworn	0.28	0.28	0.055	-0.004	863	1,885
Hazardous duty pay			4.291*	0.040*		
Special skills proficiency pay	0.15	0.22	17.309***	-0.079***	861	1,887
Bilingual ability pay	0.07	0.12	17.363***	-0.079***	862	1,887
Tuition reimbursement pay	0.32	0.55	125.973***	-0.214***	861	1,888
Military service pay	0.18	0.16	3.111	0.034	862	1,886

Note: * = $p < 0.05$; ** = $p < 0.01$; *** = $p < 0.001$ on two-tailed test; a negative *Phi* indicates that sheriffs' offices are less likely to use an incentive. Statistically significant items are in bold.

Political Accountability

If Falcone and Wells (1995) are correct in their assertion that sheriffs' offices are more open systems than municipal police departments, it might be expected that sheriffs' offices interact with citizens in their service areas more frequently than police departments. Hickman and Reaves (2006a, 2006b) provide data that allow for comparisons of each type of agency on several indicators of community interaction.

The first indicator of community interaction is embodied in the responses that law enforcement managers provide in Table 7 when asked if they have met with each type of community group. Data analysis reveals that police departments are significantly more likely than sheriffs' offices to have met with business groups, religious groups, neighborhood associations, school groups, and youth services organizations. Furthermore, sheriffs' offices are significantly less likely to have met with any of the groups listed in Table 7. Next, community policing practices can be compared between each type of agency as indicators of community interaction. Again, police departments score significantly higher on many facets of community policing. Police departments are significantly more likely than sheriffs' offices to have (1) written a community policing plan, (2) conducted a citizen police academy, (3) trained citizens in community policing, (4) partnered with community groups, and (5) included community policing in their mission statements (see Table 8). Furthermore, as Table 9 shows, police departments are significantly more likely than sheriffs' offices to train their new and previously employed sworn personnel in community policing.

Table 7. Differences in Meetings with Community Groups: Sheriffs' Offices vs. Police Departments

Community Group	Sheriffs' Offices Percentage Yes	Police Dept. Percentage Yes	*Chi-Square*	*Phi*	*n* for Sheriffs' Offices	*n* for Police Dept.
Advocacy groups	0.28	0.29	0.279	-0.010	861	1,883
Business group	0.17	0.29	39.434***	-0.120***	861	1,883
Religious group	0.13	0.20	17.835***	-0.081***	861	1,883
Local government	0.36	0.36	0.136	0.007	861	1,883
Other local law enforcement agency	0.49	0.50	0.318	-0.011	861	1,883
Neighborhood associations	0.29	0.39	24.456***	-0.094***	861	1,883
Senior citizen groups	0.27	0.25	0.972	0.019	861	1,883
School groups	0.39	0.47	15.822***	-0.076***	861	1,883
Youth services organizations	0.19	0.28	22.037***	-0.090***	861	1,883
None of these groups	0.34	0.28	12.524***	0.068***	861	1,883

Note: * = $p < 0.05$; ** = $p < 0.01$; *** = $p < 0.001$ on two-tailed test; a negative *Phi* indicates that sheriffs' offices are less likely to have met with a group.

Table 8. Community Policing Practices: Sheriffs' Offices vs. Police Departments

Community Policing (CP) Practice	Sheriffs' Offices Mean	Police Dept. Mean	*Chi-Square*	*Phi*	*n* for Sheriffs' Offices	*n* for Police Dept.
Created CP plan	0.15	0.26	40.496***	-0.121***	861	1,884
Conducted citizen police academy	0.20	0.39	97.589***	-0.189***	861	1,884
Trained citizens in CP	0.25	0.32	15.422***	-0.075***	861	1,884
Partnered with citizen groups	0.42	0.55	39.894***	-0.121***	861	1,884
Mission statement includes CP	0.50	0.75	126.00***	-0.240***	621	1,568

Note: * = $p < 0.05$; ** = $p < 0.01$; *** = $p < 0.001$ on two-tailed test; a negative *Phi* indicates that sheriffs' offices are less likely to have responded "yes."

Table 9. Community Policing Training Practices: Sheriffs' Offices vs. Police Departments

Community Policing (CP) Training	Sheriffs' Offices	Police Dept.	*Tau C*	*n* for Sheriffs' Offices	*n* for Police Dept.
CP training for new officers	--	--	0.145***	860	1,881
CP training for inservice sworn	--	--	0.105***	859	1,883
CP training for civilian personnel	--	--	0.002	856	1,883

Note: * = $p < 0.05$; ** = $p < 0.01$; *** = $p < 0.001$ on two-tailed test. If positive, sheriffs' offices are less likely to have such a practice; variables coded so that 1 = All, 2 = Half or More, 3 = Less than Half, 4 = None, 5 = NA, 7 = Missing, and 9 = DK.

A final indicator of community interaction surfaces in Table 10 where mean differences between each agency type show that police departments are significantly more likely than sheriffs' departments to have surveyed both public satisfaction with the agency and public perception of the agency.

Table 10. Use of Surveys: Sheriffs' Offices vs. Police Departments

	Sheriffs' Offices	Police Dept.	*Chi-Square*	*Phi*	*n* for Sheriffs' Office	*n* for Police Dept.
Surveyed public satisfaction with office/dept.	0.17	0.28	**41.362*** **	**-0.123*** **	862	1,886
Surveyed public perception of office/dept.	0.11	0.21	**41.395*** **	**-0.123*** **	862	1,886

Note: * = $p < 0.05$; ** = $p < 0.01$; *** = $p < 0.001$ on two-tailed test; a negative *Phi* indicates that sheriffs' offices are less likely to have responded "yes." Statistically significant items are in bold.

With all of these data, it might be readily inferred that Falcone and Wells (1995) were off-base in their description of the more open nature of sheriffs' offices since, ostensibly, police departments seem more proactive in courting community support and more active in interacting with their host communities. Still, all of the indicators from Tables 7 through 9 share a common theme: formality. Meeting with organized citizen groups, designing a community policing plan, and surveying citizens—all of these are formal mechanisms police departments are more likely to use. But why? Perhaps these actions are manifestations of the rigid, command, and control organizational ethos that Falcone and Wells expect of police departments. Perhaps, too, there are other, more informal facets of community interaction that the survey data failed to capture. For instance, sheriffs and their officers might be more apt to engage in gab sessions at a local diner to tap into public satisfaction and perception than they are to conduct full-blown surveys. Or, it could be the case that citizens feel more welcome and at ease about coming to visit with sheriffs and their officers than they feel about visiting police chiefs and their officers.

Maybe, too, sheriffs' offices are less likely to schedule formal meetings with local community groups because sheriffs and their officers deal with community members much more frequently, and in a variety of different contexts, than their municipal police department counterparts. Due to the limited functions of police departments, citizens rarely interact with police officers outside of a criminal law enforcement context (i.e., as a victim or an accused criminal).

This possibility, of course, must remain in the realm of conjecture until it can be empirically tested. Still, the preceding arguments force a reader to consider that the types of community relations activities captured in Tables 6 through 9 are but a few of the tools that law enforcement managers have at their disposal.

Implications and Conclusions

This study has shown the results of a quantitative evaluation of accountability preferences in two large samples of local law enforcement agencies. These results indicate that sheriffs' offices and police departments differ substantially among several indicators of professional, political, and bureaucratic accountability. Still, the data cannot speak to the roots of these differences and their long-term implications for local law enforcement management. In order to fully understand accountability differences and their expectations, the researchers heartily suggest future research that (1) moves beyond formal manifestations of accountability to tap into the informal organizational culture of each type of agency, and (2) uses a triangulatory approach combining the depth provided by qualitative methodology and the breadth provided by quantitative methodology.

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Casey LaFrance is an assistant professor of Political Science at Western Illinois University and a former deputy sheriff. His work has appeared in *Judicature*, *American Politics Research*, *Politics & Policy*, and the *International Journal of Police Science and Management*. His current research focuses on county sheriffs' decisionmaking processes.

MaCherie Placide is an assistant professor of Political Science at Western Illinois University. She has written several conference papers and technical reports for local government agencies. Her most recent work has appeared in the *International Journal of Police Science and Management*. She has also served as a mentor for the Minneapolis Police Department's Community Service Officer Program. Her research interests include management, leadership, human resources management, and urban politics.

Contact Information
Department of Political Science
Morgan Hall 413
Western Illinois University
1 University Circle
Macomb, IL 61455
tc-lafrance@wiu.edu

Professional Recognition Through Partnership: A Police Education and Training Program in the Northeast of England

Ian K. Pepper, Principal Lecturer in Policing, Law, Policing and Investigation, Teesside University, Middlesbrough, United Kingdom

The Context

The police service of the United Kingdom (UK) consists of 43 police forces across England and Wales (the so-called Home Office forces), eight police forces in Scotland, one in Northern Ireland, and a number of other law enforcement agencies with specific roles and responsibilities ranging from the Civil Nuclear Constabulary to the Royal Falkland Islands Police.

In 2002, an inspection of police training by Her Majesty's Inspectorate of Constabulary (HMIC) (2002) identified a need for change in the delivery methods of all initial police training to move away from officers spending 15 weeks in a residential police training centre with the remainder of their two-year probationary period spent within the workplace, to the training taking place wholly within the community in which the police officers would eventually serve. This was followed by the UK Government's broader modernisation agenda such as the hearing of the Police Reform Act (2002), the Home Office (2004) drive towards enhanced community involvement in policing and a more flexible approach to police training, and the government's target for 38% of those who are working age to be qualified to a higher educational level by 2020 (Leitch, 2006).

The combination of police reforms and developments within higher education has led to some higher education institutions establishing strategic partnerships with police forces, facilitating the education and training needs of both types of organisations.

Cleveland Police is a small urban Home Office police force in the northeast of England responsible for policing some 230 square miles with in excess of 560,000 people in an area of high deprivation and high population density (HMIC, 2009). The force is also responsible for ensuring the effective policing of a large chemical industrial environment, an international airport, and a seaport. In 2009, the force had 1,756 police officers, 923 civilian staff (ranging from community support officers and crime scene investigators to control room operators and administrators), and 180 Special Constables (volunteer police officers).

Teesside University (Times Higher University of the Year 2009) has its town centre campus within the Cleveland Police area. The university has some 24,000 full- and part-time students annually with a major focus on equipping students with the appropriate knowledge and skills for the workplace and engaging with business customers. There are many areas of expertise within the university, with one

such discipline being policing/law enforcement and the associated discipline of forensic investigation.

A Successful Case Study

In 2004, Cleveland Police and Teesside University formed a strategic partnership to deliver a joint education and training program for all new police officers recruited by the force. By the spring of 2010, this successful program has led to 260 student police officers successfully completing a Foundation Degree in Police Studies (similar to a U.S. Associate Degree). Her Majesty's Inspectorate of Constabulary (2002) identified the studying of such professional qualifications as the direction in which police training should evolve. Launched at the start of the 21st century, a Foundation Degree is a nationally recognised degree-level qualification designed in partnership with an employer to combine academic underpinning knowledge with work-based learning. A Foundation Degree is usually studied full time over two years.

Naturally, the program has evolved since its inception in 2004, encompassing changes in legislation and policing practice as well as feedback from student officers, staff, and an employer forum. The program follows the Home Office requirements of the Initial Police Learning and Development Programme (IPLDP), which is broadly responsible for implementing the government agenda for modernising police training. The Foundation Degree in Police Studies is also endorsed by Skills for Justice (the National Training Organization for Criminal Justice) as being high quality, appropriate for the criminal justice sector, and "fit for the purpose."

The programme consists of eight modules, which are studied by the student police officers over their two-year probationary period (see Appendix 1), successful completion of which is a prerequisite for confirmation of their employment as a police officer. From their first day as a student police officer employed by the Cleveland Police, officers study a nonresidential course in intakes of between 24 and 40, for a total of 32 weeks in uniform on the university campus, although this is not all in the classroom, which is interspersed with 72 weeks of study and practice in the workplace.

Integral to the success of the program is the joint design, delivery, and updating of the program content by both police officers and academic staff. The staff team consists of six police trainers, plus a police sergeant and an inspector, all of whom are based at the university, and four police officers and a police sergeant working as a work-based assessment unit across the Cleveland Police force area. Five academic lecturing staff and an academic program leader support the program directly within the university, with occasional lectures from other specialists from both within the university (such as crime scene investigation) and external to the university (such as charity victim support).

The educational aims of the Foundation Degree in Police Studies at the University of Teesside (2007) fall into four broad categories:

1. *Knowledge and Understanding* – such as "Describe, explain and use key elements of disciplinary knowledge" and "Explore legal and ethical issues relevant to the generation of knowledge in the study of professional policing."

2. *Cognitive and Intellectual Skills* – such as "Justify conclusions in defined and limited contexts" and "Employ balanced, logical and supported argument in a range of contexts."

3. *Practical/Professional Skills* – such as "Understand the importance of operating ethically in the context of professional policing" and "Know a wide range of professional codes of conduct and legislation governing the Police Service, including the organisational values of Cleveland Police."

4. *Key Transferable Skills* – such as "Engage in team activities to enhance a co-operative approach to learning and working" and "Select and use a range of communication methods appropriate to the context."

The methods of education and training to achieve the learning outcomes include traditional higher education lectures and seminars plus training sessions, individual tutorials, role play, practical scenarios, community placements, and self-directed study. Formative and summative assessments over the two years include assignments, multiple-choice question papers, and presentations, all with an academic focus, along with the production of case files, suspect interviews, personal safety tests, and reflective reports providing more vocational assessments. While in the workplace, student police officers are assessed against a number of police national occupational standards, which have been designed by Skills for Justice, which prove competence in specific discipline areas (e.g., arresting individuals, searching vehicles, and interviewing witnesses). Success in all areas of assessment is essential in order to be awarded the Foundation Degree and to be confirmed in their position as a police officer.

Once officers have successfully completed their Foundation Degree, if they wish to continue their studies part-time and at their own expense, they can continue towards a BSc (Hons) Policing and Investigation degree which provides a more theoretical understanding by studying topics such as the psychology of police investigations and counterterrorism strategy.

The university has invested significantly in resources to support the education and training program from the construction of a mock courtroom, police station, and interview rooms to the purchase of the appropriate library books and journals. Role-play exercises are conducted both within the safe learning environment of the 34-acre campus and off-campus at a local shopping outlet, allowing student officers to move from a relatively simple to complex understanding of the environment in which they will be working. Through the partnership, opportunities have also been provided for the educational development of both the academic and police staff from the attendance at conferences and research projects to the study of higher educational qualifications.

There have inevitably been challenges to the delivery of the Foundation Degree, mainly revolving around misunderstandings of the very different cultures of policing and academia. For example, as employees of the Cleveland Police, the requirement exists for student police officers to be actively engaged in learning for the whole day for five days a week as opposed to more traditional students attending lectures and seminars at varying times during the day. The idiosyncrasies of subject-specific language have also been cause for concern such as students'

suspension of studies (i.e., in the academic world, a suspension of studies can be defined as when a student is not actively engaged with the programme of study, but in the policing environment, a suspension is a removal from the workplace with the withdrawal of policing powers). However, such challenges have always been resolved by use of effective communication either at the strategic level via the employer forum or operationally by joint academic and police trainer team meetings.

Other than the obvious benefits of students learning and achieving a recognised professional qualification, there are many less obvious benefits for both the Cleveland Police and Teesside University from the partnership approach to the education and training of student police officers. Both partners gain from the public profile and the associated images of police officers on campus; there is an ability to demonstrate both a commitment to the local area and a successful, working cross-sector partnership. The partnership provides access to specific knowledge, skills, and resources within both organisations and different ways of learning and working. The student police officers have been able to get closer to the communities in which they will be serving with opportunities for networking and discussions, a better understanding of some of the issues faced by the community, and an awareness of the potential impact of their interventions. This directly addresses the concerns raised by HMIC (2002) in relation to residential police training.

Conclusion

Over the last five years, recorded crime has continued to fall within the Cleveland Police area. The Chief Constable recognizes the importance of the involvement of the police within the community in achieving this success (Price, 2010). In the *2008-2011 Cleveland Policing Plan*, the importance of the partnership with Teesside University—valuing the education and training of new police recruits—is also acknowledged (Price, 2008). This is supported by both the Home Office (2004) and Flanagan (2008) who both highlight the importance of the recognition of the professionalism of police officers, the benefits to the community of a working partnership, and the benefits of moving from training for a specific role to lifelong learning. The high-profile partnership is of equal importance to Teesside University with the continued expansion of programmes delivered with Cleveland Police for the wider police family, which includes programmes of higher educational study for community support officers and special constables. The university is also now being engaged by other police partners to work in partnership for their education and training.

While researching police academy training in a U.S. state, Harris (1973) detailed the need for the professional qualification of police officers and the challenges this presented for those who conducted the training of new recruits during their residential courses. Some 30 years later and an ocean away, the professional recognition of police officers is still of equal if not greater importance and is being addressed at the national level. At the local level, the partnership between Teesside University and Cleveland Police has been successful in providing a professional higher educational qualification for police officers in Cleveland.

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Ian K. Pepper is the principal lecturer in Policing at the University of Teesside, UK. Ian manages and teaches on a range of specialist education and training programmes in partnership with law enforcement and criminal justice organisations. He is a former senior lecturer in Crime Scene and Forensic Science, police crime scene investigator (CSI), and fingerprint officer. He has been an instructor and team leader at the National Training Centre for Scientific Support to Crime Investigation and has designed and delivered training to crime scene investigators and police officers in the Far East, Middle East, Africa, and across the UK. Ian has also presented papers at conferences in the UK, the United States, and Canada and has a number of publications, including the book *Crime Scene Investigation: Methods and Procedures* (2nd ed.) (2010). Ian is a member of the International Association for Identification and the Fingerprint Society.

Appendix 1. Foundation Degree in Police Studies: Sequence of Modules

Year 1

Weeks 1-2	Cleveland Police Induction Module

Weeks 3-42	Core Skills: Crime and the Community	Safety in the Public Domain	Scene Protection & Forensic Evidence Appreciation	Specialist Policing Issues

Year 2

Weeks 43-77	Professional Investigation

Weeks 78-79	Contemporary and Complex Issues in Policing

Weeks 43 to 104	Contemporary Policing in Practice

A Suggested Instrument to Examine Baccalaureate Graduates' Perceptions of Strengths and Challenges of Their Own Criminal Justice Departments: Narrowing the Gaps

H. Dean Buttram III, EdD, Assistant Professor, Department of Criminal Justice, Jacksonville State University
Wade C. Mackey, PhD, Visiting Professor, Department of Criminal Justice, Jacksonville State University

Introduction

Criminal Justice programs in higher education have only been in existence nationwide since the 1960s. The discipline itself is considered by the academic world to be relatively new. Since its inception, Criminal Justice has always been interdisciplinary, drawing from such diverse disciplines as Sociology, Psychology, Law, Computer Technology, Accounting, Anthropology, Chemistry, Biology, and Physics. In addition, Criminal Justice continues to be expansive as new technologies and (new) forms of criminality emerge (Aeilts, 2005; Bureau of Justice Statistics, 2010; Cordner, Dammer, & Horvath, 2000; Federal Bureau of Investigation [FBI], 2003, 2004, 2005, 2006; Kobetz, 1975; Luftig & Richey, 2001; Schanlaub, 2005; Stout & Felthous, 2005; Wise, 2004). In the dual contexts of the high value of a college degree in the general society as well as in the criminal justice system, a college degree is increasingly perceived as beneficial both to the individual and to the criminal justice system.

This article examines the perceived value of a baccalaureate degree in Criminal Justice as a facilitator in attaining desired (initial) employment within the criminal justice system as assessed from the perspective of recent graduates who have successfully completed the degree requirements. It should be emphasized that the survey was constructed to examine perceptions and should not be viewed as an epidemiological survey on actual employment parameters.

The rationale for the survey was two-fold. First, feedback loops are essential to constantly monitor the heuristic value of any academic program for the students, themselves, who have invested time and resources in attaining a degree. It is certainly arguable that the more the students' (realistic) expectations are met, the better the program. Second, the linkage between academic programs in Criminal Justice and the communities into which the baccalaureate degree graduates in Criminal Justice will enter is important for both the community and the academic program. The baccalaureate degree graduates in Criminal Justice are the intervening variable which helps evaluate the quality of that linkage. It seems mutually beneficial when expectations and realities are optimally matched with each other.

While research does exist in many other disciplines on such issues as the importance of a higher education degree in securing employment, and the impact of internships

on employability, little research has focused specifically on the Criminal Justice field of study (for exceptions, see Wimshurst & Allard, 2007; Wimshurst & Ransley, 2007). Indeed, only one study was found that directly relates to the current research: Evans (1981). The Evans study was partially based on the work of Copus and Johnson (1979). Accordingly, the survey presented here proffers a preliminary set of data in a format that has potential for expanded use in additional departments.

Method

Subjects

Criminal Justice graduates (baccalaureate) from two state-supported universities in the southeastern U.S. were mailed a questionnaire which inquired about their perceptions on the value of their degree in entering an occupation in the criminal justice system. The subjects were simply to fill out the questionnaire and to mail the completed questionnaire back to the researcher in a stamped, addressed envelope. To insure anonymity the subjects were instructed not to include a return address on the returned mailed survey.[1]

Participation

Of the 671 mailed questionnaires, 220 were returned and appropriately completed for a response rate of 32.8%. Demographic data are given in Appendix I.

The aggregated demographic data from the surveys are available, upon request, from the first author.

Questionnaire

The questionnaire consisted of 15 questions (lettered A through O), which allowed the subjects to evaluate—through their own perceptions—the value of their criminal justice education and their degree in their attempt to obtain employment in the criminal justice system. The questionnaire was a revised version of the "National Law Enforcement Man-Power Study" (Copus & Johnson, 1979), which was subsequently updated by Evans (1981). Permission was sought and granted by the authors to revise and implement the finalized questionnaire.[2] Each of the 15 questions was to be evaluated on a five-point Likert scale: (1) Strongly Agree, (2) Agree, (3) Neither Agree nor Disagree, (4) Disagree, and (5) Strongly Disagree.[3] The questionnaire is included in Appendix II.

Results

The means and standard deviations (SD) for the 15 questions are presented in Table 1. Of the 15, ten reached statistical significance. Accordingly, there is support for the notion that the survey was sensitive in the divination of the respondents' perceptions.

Variables Within the Control of a Criminal Justice Department

Four of the six germane questions (D, H, N, and O) found positive perceptions of the Criminal Justice departments with relatively high predictability (all four statistically significant [$p < 0.01$] with each ω^2 in excess of 33% of explained variance).

A fifth question did isolate a problem. The fifth question was Question E, which surveyed the perceptions of the availability of sufficient information in reference to criminal justice employment options. The respondents agreed that there was a lack of appropriate information on those employment options (M = 2.65, $p < 0.01$, df = 219). However, the predictability was low ($\omega^2 = 7.1\%$ of explained variance) (see Table 2). The sixth question was M: "A Criminal Justice degree does not help gain employment outside the criminal justice field." This question indicated no valence ($p > 0.05$, two-tailed) and was thereby considered to not be reflective of a perceived problem.

Table 1. Perceptions on Parameters of Employability by Graduates with a Criminal Justice Major Within the Criminal Justice System (N/Mean/SD per Statement)

	Statement	N	Mean	SD
A	Criminal justice position desired not available	220	3.14	1.22
B	Did not have required experience for position	220	2.58	1.33
C	Salary too low for BS Criminal Justice graduate	220	2.23	1.20
D	Education did not prepare me for the field	220	3.83	1.06
E	Lack of information in reference to criminal justice employment options	220	2.65	1.23
F	Criminal justice agencies do not stress educational attainment	220	3.00	1.17
G	Poor image of profession makes criminal justice employment undesirable	220	3.18	1.03
H	Non-college-educated criminal justice personnel have different attitudes than college-educated criminal justice personnel	220	2.32	0.92
I	Increase in rank or assignment is not enhanced by a college degree	220	3.12	1.15
J	Cannot enter field above entry-level rank, regardless of education	220	2.51	1.04
K	Criminal Justice degree is not more important than other degrees in gaining criminal justice employment	220	2.73	1.13
L	Available criminal justice positions farther away than willing to relocate	220	2.75	1.05
M	Criminal Justice degree does not help gain employment outside criminal justice field	220	2.90	1.20
N	Criminal Justice degree does not provide information on everyday living	220	3.73	0.96
O	Participating in an internship did not increase likelihood of seeking criminal justice job	75	3.80	1.04

Table 2. Survey Results by Perceptions of Departmental Variables and of Discipline's Variables: Problem Areas and Non-Problem Areas (Means Below Three Indicate Agreement; Means Above Three Indicate Disagreement)[a]

Variables	Mean	*t*-Value Score	Explained Variance in % (ω^2)	Analysis
Question Letter: Variables Within the Control of a Criminal Justice Department				
D Graduate unprepared for field/employment	3.83	11.69*	38.1	No problem
E Lack of information on employment options	2.65	4.22*	7.1	***Problem***
H Department influenced worldview of graduates	2.32	10.97*	35.2	No problem
M Criminal Justice degree does not help gain employment outside criminal justice field	2.90	1.23 ns	--	No problem
N Department fails to provide valuable information on daily life	3.73	11.27*	36.5	No problem
O Internship did not increase likelihood of seeking a criminal justice job	3.80	6.67*	36.7	No problem
Question Letter: Variables Outside the Control of the Criminal Justice Department: Discipline's Image and Marketability				
C Salary too low for BS in Criminal Justice	2.23	9.01*	26.7	***Problem***
F Criminal justice agencies do not stress educational attainment	3.00	0.00 ns	--	No problem
G Criminal justice has a poor image, making criminal justice employment undesirable	3.18	2.61*	2.6	No problem
I College degree fails to enhance career	3.12	1.55 ns	--	No problem
J Cannot enter field above entry level regardless of education	2.51	6.99*	17.9	***Problem***
K Criminal Justice degree not more important than other degree in gaining criminal justice employment	2.73	3.54*	5.0	***Problem***
L Available criminal justice positions farther away than willing to relocate	2.75	3.52*	4.9	***Problem***

[a] All dfs are 219 except for Question O, which was 74.

Note: Questions A and B were not germane to this survey and, thus, were not further analyzed.

* $p < 0.01$

Variables Outside the Control of a Criminal Justice Department

One of the germane questions (G) found a positive perception of the criminal justice profession ($p < 0.01$, df = 219) with low predictability (ω^2less than 3.0% of explained variance). Two of the questions (F and I) indicated no valence ($p > 0.05$, two-tailed) and were thereby considered to not be reflective of a perceived problem. Four of the questions (C, J, K, and L) indicated perceived problems ($p < 0.01$, df = 219, with variable predictability [ω^2 from 4.9% to 26.7% of explained variance]). Salaries, entry level, marketability of Criminal Justice degree, and availability of criminal justice positions were all perceived to be problems within the criminal justice profession. However, these problems were not attributed to the criminal justice program in their university.

Conclusion

The argument has been made that an overall evaluation of the criminal justice profession, in general, and any Criminal Justice department, in particular, would include the perceptions of Criminal Justice graduates. A survey of those graduates

is deemed an efficacious method to learn of those perceptions. The survey used in this study is proffered as a template or model for future studies in additional departments. The data indicate that the survey is sensitive enough to detect graduates' perceptual tendencies: both positive and negative.

Positive perceptions of the sampled departments included preparation for employment, curricular influences upon worldviews, practical information, and the value of internships. An emergent challenge was the dearth of disseminated employment options. The Criminal Justice degree was not perceived as a hindrance in gaining employment outside the criminal justice field.

Positive perceptions of the criminal justice profession included acceptable image of criminal justice. Neutral perceptions included agencies' views of educational attainment and value of the degree in promotions. Negative perceptions included low salaries, a degree does not influence entry-level employment, a Criminal Justice degree is not more advantageous in agency employment than a non-Criminal Justice degree, and lack of positions creates relocation problems. To the extent that agencies and departments in the criminal justice profession can successfully address these negative perceptions, it would be predicted that graduates' evaluations would be enhanced accordingly.

Endnotes

[1] Once the survey was returned, the data were aggregated. Accordingly, anonymity was, as promised, guaranteed.

[2] The questionnaire had previously been assayed and approved by the universities' Institutional Review Boards.

[3] It should be noted that the data are ordinal in scaling but were analyzed with interval statistical instruments. This type of analysis has become normative. The reader, however, should be alerted to this facet of the analysis.

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H. Dean Buttram III, EdD, University of Alabama, is currently an assistant professor in the Department of Criminal Justice at Jacksonville State University, Jacksonville, Alabama. Prior to transitioning into the academician's side of criminal justice, he spent a year as a white-collar crime investigator with the State of Alabama Attorney General's Office. Then, for the next seven years, he served as a deputy sheriff, a member of the Special Operations Response Team (SORT), and a criminal investigator with the Cherokee County, Alabama, Sheriff's Office. During his professional law enforcement career, he worked on numerous death scenes. In his academic teaching career, he has taught undergraduate classes such as Introduction to Forensic Investigation, Homicide Investigation, Crime Scene Investigation,

and Criminal Investigation since 2002. After receiving his doctorate in 2007, he became a member of the graduate faculty and began teaching CJ 516, Seminar in Forensic Investigation. For a number of years, he also has taught numerous advanced classes at the Northeast Alabama Police Academy on topics such as medicolegal death investigation and advanced investigation of homicide crime scenes to law enforcement, coroner, and medical and first responder personnel for continuing education credit.

Wade C. Mackey, PhD, received his doctorate in Anthropology from the University of Virginia, his Master of Arts in Psychology from Louisiana State University, and his Bachelor of Arts in Anthropology and Sociology from the University of Virginia. Recently, Dr. Mackey has been a visiting professor in the Department of Criminal Justice at Jacksonville State University. Prior to that he was an instructor at several colleges and universities as well as an associate professor at Iowa Wesleyan College and an assistant professor at Tarkio College in Tarkio, Missouri. He has published numerous articles, book reviews, and books in criminology, anthropology, and psychology and has won several awards, grants, and fellowships. His special interests are biocultural evolution and the relation between fathering and unwelcomed social behavior (e.g., violent behavior of fatherless sons). He has authored two books on fathering.

Appendix I. Criminal Justice Graduate Questionnaire

Please circle the most appropriate answer for each of the following questions:

1. What was your age at the time of your graduation?
   _____ years old

2. What is your gender?
   a. Male
   b. Female

3. What is your race/ethnicity?
   a. White, Non-Hispanic
   b. Black, Non-Hispanic
   c. Hispanic
   d. American Indian/Alaskan Native
   e. Asian/Pacific Islander

4. What was your overall undergraduate grade point average?
   a. 2.00-2.49
   b. 2.50-2.99
   c. 3.00-3.49
   d. 3.50-4.00

5. Date of graduation? Specify.
   _____ Month _____ Year

6. From which institution did you receive your baccalaureate degree?
   _____

7. In which of the following areas did you concentrate most of your studies? (Circle one only)
   a. Law enforcement
   b. Criminal justice/criminology
   c. Corrections/probation & parole
   d. Forensic investigation/science
   e. Security administration/loss prevention

8. Did your degree program provide an internship program in which you participated?
   a. Yes
   b. No

9. If you answered *yes* to 8, in what type of agency did you work during your internship?
   a. Law enforcement
   b. Criminal justice/criminology
   c. Corrections/probation & parole
   d. Forensic investigation/science
   e. Security administration/loss prevention
   f. Did *not* participate in an internship

10. If you answered *yes* to 8, did participating in an internship solidify your perceptions and goals in the particular field of study?
    a. Yes
    b. No
    c. Did *not* participate in an internship

11. If you answered *yes* to 8, do you feel that your internship experience was an appropriate and useful experience?
    a. Yes
    b. No
    c. Did *not* participate in an internship

12. Was your goal upon graduation to secure employment in the criminal justice field?
    a. Yes
    b. No

13. If you answered *yes* to question 12, were you successful?
    a. Yes
    b. No

14. If successful in securing criminal justice employment, specify the first type of agency in which you were employed after graduation:
    a. Law enforcement
    b. Criminal justice/criminology
    c. Corrections/probation & parole
    d. Forensic investigation/science
    e. Security administration/loss prevention

15. If you answered *no* to question 12, circle the appropriate reason(s):
    a. Already employed in criminal justice at time of graduation
    b. Plans for further education
    c. Already employed in a non-criminal justice job
    d. Criminal justice employment not available
    e. Plans for employment other than criminal justice
    f. Other: Specify _____

16. Was your goal upon graduation to continue your education in an advanced Criminal Justice related degree program?
    a Yes
    b No

17. At any point in your criminal justice career, did you benefit in a salary/rank increase due to possessing a baccalaureate degree?
    a. Yes
    b. No

18. How long after graduation was it before you were successful in securing your desired criminal justice employment?
    _____ years _____ months

19. In seeking criminal justice employment, which of the following degrees did you find to be most desired by prospective employers?
    a. Associate's degree in Criminal Justice/Criminology
    b. Bachelor's degree in Criminal Justice/Criminology
    c. Master's degree in Criminal Justice/Criminology
    d. PhD in Criminal Justice/Criminology
    e. No preference apparent

20. Were you employed in a criminal justice agency while in school?
    a. Yes
    b. No

21. Are you presently employed in a field of criminal justice?
    a. Yes
    b. No

22. If you answered *yes* to question 21, specify the type of agency in which you are currently employed:
    a. Law enforcement
    b. Criminal justice/criminology
    c. Corrections/probation & parole
    d. Forensic investigation/science
    e. Security administration/loss prevention
    f. *Not* presently employed in the field

Appendix II: Questionnaire

The following items are included in an effort to assist in determining the importance of a baccalaureate degree in Criminal Justice on your employment, advancement, and salary in the professional field of criminal justice. Your responses to these items are important in an effort to reach the overall goal of the study.

Please respond to the following by circling the most appropriate answer:

SD = Strongly Disagree, D = Disagree, N = Neither Agree nor Disagree, A = Agree, SA = Strongly Agree

A	At the time of initial employability, the position for which I was preparing academically was *not* available.		SD	D	N	A	SA
B	At the time of initial employability, the position I wanted required experience that I did *not* have.		SD	D	N	A	SA
C	At the time of initial employability, the salary for entry-level positions was *not* high enough for the college degree I have.		SD	D	N	A	SA
D	My education did *not* prepare me academically with the skills and knowledge required in my desired field.		SD	D	N	A	SA
E	There is a lack of information regarding criminal justice employment.		SD	D	N	A	SA
F	The current emphasis of criminal justice agencies does *not* stress educational attainment.		SD	D	N	A	SA
G	The poor image of criminal justice professions makes employment in criminal justice agencies undesirable.		SD	D	N	A	SA
H	Non-college-educated criminal justice personnel have different attitudes toward the criminal justice system from college-educated personnel.		SD	D	N	A	SA
I	All other things being equal (i.e., age, seniority, marital status, etc.), the increase in rank and/or preferential assignments is *not* enhanced by the attainment of a college degree.		SD	D	N	A	SA
J	Regardless of educational achievement, one cannot enter the criminal justice field higher than at entry-level rank.		SD	D	N	A	SA
K	A Criminal Justice degree carries no more weight in getting a job in a criminal justice agency than any other type of degree.		SD	D	N	A	SA
L	Since trying to seek employment in the field of criminal justice, available positions were farther away than I wanted to relocate.		SD	D	N	A	SA
M	The Criminal Justice degree is *not* valuable to securing employment in professions outside the criminal justice field.		SD	D	N	A	SA
N	A Criminal Justice degree does *not* provide valuable information relevant to everyday living, regardless of employment.		SD	D	N	A	SA
O	Participating in an internship program did *not* increase the likelihood that I would seek employment in my specified field of study.	Did not participate in an internship	SD	D	N	A	SA

Degrees of Satisfaction: The Effect of Higher Education on Police Officer Job Satisfaction

Todd Lough, PhD, Assistant Professor, School of Law Enforcement and Justice Administration, Western Illinois University
Bonny M. Mhlanga, PhD, Associate Professor, School of Law Enforcement and Justice Administration, Western Illinois University

Introduction

No matter what the occupation, the level of satisfaction a person feels toward their work almost certainly affects the way they do their job. This is perhaps even more the case for those whose job requires interaction with other human beings under difficult, stressful, and sometimes dangerous circumstances. Job satisfaction is an important topic in the study of policing, both because it undoubtedly affects job performance and because it may affect the length of time an individual remains a police officer. In this article, we examine both demographic and work-related factors that may have an effect on the level of satisfaction a police officer feels in regard to his or her job. Of these factors, we focus in particular on the importance of postsecondary education on job satisfaction in police officers. We hypothesize that although increased education may improve the working abilities of officers, it may also have the less positive effect of creating more restless and dissatisfied officers, especially once their level of education rises above the baccalaureate level. To accomplish this research, a large-scale survey of law enforcement officers in Illinois was conducted to provide data from a variety of geographic locations and law enforcement agencies within the state.

Literature Review

Before presenting our analysis, it is important to first examine what previous scholarship has asserted about both the factors affecting police officer job satisfaction and the role of higher education in policing.

Job Satisfaction and Demographic Factors

Several previous studies have attempted to analyze the effect of certain demographic characteristics on officers' levels of satisfaction. These demographic factors traditionally have included age, time on the job or experience, rank, gender, race, and level of education.

Age, experience, and rank are often discussed in conjunction given the likelihood that the older an officer is, the more likely they are to have attained a higher level of experience and rank. Studies by Dantzker (1992, 1994) and Rhodes (1983) found job satisfaction to be higher among newer and younger officers. Satisfaction with their work was found to diminish as experience began to create a gap between their expectations of the police role and the realities of the job. This disenchantment was found to level-off at the 10- to 15-year mark of an officer's career. Both

Rhodes (1983) and Burke (1989) suggest that officers' levels of satisfaction begins to rebound later in their careers as the bar is lowered and their expectations are altered to match the job they perform. The effect of rank on job satisfaction has not been clearly determined to this point, with Dantzker (1992) and Sheley and Nock (1979) finding a reduction in satisfaction as rank increases, while Hoath, Schneider, and Starr (1998) and Forsyth and Copes (1994) found experience and rank to promote higher levels of job satisfaction.

Studies on the effect of gender on job satisfaction in policing have had both predictable and surprising results. Although it is well-documented that women entering policing face special challenges and additional stressors (Wexler & Logan, 1983), in large part because of the attitudes of their male counterparts (Worden, 1993), apparently these have not led to greatly diminished levels of job satisfaction among female officers. Dantzker (1994), Dantzker and Kubin (1998), and Buzawa (1984) found no evidence to indicate female officers were less satisfied with their jobs than male officers, though Krimmel and Gormley (2003) did find evidence that female officers were more satisfied with their work in departments where women comprised at least 15% of the total force.

Much like gender, evidence of the effect of race on officer job satisfaction is mixed. While Krimmel and Gormley (2003) did find evidence that minority officers had somewhat lower levels of job satisfaction, Felkenes and Lasley (1992) found race to be a very poor predictor of satisfaction on the job. Though no studies have yet confirmed this, as with female officers, the relative representation of minority officers as a percentage of the police department they serve may play a role in determining job satisfaction. Normally, with numbers come empathy, support, and influence.

Job Satisfaction and Education

Numerous recommendations over the years for postsecondary education to become a requirement for those pursuing a career in law enforcement have come from a variety of circles. National studies like the National Commission on Law Observance and Enforcement (a.k.a. the Wickersham Commission) (1931), the President's Commission on Law Enforcement and the Administration of Justice (1967), the National Advisory Commission on Criminal Justice Standards and Goals (1973), and Sherman and the National Advisory Commission on Higher Education for Police Officers (1978) all called for college coursework, or even college degrees, to be phased in as eventual prerequisites for aspiring police officers. These recommendations, as well as more recent ones such as Paoline and Terrill (2007), were predicated in part on the belief that a college education would promote police professionalism and improve the critical thinking and communication skills of officers and, consequently, improve their performance on the job.

Although the call for officers to be more educated in order to provide better police service is an important and convincing one, it may fail to consider the collateral effects of education. Namely, are more educated officers more or less likely to be satisfied with their jobs, and how will that level of satisfaction affect their performance? In recent years, more attention has been given to these questions. Unfortunately, here the evidence is mixed as well. While Krimmel and Gormley

(2003), Dantzker (1992), and Buzawa (1984) all found evidence that increased levels of education lead to increased job satisfaction, Jones, Jones, and Prenzler (2005), Winfree, Guiterman, and Mays (1997), and Buzawa (1984) found no significant relationship between education and job satisfaction. It is in part because of this contradictory evidence that we have chosen to focus on education as a potential predictor of job satisfaction in our analysis.

Job Satisfaction and Organizational Factors

Demographic characteristics are not the only potential factors affecting the level of job satisfaction of police officers. The organizational environment can also play an important role in how officers view their work and how they gain, or fail to gain, satisfaction from it. Organizational factors include concrete variables like rates of compensation and benefit levels, but also less tangible factors like the importance of the job, opportunities for adventure, increased status, and the ability to help people. Previous studies have suggested that these nonmaterial factors play the largest role in attracting new recruits to policing and significantly affect their level of satisfaction once they get on the job. Krimmel and Tartaro (1999) and Ragnella and White (2004) both found that the excitement of the job, the ability to help others, the opportunity to fight crime, and the acquisition of status were primary motivators for those pursuing a policing career. Consequently, the ability to perform these tasks and pursue these goals once on the job has a potentially important effect on job satisfaction (Carlan, 2007). The disenchantment experienced by most police officers within a few years of starting their career is often a product of experiencing the lack of excitement on a daily basis, the inability to help many people, the obstacles to fighting crime, and the illusory increase in status. Both Haar (2005) and Seidel and Courtney (1983) found that officers who resign often do so out of feelings of stagnation and disappointment with the inability of the job to meet their earlier expectations.

Methods

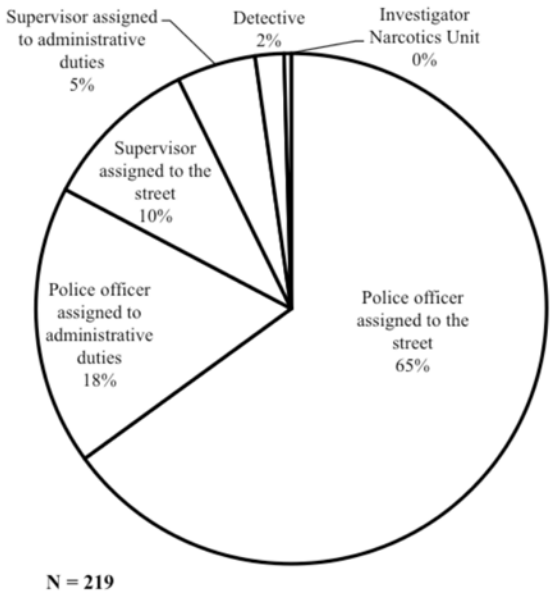
The sample for this study was made up of 218 surveys collected from five police departments of varying size and location within the State of Illinois. Responding officers were asked to answer a list of 30 questions regarding their beliefs, feelings, and attitudes toward their jobs in general, and toward certain police tasks in particular. The survey instrument employed a 5-point scale, ranging from A = *strongly agree* to E = *strongly disagree*, and recorded professional and personal demographics such as the officer's race, gender, age, marital status, educational level, job position within the department, number of years of police service, and number of hours worked per week. The questionnaires were distributed either via mail or at the respective departments' roll calls. A copy of an abbreviated version of the survey instrument is provided in the Appendix.

Results

Not surprisingly, the results from the univariate analysis of the data showed that the majority of the responding officers were male (82%). Their racial breakdown was white (81%), African American (10%), Hispanic (6%), and those classified as other races (3%). Most of the officers in the sample were between the ages of 30 and 50, with the majority of those officers being between the ages of 37 and 44 (44%).

The rest of the officers were aged between 29 and 36 (22%), 45 and 52 (14%), 21 and 28 (12%), and 53 years old or older (8%). Over 70% of the officers in the sample were married, with 14% having never been married and 12% divorced. The majority of the responding officers had some postsecondary education, with the highest number of them having earned a bachelor's degree (42%) followed by those with an associate's degree (25%) and a master's degree or higher (8%). The remaining officers had either earned a high school diploma or GED. Most of the officers sampled had considerable experience as police officers, with the majority having had 11 to 20 years on the job (45%) and others 21 or more years (21%), 6 to 10 years (17%), and five or fewer years on the job (16%). As shown in Figure 1 below, 85% of those who responded held the rank of either patrol officer or detective, with 65% of those officers working the street. The remainder of the respondents held the rank of supervisor, with two-thirds of them assigned to the street.

Figure 1. Respondents' Job Positions



In this study, we also employed a bivariate analysis of the data in order to determine the effect of each of the several demographic variables on the level of job satisfaction of police officers. Job satisfaction was ascertained using a variety of questions designed to elicit a clearer picture of the respondents' overall attitudes toward their work. However, our main focus in this research was to discover the effect of level of education on police officer job satisfaction.

Overall, most of the officers surveyed were satisfied with their jobs, with over 68% responding that they were satisfied on some level. However, of those with postsecondary education, the more educated the officer was, the less likely they were to be satisfied with their work. It was found that the group with the highest

proportion of dissatisfaction with their jobs (29.4%) were those officers with a master's degree or higher, which was greater than the proportion of similar dissatisfaction with their jobs among those with a bachelor's degree (18.5%). Although there was a difference in the proportions of job satisfaction based on the educational level of the police officers, that difference was found to be statistically insignificant ($p = 0.787$). Additionally, the strength of the association between those variables was also weak (Cramer's V = 0.104). However, this result gives some support to our hypothesis that increased education beyond the bachelor's degree may provide officers skills with which they can better serve the departments and cities that employ them but also increases the likelihood that they will become dissatisfied with the challenges and opportunities that such a job provides.

When asked whether they would encourage their children to pursue policing as a profession, a majority of the officers surveyed were either neutral on the issue or would discourage their children from such a career. For those with a postsecondary education, the more educated the officer, the more likely they were to discourage their children from a career in policing. This is logical given the lower levels of overall job satisfaction among the more highly educated in the sample. If officers are unhappy in their current profession, they would be unlikely to encourage their loved ones to pursue the same line of work. As with the job satisfaction result, the difference in the proportions of whether or not officers would encourage their children to pursue policing as a profession based on the educational level of the officers was found to be statistically insignificant ($p = 0.763$). Additionally, the strength of the association between those variables was weak (Cramer's V = 0.107).

On the question of whether they would change careers if offered a job for equal pay and benefits outside policing, there was an almost equal distribution of officers between those who responded that they would (41.7%) and those who responded that they would not (41.3%), with 17% of them remaining neutral on the issue. Among those officers with postsecondary education, those with a master's degree or higher were most likely to change careers, with 53% responding that they would change careers. Only 23.5% of the officers from this category responded that they would not be likely to change careers, which was nearly 20% lower than every other educational cohort in the survey. This result is consistent with responses on the earlier questions. Those who were both less satisfied with their work and had attained a higher level of education were more likely to say that they would pursue other occupational opportunities. Again, despite the difference in the proportions of whether or not police officers would change careers if offered a job for equal pay and benefits outside policing based on the educational level of the officers, that difference was found to be statistically insignificant ($p = 0.158$). Additionally, the strength of the association between those variables was weak (Cramer's V = 0.165).

When officers were asked whether their department as a whole looks after the welfare of its officers, the results were stark if not surprising. The vast majority of those surveyed, across the educational spectrum, over 77%, responded that their department did not look after the best interests of its officers. In this case, the group with the highest level of education was slightly more likely to believe the department was looking out for their interests. Although, even in this case, the proportion of officers with a master's degree who held that opinion was only 11.8% compared to the proportion of those who were suspicious of the department's commitment to its employees (82.4%).

Conclusion

Our research indicates that police departments face a dilemma. Encouraging and providing resources for additional education for their employees is important and has been shown to improve the job performance of their officers. In an increasingly complex, litigious, and interconnected society, it is important for police officers to constantly be growing and developing their abilities to respond to the needs of the citizens they serve. However, with the expansion of an officer's education often comes an expansion of both expectations and the desire for new opportunities. Our research indicates this is especially the case for those officers who pursue a graduate education.

It will always be a challenge for police departments to provide the opportunities for promotion, reassignment, and recognition necessary to motivate and satisfy their officers. This challenge is especially apparent in regard to their most educated officers, who, according to our research, may experience higher levels of dissatisfaction with the job than their coworkers. As more departments offer tuition reimbursement programs for their employees, and as increasing numbers of officers take advantage of these opportunities to pursue graduate education, the challenge may become more acute. It is not our recommendation that police departments discourage graduate education among their officers but, rather, that they recognize that special efforts may be necessary to retain and motivate the better educated among them.

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Dr. Todd Lough is an assistant professor in the School of Law Enforcement and Justice Administration at Western Illinois University. Prior to beginning his teaching career, Dr. Lough worked for nine years as a Chicago Police officer in various capacities, including patrol officer, gang and tactical officer, neighborhood relations officer, and gang violence analyst.

Bonny M. Mhlanga, PhD, is currently an associate professor in the School of Law Enforcement and Justice Administration, and has been an LEJA graduate faculty member since 2005. Dr. Mhlanga received his PhD in 1993 (published in 1997) and MS degree in 1984, both from the University of Surrey in the United Kingdom. Previous to joining Western Illinois University, he worked as a Senior Research Officer in the Research, Development and Statistics Directorate of the UK Home Office and for the Department of Criminology and Criminal Justice at Hull University.

Appendix. Police Officer Job Satisfaction/Attitude (Abbreviated Version)

Please circle the one response for each question that most accurately describes your opinion:

A = Strongly Agree, B = Agree, C = Neutral, D = Disagree, E = Strongly Disagree

1. I am satisfied with my job as a police officer.
2. Other police officers in my department respect me.
3. I am satisfied with my pay.
4. I am satisfied with my benefits.
5. I have a great deal of job security.
6. I am satisfied with the degree of freedom that I am given in the course of my job.
7. I find police work to be exciting and full of adventure.
8. I have a great deal of authority in my job.
9. I am respected by the members of the community I serve.
10. I have many opportunities to help members of the public in the course of my job.
11. I am effective in my efforts to enforce the laws of society.
12. I would support my child's choosing policing as a profession.
13. The possibility of being sued affects my behavior as a police officer.
14. Being falsely accused of misconduct is an unavoidable part of being a police officer.
15. If I had a job offer for equal pay and benefits outside policing, I would change careers.
16. I work only the minimum amount necessary to satisfy my supervisors.
17. Most police officers I know work only the minimum amount necessary to satisfy their supervisors.
18. It is very important to me that the public I serve have a positive image of the police.
19. I am regularly concerned about whether I am being an effective public servant.
20. The testing procedures for promotion in my department are fair and unbiased.
21. Police officers have good reason to be distrustful of most citizens.
22. My immediate supervisor looks out for the welfare of his or her officers.
23. My police department as a whole looks out for the welfare of its officers.
24. In order to effectively do their jobs, police officers must sometimes overlook search-and-seizure laws and other legal guidelines.
25. Enforcing the law is by far a patrol officer's most important responsibility.
26. Performing non-law enforcement acts of public service is a patrol officer's most important responsibility.
27. A good patrol officer is one who patrols aggressively, stopping cars, checking out suspects, running license plates, and so forth.
28. There are often good reasons for not arresting someone who has committed a minor criminal offense.
29. Do you believe community policing is an effective strategy for reducing crime?
30. Do you believe community policing is an effective strategy for improving the relationship between the police and the community?

Marital Status:
a. Never Married
b. Married
c. Divorced
d. Separated
e. Widowed

Hours Worked/Week (Average):
a. 40
b. 41-50
c. 51-60
d. 61+

Police Partner:
a. Male Partner
b. Female Partner
c. No Partner

Job Position:
a. Police officer assigned to the street
b. Police officer assigned to administrative duties
d. Supervisor assigned to the street
e. Supervisor assigned to administrative duties

Gender:
a. Male
b. Female

Race:
a. White
b. Black
c. Hispanic
d. Asian
e. Other

Age:
a. 21-28
b. 29-36
c. 37-44
d. 45-52
e. 53+

Highest Level of Education:
a. GED
b. High school
c. Associate's
d. Bachelor's
e. Master's
f. JD
g. PhD

Years of Police Service:
a. Less than 1
b. 1-5
c. 6-10
d. 11-20
e. 21+

Population of the City You Serve:
a. Over 1 million
b. Between 100,000 and 1 million
c. Between 50,000 and 100,000
d. Under 50,000

The Role of Environmental Indicators on the Perceptions of Crime of the Elderly

Michael Arter, Pennsylvania State University–Altoona College
John A. Lewis, Indiana University of Pennsylvania

Fear of Crime

There has been an extensive amount of research conducted over the past several decades on quality of life issues for the elderly. The wide discrepancies between various studies, both current and previous, have been explained or rationalized in numerous ways. With the aging of the "Baby Boom" generation, as well as evolving medical and personal care practices, the elderly population in the United States is growing exponentially and will continue to do so. Census Bureau data indicate that in 1980 there were 35.6 million citizens over the age of 60. That number had risen to 48.6 million in 2006.

One of the factors which can impact the quality of life for the elderly is the perception and fear of crime among the elderly population. The fear of crime among the elderly has been the focus of numerous studies over the past several decades. Unfortunately, there is little consensus among researchers and a wide swing in findings from one decade to another. Basically, earlier studies reported fear of crime among the elderly as a significant problem or concern of the elderly, and more recent research indicates the elderly are no more afraid of crime than any other age group.

The Literature

Miethe and Lee (1984) cite federal government studies which reported that among the elderly, the fear of crime ranked higher than concerns of income, health, and housing issues. This seemed to be the trend for research conducted in the 1970s and '80s. A common theme among these earlier studies was that gender was a significant predictor of fear of crime among the elderly (Akers, LaGreca, Sellers, & Cochran, 1987; Clarke & Lewis, 1982; Lee, 1982; Ortega & Myles, 1987; Pain, 1995; Ward, LaGory, & Sherman, 1986; Warr, 1984). Race also had been reported as a strong predictor of fear of crime by the elderly (Donnelly, 1988; Ortega & Myles, 1987). More recent studies almost universally report that fear of crime is *not* directly correlated with age (Mawby, 2004; Sacco & Nakhaie, 2001; Shields, King, Fulks, & Fallon, 2002; Ziegler & Mitchell, 2003). Other salient factors which have been examined and have shown mixed results in regard to the fear of crime among the elderly in this body of research include lifestyle (Mawby, 2004), victimization experience (Ziegler & Mitchell, 2003), education (Shields et al., 2002), media impact (Ziegler & Mitchell, 2003), living alone (Greve, 1998), and geographic location (Akers et al., 1987).

Changing conditions, changing populations, desensitization, adaptive coping strategies, stronger social or service support, and numerous other variables of concern which have evolved over the two-decade span of this literature could be used to explain some of the variation among findings. However, the methodological rigor applied in many studies also must be considered when explaining variation among researchers as Greve (1998) points out rather aggressively.

One common methodological issue noted by numerous studies is the issue of identification and measurement of fear of crime. While there are some studies in which the methodology itself is questionable and some where the sample was cause for concern regarding the findings, the issue of measurement is cited by several contemporary researchers as the primary reason for discrepant findings across studies (Greve, 1998; Mawby, 2004; Sacco & Nakhaie, 2001; Shields et al., 2002; Ziegler & Mitchell, 2003).

In general, it appears that attempting to measure the fear of crime is more difficult than considered, and there is no consensus as to what the fear of crime actually means. Consequently, not only does the validity of the body of research come into question, but also the reliability. Basically, we are not measuring what we think we are measuring and then we are comparing findings which have different meanings to both the population being measured and the researchers conducting the measurement. One variable for which there appears to be a consensus regarding both conceptualization and operationalization is victimization.

Numerous studies have considered victimization measures in the assessment of fear of crime among the elderly (Akers et al., 1987; Clarke & Lewis, 1982; Donnelly, 1988; Greve, 1998; Miethe & Lee, 1984; Smith & Hill, 1991; Warr, 1984; Ziegler & Mitchell, 2003). Although the risk of victimization has been shown to decrease with age (Smith & Hill, 1991), Ziegler and Mitchell (2003) cite numerous studies which have found that both direct and vicarious victimization are correlated with the fear of crime (p. 175). In regard to vicarious victimization and the fear of crime among the elderly, the role of the media must be considered as a contributing factor.

Many elderly rely heavily on television and newspapers for "factual" information. Considering the obvious sensationalized slant of each of these media, it is intuitive to assume that the often lopsided presentations seen and read by the elderly are influential on their perception of levels of crime, crime rates, and, consequently, the fear of victimization, both personal and vicarious. Gerbner and Gross (1976) developed the Cultivation Theory directly addressing this phenomenon. His theory premises that watching television, over time, affects a viewer's perception of reality. This "cultivation" of the viewer's perception is more dramatic as the exposure to television is increased. Accordingly, if the elderly are exposed to the numerous violence-related programs which permeate current television programming, their perception of the world may be that it is more dangerous than it really is. Along with this faulty perception comes a higher level of fear of crime than may be warranted.

Perception plays a huge role in assessing levels of fear of crime in the elderly or any other age group. Reported fear of crime is based on the perception of levels of crime or crime rates within the reporting area. Fear of victimization can be based on the perception of vulnerability and again the perceived level of crime (threat). Mawby (2004) points out that while age cannot be solidly linked to increased vulnerability, ill health and anxiety over other issues can lead to increased levels of fear and worry (p. 2).

Regardless of the statistical crime rates and reported victimization, for the elderly (and for anyone else for that matter), perception is in fact reality. The immediate study attempts to assess how reported perceptions of environmental indicators of crime and fear of victimization relate to the perception of crime in the community. There is no attempt made here to assess the fear of crime per se; however, based upon previous literature and intuition, we premise that there is a defined and logical

relationship between the perception of crime by the residents in a community and the elusive concept of "fear of crime."

Methodology

Overview

This study explored whether various perceptions held by individuals residing in Housing and Urban Development (HUD) communities in a rural northeastern city affected their perceptions about the crime rate in their community. Specifically, the study attempted to determine whether daily observations made in the community by the residents, their fear of being outside their residence in the community after dark, their age, and their gender impacted their perceptions about crime rates in the community.

Sample Selection and Rationale

Participant Selection

Convenience sampling was used to obtain the 142 residents who participated in this research. Researchers canvassed two adjoining HUD communities requesting that residents participate in the survey. At each apartment, the primary occupant(s) over age 18 were requested to participate. Every resident who was available during the data collection period was afforded the opportunity to participate by completing a survey.

Overall, the return rate for the surveys was approximately 42% (N = 142), which was determined by using the number of surveys completed divided by the number of occupants identified by HUD records as residing in the communities. An analysis revealed there were no statistical differences on the variables of interest between the surveys returned from the two HUD communities.

Survey Design

Dependent Variable

Respondents were asked to respond to a series of seven statements designed to capture their perceptions about the commission of felony crimes in the community. The crimes included drug dealing, armed robbery, burglary, violent assaults, sexual assaults, family violence, and theft. The participants were asked whether each of these crimes were problematic in their community, with four response categories ranging from one (1) "not a problem" to four (4) "more of a problem." A factor analysis indicated that the seven statements formed a unitary construct with a Cronbach's alpha of 0.962. The respondents' scores for the seven statements were combined to form the dependent variable (perceptions of felony crimes, response range 7 to 28).

Independent Variables

Three survey statements were used in an attempt to measure the respondents' fears of victimization in public areas within the community after dark. The statements were (1) How safe is it to walk alone after dark? (2) How safe is it riding a bus after dark? and (3) How safe is it waiting for public transportation alone after dark? The responses ranged from one (1) "very safe" to five (5) "very unsafe." A factor analysis

indicated that the three statements formed a unitary construct with a Cronbach's alpha of 0.853. The respondents' scores for the three statements were combined to form the independent variable (fear of victimization, response range 3 to 15).

Seven survey statements were asked in an attempt to measure the respondents' perceptions about environmental indicators of crime in their community. The environmental indicators included signs of vandalism, groups of teenagers hanging around public places, youth gangs, graffiti on community buildings, garbage on the streets and/or sidewalks, people openly consuming alcohol, and people using illegal drugs. The participants were asked whether these environmental indicators were present in their community, with four response categories ranging from one (1) "not a problem" to four (4) "more of a problem." A factor analysis indicated that the seven statements formed a unitary construct with a Cronbach's alpha of 0.915. The respondents' scores for the seven statements were combined to form the independent variable (environmental indicators of crime in the community, response range 7 to 28).

Control Variables

The participant's gender and age were included in this study as control variables. Gender was coded as either female (0) or male (1). Age was listed in years as reported by the participant. Since age ranged from 28 to 93 years old, it also was recoded into a dichotomous variable (ages 28 to 64 = 0 and 65 to 93 = 1), which placed 52% of the participants in the younger age group and 48% of the participants in the older age group. Both the continuous age variable and the dichotomous age variable were interchanged in regression models to determine the effects of age on the perception of felony crimes in the community.

Strengths and Limitations of Method and Design

Strengths of Method and Design

The primary strength of this design was its reliance on a survey that could be easily completed by the participants. The survey was only one page long, and the respondents needed only to read the questions and circle the numerical response they believe best indicated their perceptions about the topic. The survey could be swiftly completed with minimal intrusion on the respondents' time, which should have increased response rates over a longer, more comprehensive survey instrument.

Limitations of Method and Design

A limitation for this methodology is the trade-off between using a short survey designed to enhance response rates rather than a longer, more comprehensive survey which offers greater insight into the perception of the community members. The limitation appears to have been unavoidable. Even using a shorter survey, response rates remained below 45%. Another limitation of this study is the manner in which the surveys were distributed. Undergraduate students were assigned to each housing community for weekly delivery of the survey instruments. There were several complaints by the residents regarding the "college kids" allowed in the building as well as reports from the students that they were told to "get out" and "leave [me] alone." The obvious contentious relationship some residents held toward the students most likely affected the return rate of the weekly surveys.

Data Analysis

Participant Overview

Survey participants were 142 residents of two neighboring HUD housing complexes, which included 91 females (64.1%) and 51 males. The mean age of the participants in years was 65.62, with 48% being age 65 or older. Descriptive statistics for all variables of interest are located in Table 1, and the variable correlation matrix is located in Table 2.

The correlation matrix indicates that although several of the independent variables have a significant relationship at the 0.05 or 0.01 level, the relationships are weak, remaining below 0.230 (fear of victimization and gender). A strong correlation between two independent variables could cause multicollinearity problems between the two variables. Multicollinearity occurs when two or more independent variables are highly correlated with one another. When multicollinearity occurs among the independent variables, it is difficult to distinguish the independent effect each has on the dependent variable (Bachman & Paternoster, 1997). The correlation matrix suggests that there is not a problem with multicollinearity between the independent variables.

Table 1. Descriptive Statistics for Regression Model Variables (N = 142)

Variable	Mean	SD	SE
Perception of felony crimes	16.45	7.935	0.666
Fear of victimization	10.58	3.176	0.267
Environmental indicators	16.70	6.895	0.579
Age	65.62	10.000	0.839
Gender	0.36	0.481	0.040

Table 2. Correlation Matrix for Regression Model Variables (N = 142)

Variables	1	2	3	4	5
1 Perception of felony crime	1.00	--	--	--	--
2 Fear of victimization	0.176[a]	1.00	--	--	--
3 Environmental indicators	0.789[b]	0.208[a]	1.00	--	--
4 Age	-0.003	0.075	-0.002	1.00	--
5 Gender	-0.022	-0.229[b]	-0.068	-0.100	1.00

[a] $p < 0.05$; [b] $p < 0.01$

Regression Model

Interval level or dichotomous data were collected on the four independent variables and the one dependent variable. Multivariate regression was used to determine if the respondents' perceptions about felony crime in the community could be predicted based on the four variables of interest (i.e., fear of victimization, environmental indicators, age, and gender).

In the formula $\hat{Y}=\alpha+\beta_1X_1+\beta_2X_2+\beta_3X_3+\beta_4X_4+\varepsilon$, $\hat{Y}$ represents an estimate of the respondent's perception about felony crime in the community. β1 through β4 are slope weights for the four variables of interest, and ε represents the measurement

error in the Y variable. X1 represents the participant's fear of victimization if out alone in the community during the hours of darkness; X2 represents the participant's perceptions about the environmental conditions in the community that could be indicators of crime (i.e., multiple youths congregating in the area, vandalism, graffiti, garbage in the street or sidewalks, AOD abuse, etc.); X3 represents the participant's age measured in years; and X4 represents the participant's gender (female or male).

A multivariate regression analysis (Table 3) was conducted to determine if the four variables of interest were useful indicators for predicting how the participants perceived the felony crime rates in their respective communities. For this model, the "environmental indicators" variable was significantly related to the perception of felony crimes in the community ($F_{[4, 137]} = 56.685$, $p < 0.001$). The model's multiple correlation coefficient was 0.790. The model showed that for this sample, approximately 62.3% of how they perceived the crime rate in the community could be explained by the four variables used in the model.

The model's explanatory power remained virtually unchanged when the dichotomous age variable (under 65/65 and older) was inserted into the model in place of the continuous age variable. Interestingly, when the dichotomous age variable was inserted into the model, the unstandardized coefficient changed from 0.000 ($t = 0.006$, $p = 0.995$) to -0.737 ($t = -0.881$, $p = 0.380$), suggesting, at least for this sample, that as participants moved from the under 65 age category to the over 65 age category, their positive perceptions about crime in the community diminished.

Table 3. Regression Model for Perception of Felony Crimes (N = 142)

Variable	B	SE	Beta	*t*
Constant	0.567	3.230		0.175
Fear of victimization	0.050	0.138	0.020	0.362
Environmental indicators	0.906	0.062	0.787	14.674[c]
Age	0.000	0.042	0.000	0.006
Gender	0.593	0.891	0.036	0.666

Note: $R^2 = 0.623$ and $F_{(4, 137)} = 56.685$

[c] $p < 0.001$

The results in Table 3 indicate that for this sample, age, gender, and the fear of victimization were extremely poor predictors of the participants' perceptions of crime in their communities. When these three variables were entered into an OLS equation, omitting "environmental indicators" from the model, the three variables combine for an R^2 value of 0.031. Inversely, when a bivariate regression is performed using "environmental indicators" to predict perceptions about crime, the model produces an R^2 of 0.622 ($F_{[1, 140]} = 230.37$, $p < 0.001$).

In summary, of the four variables hypothesized to be significant predictors of an individual's perception about the prevalence of crime in their community, only the "environmental indicators" variable was found to have a statistically significant, positive relationship.

Discussion

In this research, we provide evidence which once again reinforces previous findings that age and gender are not factors which influence the perception of participants regarding felony crimes in the community. Additionally, fear of victimization was shown to have no predictive value for participants' perceptions of crime in their communities. Each of these findings is consistent with the findings of the majority of existing literature regarding the elderly's fear of crime.

Our research adds to the current research by incorporating the concept of environmental indicators to the other demographics examined. Although several of the studies examined in this research skirt environmental indicators, none address this concept directly as is presented in the immediate study. The perception of felony crime in their respective communities, while it may not be warranted by actual crime data, is influenced significantly by the conditions of the community itself regarding the potential for felony crimes.

The data strongly support the Broken Windows Theory in that even the perception of a rundown area causes the perception of a more crime-friendly environment. Also, these data indicate that the perception of crime appears to be curve linear in that it increases from about age 28 (the start of the data) up through age 55 where it plateaus until about age 77 when it starts to slowly decline again. This is most likely a result of lifestyle changes which limit contact with the communities of concern and the elderly obtaining the "facts" about the real world from television and other media outlets.

The elderly account for a significant number of calls for service which may not be warranted based on the actual criminal activity occurring at and around the housing centers they occupy. These calls for service require the allocation of resources which may be stretched to capacity in many jurisdictions. As our elderly population grows and gains a louder voice in political issues, it is important to provide elderly housing areas with information regarding actual crime taking place in their area. Basically, we need to educate the elderly in regard to the actual threat in order to mediate the perception they may have of the area in which they live. Allocating minimal resources on a consistent basis, and particularly after major violent crimes, has the potential to relieve pressure on resources during more critical times for responding law enforcement agencies.

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Contact Information
Michael Arter
Pennsylvania State University–Altoona College
3000 Ivyside Park
Altoona, PA 16601
(814) 949-5649
Fax: (814) 949-5774
mla14@psu.edu

John A. Lewis
Indiana University of Pennsylvania
106 Wilson Hall
411 N. Walk
Indiana, PA 15705
j.a.lewis@iup.edu

Vigilante or Victim: The Role of Police Interactions in Shaping Adolescent Behavior

Martha L. Shockey-Eckles, PhD, Department of Sociology and Criminal Justice, Saint Louis University

Police Perceptions of Juveniles and the Role of Interaction in Shaping Adolescent Behavior

Since the early 1900s, scholars and practitioners alike have been interested in the factors that shape adolescent behavior. Of particular interest have been those factors that contribute to law violation and delinquency among society's youth. When considering the inordinate amount of scholarly interest in juveniles, particularly delinquents, what becomes interesting is the paucity of research that exists with regard to police-juvenile interactions and how those affect adolescent behaviors (Allen, 2005; Pope & Snyder, 2003). Police serve as the "gatekeepers to the Criminal Justice System" (Allen, 2005; Pope & Snyder, 2003; Ryder & Elrod, 2005). Precisely because of this key role played by law enforcement, researchers have been negligent in their failure to study the discretion afforded police and their interactions with the juveniles they encounter. Many, particularly labeling theorists, would claim the youth's initial encounters with these same gatekeepers may well lay the groundwork for their later life experiences that often lead to delinquency (Becker, 1963; Orcutt, 2002; Sumner, 1994; Tannenbaum, 1938).

It goes without saying that a plethora of scholarly research focuses on issues of race, social class, suspect demeanor, and the unjust treatment of select groups within society (Allen, 2005; Loughran, Mulvey, Schubert, Fagan, Piquero, & Losoya, 2009; Skolnick & Fyfe, 1994; Stewart, Baumer, Brunson, & Simons, 2009; Worden & Shepard, 1996). Yet little is known about the individuals whose negative experiences with police represent anomalies to the research findings. These individuals cannot be theoretically pigeon-holed or easily explained. They do not fit the demographics described above, but, as a result of early life experiences with the police, they find themselves targeted by law enforcement for years to come. This paper addresses just such a lived experience—one which dramatically altered one individual's life and the political structure of an entire community. That same incident may well serve as the impetus needed to affect legislative efforts aimed at changing the hiring practices of law enforcement agencies nationwide. In so doing, this one individual may well contribute to bringing an end to what is known as the "officer shuffle" (see Goldman, 2003; Goldman & Puro, 1987, 2001).

The work presented here emerges from a larger, ongoing qualitative study of police-resident interactions in St. Louis, Missouri, and its surrounding municipalities. Drawing from in-depth interviews of local police and residents (both criminal and noncriminal) along with detailed observations and recordkeeping, I first focus on the attitudes of local police toward juvenile offenders and their beliefs regarding the effectiveness of the juvenile justice system. Attention is then turned toward the personal story of one individual—Brett Darrow[1]—whose first encounter with local

law enforcement occurred at the age of 17. This experience would not be his last. Martyred by some, despised by others, Mr. Darrow is a St. Louis area native with a story to tell. His is a story unparalleled by any other.

Methods and Setting

As previously stated, the paper presented here derives from a larger ongoing study designed to examine interaction styles utilized by members of the St. Louis Metropolitan Police Department when dealing with local citizens, both criminal and noncriminal. My interest in the officer shuffle and its impact on community relationship building first emerged from a September 7, 2007, incident involving an interaction between a St. George, Missouri, police officer and Brett Darrow, a white, teenaged male.

Recognizing the importance of cultural context in shaping interaction, from its inception, the study itself has demanded an ethnographic, grounded theory approach. The information gained from in-depth, semistructured interviews, informal conversations, and unobtrusive observation is augmented with detailed fieldnotes maintained during the research act, thus allowing for the rich description so necessary to understanding the nuances of police-resident interaction. Remaining true to the work of Glaser (1978, 1992) and Glaser and Strauss (1967), the findings themselves constitute the core of the project, thus providing a picture of "what is" (Glaser, 1978, 1992; Glaser & Strauss, 1987) in the unique culture that has evolved over time as St. Louis area police officers and local residents interact.

Since initiating the project in October 2006, 29 formal interviews have been conducted with police officers, conforming residents, and self-identified criminals. During this same time period, I have informally talked with and observed the actions of well over 100 officers affiliated with the St. Louis Metropolitan Police Department (SLMPD) and surrounding communities. Each formal, taped interview lasted approximately 90 minutes, and three follow-up sessions have been conducted with select interviewees in order to clarify information provided or to expand upon a topic introduced during the first meeting.

With the permission of the interviewees, all sessions were taped and later transcribed for analysis. Each interviewee was assured his or her identifying information would remain confidential in nature. This assurance was enhanced by a Saint Louis University (Institutional Review Board) approved Informed Consent Document which both the interviewer and interviewee signed. All tapes are coded, and no identifying information is revealed during the course of the interviews. Master code lists and the accompanying Informed Consent Documents are maintained in a separate, locked facility with no access allowed to anyone other than the interviewer.

The fieldwork described here has required in-depth observations of those most central to the larger ongoing study—members of the SLMPD. More than 50 hours have been devoted to formal observation during ride-alongs with Third District officers working all available shifts and time spent with the detectives assigned to the highly specialized units of the SLMPD. Following each observation, copious fieldnotes were recorded and a personal journal has been maintained in order to ensure that subtle nuances, so important to rich description, are not lost over time and as the project progresses.

All transcripts and accompanying fieldnotes have been hand-coded as relevant concepts, categories, and theoretical implications have emerged. Respect for the emergent quality of this project demanded a certain intellectual naiveté upon entry into the field, for such is the nature of the beast referred to as qualitative fieldwork. Respect for objectivity and verification demanded triangulation; what was presented as fact by any interviewee was deemed reliable only if, and when, at least two unrelated sources confirmed the original information.

The findings presented here are intended to have a life. The goal is, at all times, to uncover and disseminate information that is relevant, timely, and of practical use, thus transforming theory into praxis. The intended audience comprises those—the scholars, practitioners, and lawmakers—who will most benefit from the information obtained regarding the local presence and actions of the gypsy cop. The secondary goal is to bring to life the necessary understanding that effective social control requires collaboration between all facets of society. Simply put, social control is, and should be, a community effort.

Kids, Cops, and Cameras

> Kids are more dangerous than the adult offenders. Adults have some idea of the consequences. Kids think they're invincible. I fault the criminal justice system. These kids know if they're 15 there's not much we can do to them. If they're 17, they're going to the Big House—but not if they're 15. We pick up a kid, we call Family Court, and we're told to send them back to their parents.
>
> –Sergeant Jeff Myer (Ret.),[2] Town & Country Police Department

Historically, juvenile crime rates have surpassed those of adults in all areas, including violent offenses. Hence, although the most recent data indicate juvenile arrests remained fairly stable from 2000 to 2006 ("Easy Access to FBI Arrest Statistics," 2009), all is not good news. Simply put, youth crime has been and remains an area of grave concern. Recent data indicate that property offenses declined between the years of 2000-2006, yet there was a concomitant rise in arrests for violent crimes ("Easy Access to FBI Arrest Statistics," 2009). Studies also indicate that race remains a central factor in the discretion used by police at the time of the arrest decision (Pope & Snyder, 2003; Stewart et al., 2009). Data from 1997 indicate that, during that year, African-American males accounted for 44% of juvenile arrests for violent offenses, although Blacks represented only 15% of the general population (Pope & Snyder, 2003). Two contradictory explanations have been given for this disparity. While many claim the juvenile justice system targets minority youth, others are quick to refute this, saying the statistics merely reveal the irrefutable fact that Black juveniles commit the majority of crimes (Pope & Snyder, 2003). Regardless of the efficacy of each position, the fact remains that racial minorities are more often arrested for juvenile offenses. This reality, combined with often sensationalized media portrayals of crime and criminality, largely account for the commonly shared image of the young Black male as the one to be feared as he moves toward a criminal career. Regardless of one's racial background or ethnicity, what is clear is that criminality is often learned within the family itself:

> [When I was working the streets,] I did find one thing that was fascinating—immediately—was that there were these guys that we were stopping that

> were maybe 16 or 17 years old and who knew the system better than I did. I had a degree. I just came out of the Academy, and they knew about the—at the time it was a twenty hour order, now it's a twenty-four hour order—and they were telling me where to go, where not to go as far as the criminal justice system. Things I didn't even know. As far as families—something I found over a period of time a lot of people don't understand is that if we get a call for a drug sale at such-and-such corner, we'd get there and what struck me is that the family members would start showing up and causing a disturbance: "You're harassing them. You know you didn't get a call. You're only here because [of] this reason or that reason." And there's a pattern of that. And I realized that—what I believe in my opinion—is that a lot of these families are criminal families, almost a *criminal enterprise.* These guys are out selling dope and I believe the family members know about it and when someone makes the phone call and they're being harassed by the police, then the family members come by and it's *their job* to harass us to get our focus off of them and now we're trying to defend ourselves. This was a repeated pattern and it happened *all the time.*
>
> –Thomas, Domestic Abuse Response Team (DART),
> St. Louis Metropolitan Police Department

It is apparent from Thomas's statement that officers working for the SLMPD have become jaded—wary if you will—from their experiences with the intergenerational transmission of crime. The reactions of local police result from repeated encounters with specific families over time and across generations. They are also quick to point out that these encounters often have little, if anything, to do with race, ethnicity, or socioeconomic standing:

> You know, [there's this one family], their family crime is murder. They're all murderers. Everybody. We're talking—I mean, you know it's . . . uh . . .—their grandfather, he's in the penitentiary for murder. Father's in the penitentiary for murder. Uncle's in the penitentiary for murder. And some of these murders were committed with other family members. Some of the murders they weren't indicted or they beat the case. They're bums. But, they're all murderers—violent people. I thought of another murder. The father and the son kidnapped and tortured a pawn dealer; killed him. Didn't get convicted of that either. The son beat the whole case. My first contact with these people was [when] one of the brothers ran over somebody with a truck. Never was able to make the case on that. But, in the meantime, what I was working on down on South Broadway area was this girl's on the phone. Talking on the phone. This guy tells her to get off the phone. She didn't get off the phone quick enough for him, so he crushed her skull with a baseball bat. Didn't kill her—at least she was alive the last time I was aware—crushed her head with a baseball bat cuz she wouldn't get off the phone. And that was that one. And then recently the one brother shot the other brother. They were both high. And they're all big into justification. You know, the phone—it was an accident. Or you know, "I meant to hit the lamp." Or it was—with the shooting of the brother—"we were going to shoot some niggers outside," but they were just too high, and the brother got shot instead. They're just—that's a violent family. And their game is murder.
>
> –Rick, Homicide Division, SLMPD

Over 60 years ago, Shaw and McKay (1942) and Sutherland (1947) provided insight into both the cultural and intergenerational transmission of crime among those living in the most impoverished and culturally diverse urban areas. These theories, along with labeling theory, remain influential in explaining juvenile crime. Yet, they are of little value to law enforcement officers who feel disadvantaged by a weakened juvenile justice system and families actively engaged in passing on a culture of criminality:

> State statutes limit us. And because we're dealing with a lot of kids who have learned this at home, they know what the police can and cannot do legally. I've seen kids sent home the same day I pick them up. I've had to take them home. Before I finish filling out the report, they're out the front door and heading home.
>
> –"Ross" (Sergeant), SLMPD

Confronted by adolescents who are more savvy and violent than ever before, law enforcement officers often feel they are fighting an uphill battle in their efforts to control crime and reduce delinquency in the St. Louis metropolitan area. Already frustrated by the realities of policing today's youthful offenders, local officers readily admit that the availability and use of new technology adds to the complexities of any situation involving a minor:

> If, for whatever reason, I have to engage an individual and things go horribly wrong to where a life is taken, I don't care what background the kid is from, the parents, the relatives, and the friends are all going to gather around and the police are going to be to blame. For a veteran police officer, that is probably one of the more prominent background things they think about. What is my public perception? If I have to engage the kid and the news media is here within five seconds and they have this kid's mother saying, "My kid would have never done this"—even though she wasn't there—what is the public going to think? It's always that public thing and how the media plays it out. That, in and of itself, is a safety concern because now we're talking about my job. Now we're talking about *how* I do my job and *if* I do my job.
>
> –"Ross" (Sergeant), SLMPD

It goes without saying that the media have the power to make or break a police officer's career. They also have the ability to shape public perceptions of an entire department. Police departments nationwide are well aware of the power of the press. They are also increasingly aware of the fact that many of the same citizens they protect possess these same capabilities. Modern technology, now in the hands of most local residents, provides the mechanism by which citizens are now able to police the police:

> That is something that is told to police officers. And it's a shame it is told to police officers. There is Big Brother out there. And this is the time of the small cell phone camera. This is the time of the miniature cameras that you have instant access to the Internet where, on your cell phone, you can take video footage, press a button, and it sends it to the Internet and next day everyone is watching it on YouTube. The reasons this is explained to the officers is

> because of reporting procedures. If you use force, you had better make sure that force is justified; and if you use that force, you better articulate that and reflect that into the narrative section of the report and make sure that your "I"s are dotted and your "T"s crossed. Because if you watch a video and your report doesn't reflect that video description, then you can find yourself in hot water. I'm not saying "Hey, use force when there's no camera on you." That's not it. Make sure you are justified in your use of force at that time because the media's out there.
>
> –"Todd," Police Officer and Academy Instructor, SLMPD

As with all contemporary police officers, Sergeant (Sgt) James Kuehnlein of the St. George, Missouri, Police Department was armed with this knowledge when he first encountered Brett Darrow in the early morning hours of September 7, 2007. Yet on this particular night, Sgt Kuehnlein failed to consider the possibility his interactions with Mr. Darrow were being videotaped. Although this was not Mr. Darrow's first encounter with area police, it was *the* event that brought local and national attention to the policing methods of those employed by the neighboring municipality of St. George. The now infamous videotape also placed 20-year-old Brett Darrow in the position of becoming, albeit unintentionally, the poster child for activists seeking legislative change aimed at regulating the hiring practices of police departments nationwide:

> He [Sgt Kuehnlein] presented himself at some point in this encounter, not as a police officer, but as a threat. . . . The majority of people I know including myself are pro-law enforcement, but what we do not want to see is authority abused in this way.
>
> –Redditt Hudson, Racial Justice Manager,
> ACLU of Eastern Missouri
> (Rubin, 2008)

Brett's Story

In 2008, I first read and wrote about Brett Darrow and his now infamous encounter with Sgt Kuehnlein. My interest in this particular incident was an outgrowth of the research I had conducted for a now published chapter on correctional officer misconduct (Shockey-Eckles, 2009). This research introduced me to the officer shuffle and the seminal works of Goldman (2003) and Goldman and Puro (1987, 2001). My intent while researching and writing the paper in 2008 to present at a conference (later published as Shockley, 2009) was to examine public perceptions of safety following the extensive media coverage given the Darrow-Kuehnlein incident and the discovery that many of the 91 municipalities surrounding St. Louis City are policed by disreputable officers who have been discharged from other departments for actions of misconduct. The information I obtained during my time in the field was surprising. I entered the field expecting to hear citizen concerns about the officer shuffle. What I found, instead, were citizens who cared little about the issue at hand. It is the local officers who care deeply about the officer shuffle and who most despise Brett Darrow:

> It's called the NOCO Shuffle because it typically takes place in North County. But, there are two small towns in the south that it happens in, too—St. George

> and Bella Villa. All the rest in South County are reputable departments. But, there are a plethora of towns in North County—all of which share in common bad leadership, small departments, an emphasis on traffic enforcement, and poor pay, and . . . uh . . . a lot of the officers . . . they'll get fired from one and move to another because there are a lot of family members involved. The chiefs of two towns bordering each other are brothers . . . um . . . it's not uncommon for an officer to get fired from one town due to misconduct and move to a neighboring town and get hired there. Most of the time they're fired because of misconduct, but sometimes it's due to politics. The officer wrote the mayor's son a ticket or the officer tried to arrest the niece of the alderman or something of that nature and boom! The reason that can happen is because those cities are third class or fourth class cities or they're villages which means the officers are at will employees, so for very little reason or no reason at all the mayor can say, "Boom! You're outta here." And now they need to find work elsewhere. And they tend to shuffle between those same departments because [a reputable] . . . department['s] not going to hire someone who's been fired from one of these disreputable departments. It's just not gonna happen because of the baggage that comes with them. . . . How do I feel about Brett Darrow? OK, he did expose the corruption in St. George and that's a good thing. But, basically, he's just a punk kid who, for whatever reason, hates cops, has probably hated cops his whole life, and is out to get us. We all know that. We've got him on our radar. We'll get him—video or no video. And then his little game—whatever he's trying to prove—will be over.
>
> –"Ryan," Police Officer, St. Louis County Police Department

When working on the 2008 project, I relied upon published accounts of the Darrow-Kuehnlein incident in my efforts to effectively describe Darrow's role in the saga that unfolded on September 7, 2007. As I continued researching the local presence of the officer shuffle, I realized it was now time to interview Darrow himself. It was now time to let his words be heard in an attempt to find answers to the many questions I was asked while conducting my research a year earlier. Is Brett Darrow merely a punk kid who has it out for law enforcement? Is he a vigilante on a mission to destroy the reputations of local police? Is Mr. Darrow a narcissist now consumed by the notoriety and attention afforded him after the YouTube airing of his interaction with Sgt Kuehnlein? Who, exactly, is Brett Darrow and why has he taken it upon himself to expose misconduct at the hands of local law enforcement?

I met with Brett Darrow for the first time on October 23, 2009. Knowing he is now of majority age, enrolled in a local university, and also maintaining paid employment, I had no idea what to expect. Prior to our meeting, I had seen his face only once—on the YouTube video that had become a global sensation. I was ill prepared to meet a clean-cut, articulate, and polite young man who wanted his story to be heard. He seized the opportunity to dispel the myths surrounding the person he is; he asked that I reveal his true identity in an attempt to give life to the person he claims is the *real* Brett Darrow:

> You know, I find it kind of funny that there's all this talk about who I really am. I've never been out to get the cops or anyone else for that matter. . . . Yeah, I mounted a video camera in my car. And, yes, it was there in case I had a

> run-in with a cop. It had happened before . . . in 2005. I swore after that I was going to protect myself against false charges and allegations that just weren't true. I went through hell with that one, and I swore I'd never go through that again. The camera's there for self-protection. That's all I've got it for.
>
> –Brett Darrow, St. George, Missouri, resident
> (Transcript Source: "Missouri: Police Threaten," 2007)

In 2005, Brett Darrow, then a minor, became involved in an incident of road rage while driving from his home to a nearby gas station in the evening hours. On the short trip to the gas station, a white van made an abrupt lane change, nearly hitting Mr. Darrow's car. Outraged by this, the driver of the white van pulled directly beside Brett's car while two other vehicles boxed him in with one pulling in front and the other following closely behind. All were yelling obscenities, telling Brett to pull over so they could "kick my ass." Young, alone, and afraid—with no cell phone in his possession—he strategized his next move. Knowing he was in the proximity of a 24-hour video store, he drove there hoping to find help and safety. As he parked his car, he saw the van's driver approaching him, staggering as he walked and obviously furious. According to Brett's account of the incident, he then took what he referred to as a "collapsible baton" out of his car, one he claims was placed there two weeks earlier by a friend. As the other individual approached, Brett froze with fear, assuming the other drivers were also nearby:

> This guy . . . he just kept yelling at me. And then he grabbed me and he hit me. That's when I hit him in the lower leg with the club. He yelled, and the next thing I know he's holding his leg, yelling that I'd hit him, and he reached in his pocket and pulled out a gun. [He] put it up to my head and said, "If you do that again, I'm gonna blow you're fucking brains out." He was staggering pretty badly by now, and I was sure he was pretty drunk and that's when I saw someone going into the [video store] and I yelled at them to call the cops. And that's when he said, "I'm a cop." I asked him to show me his ID, and he said he didn't have it, that it was in the car. I was so scared I started backing away from him, and I was finally able to jump in my car and I drove home. Just as I got home, all these cop cars were showing up at my house, and they told me they were arresting me, but they weren't going to discuss anything. They did say the guy was an off-duty police officer. I told them he didn't show me his ID, that I'd never been in trouble before, and I'd never attack a police officer. So, they arrested me that night for Third Degree Assault, Reckless Driving, a Peace Disturbance, and Unlawful Use of a Deadly Weapon, which is a felony charge. So, I went in for booking and our lawyer got them to drop the unlawful use of a deadly weapon charge. He was a St. Louis City officer . . . and by now I'm terrified. It was the month I was supposed to graduate, and I knew if the school heard about all this I'd be expelled, so I was scared of a lot of things. So I even went back to the video store to see if they had any surveillance tapes that would show what really happened that night. But, it turned out their cameras were dumm[ies]—they weren't really recording. So then I had to appear before a Grand Jury, and I was all alone. My attorney couldn't come in with me. The cop had testified the day before me . . . and here I was, all by myself, with this prosecutor trying to prove my guilt. Well, when I was done testifying, it took the Grand Jury all of about 15 seconds to decide they weren't going to indict me on the felony charge because it was

> self-defense. There were still the other charges against me, but my attorney talked to the City and they said if I would sign a waiver agreeing I wouldn't sue the city, they'd drop all the charges against me.
>
> –Brett Darrow

Brett Darrow, barely 17, had never envisioned a time he would be in trouble with the law. Neither could he have foreseen the time when his actions would divide the greater St. Louis Metropolitan law enforcement agents from the people they serve. Now, a 20-year-old adult, he lives with that reality daily while also remaining an international celebrity of sorts:

> I still get at least four to five contacts a week from people who have seen the video or heard about what happened in St. George. Some are just curiosity seekers; others want to compliment me for uncovering the corruption in St. George, and, yes, I've had the death threats, too. I can tell you this . . . I wouldn't wish this on anyone. Do I want [to] live a normal life like everyone else? Of course I do. But, if it takes having a video camera in my car to protect myself from bad cops, then I'll keep doing what I've been doing. I'm not trying to be a social activist in any way, but if something good comes out of all this, then maybe it's been worth it.
>
> –Brett Darrow

Allen (2005) is among the first and the few to identify the importance of examining police-juvenile interactions if we, as a scholarly community, hope to gain an in-depth understanding of what contributes to adolescent behavior. This area of research has largely been ignored even in light of the fact that law enforcement represents the first contact adolescents have with the juvenile justice system. Most criminological theories—whether they be classical or contemporary—are ill equipped to explain how a single encounter with an off-duty officer in 2005 could change one's life forever. Yet, just such an event occurred in the life of a young, middle class, white male—one whose own words describe the power of this police-juvenile interaction in shaping what he will someday be. Brett's experiences cannot be explained by factors of race, ethnicity, or socioeconomic standing. In fact, the relationship between his background and his first encounter with police defies theoretical explanation. His story alone compels scholars and practitioners alike to turn their attention toward the gatekeepers of the criminal justice system. If police actions can exert such a powerful influence on the life of Brett Darrow, how are these same actions and interactions affecting the already disadvantaged youth in society? Sadly, one more question must be asked as a result of interviewing Brett Darrow and coming to know him personally. Whether viewed as a vigilante, a whistleblower, or a punk kid, where do we go from here with the knowledge gained from one individual's attempts at self-protection from the mistreatment he had already received at the hands of unscrupulous police?

Living Life and Effecting Change

Brett Darrow's story, as told here, begins in 2005 and climaxes on September 7, 2007, yet its impact continues to affect those concerned with police corruption and its perpetuation through the officer shuffle. In the early morning hours of September 7, 2007, Brett Darrow was parked in a commuter lot awaiting the arrival of his girlfriend. According to Brett, they had spent the evening together,

and he had inadvertently left his cell phone at her house. Living in residences separated by several miles, they decided to meet at a halfway point—the now infamous commuter lot. While parked, awaiting the arrival of his girlfriend, he was approached by Sgt James Kuehnlein of the St. George Police Department. Claiming he approached Mr. Darrow for "suspicious activity," Sgt Kuehnlein walked toward the young man's car. Brett knew almost immediately this was not going to be a routine stop:

> Looking into his eyes, he was crazy. I was really scared he was going to assault me. I just wonder how many other people have been arrested on these charges.
>
> –Brett Darrow
> (Transcript Source: "Missouri: Police Threaten," 2007)

From his initial contact with Mr. Darrow, it was obvious Sgt Kuehnlein was the quintessential authoritarian cop. Preserved on a videotaped recording of the encounter, Sgt Kuehnlein's demeanor, posturing, and language gave every indication Brett Darrow had something to fear. In contrast to the fear most in society have of criminals, this was a different type of threat—this came directly from a member of the law enforcement community. As the encounter unfolded, Brett's fears escalated. As the videotaped account of the incident became both a local and global sensation, it soon became the St. George Police Department and the city's administration who were living in fear:

> Oh, while you were coming towards me, you were swerving back and forth. Okay? I might give you a ticket for that. You want me to come up with some more? When you turned in, you failed to use your turn signal [Turn signal was used, see video at 0:06]. You wanna try me some more? Huh? Come on smart ass. Gimmie an attitude a little bit more. I bet—I guarantee I can tow this car by the time I'm done with you. You wanna try me now? Gimme a little more lip. [Officer gets back up in Darrow's face]. Come on boy. Come on boy give me some more lip. You're done?
>
> –Officer #1 (Sgt James Kuehnlein,
> St. George, Missouri, Police Department
> (Transcript Source: "Missouri: Police Threaten," 2007)

The ensuing investigations identified a police department rife with corruption. Staffed by officers who had been released from previous departments due to acts of misconduct, the city was known as a threat to motorists and citizens in general. It was also headed by a Chief of Police who, himself, represented the quintessential gypsy cop. Previously employed by the neighboring Arnold, Missouri, Police Department, then Officer Uhrig had harassed a young woman he had stopped for a traffic violation, referring to her as "beautiful, hot, and tempting" and requesting that she accompany him to his squad car to engage in sex (Small, 2008). Although repeatedly denying all culpability, the Missouri State Administrative Hearing Commission found cause to claim Officer Uhrig was "unable to enforce the law and [his behavior] was cause for discipline." Placed on probation and suspended from the force without pay, this same officer later found himself at the helm of the St. George Police Department.

As the taped recording of the Darrow-Kuehnlein incident received increased notoriety on YouTube, St. Louis area investigative reporters continued their work. Not only did they uncover a culture of corruption within the St. George Police Department, they discovered this same culture in the city's administration (for a detailed discussion of a culture of corruption, see Williams, 2001). Following a three-month investigation, St. Louis County Police arrested Harold Goodman, the Mayor of St. George, on charges of possessing marijuana and child pornography (Owens, 2008). Although serving as an elected official at the time of his arrest, Goodman was no stranger to law enforcement, having served as a deputy in the Jefferson County, Missouri, Sheriff's Department and as a patrol officer in the neighboring communities of Bella Villa and Times Beach (Owens, 2008).

As of February 1, 2009, the St. Louis County Police Department assumed responsibility for providing police services to the municipality of St. George. Following the events and investigative findings precipitated by one young man's unwillingness to be further victimized at the hands of police, St. George experienced a change in leadership. Along with this change came a unanimous vote by city leaders to enter into a contract with the St. Louis County Police Department to provide 24-hour protection to its city (Donovan, 2009). As a result of this move, St. George became the 17th municipality to relinquish local policing responsibilities to the larger St. Louis County Police Department (Donovan, 2009). The fate of the former St. George police officers remains unknown at this time. However, in the absence of strong legislation aimed at regulating the movement of rogue officers, it can be assumed these officers may well have found employment elsewhere, thus perpetuating the officer shuffle.

What the Future Holds

At age 20, four years after his first encounter with local police, Brett Darrow unwittingly became an international celebrity; this, however, was never his intent. Following his mistreatment by an unscrupulous off-duty St. Louis City police officer in 2005, young Mr. Darrow installed a video camera in his car. His intent was self-protection, not notoriety. Although stopped for two minor traffic violations in the ensuing years, the camera went unused until the incident with Sgt Kuehnlein in 2007. Now a college student, Brett is pursuing a Business Management Degree at a local university. However, now also well-versed in statutes pertaining to police behaviors in the State of Missouri, he openly admits he may one day pursue a law degree.

As stated earlier in this paper, Brett Darrow has been martyred by some and despised by others. Paradoxically, it is the reputable police in St. Louis and its 91 surrounding municipalities that admit to despising Brett. They have bought into the urban myth that Mr. Darrow is a cop-hater, an individual whose sole mission is to shape public opinion to be *not in favor* of local law enforcement. At the same time, these same police officers purport to also despise the gypsy cops—the very officers engaged in the NOCO shuffle that they distrust. The Brett Darrow I met and interviewed is not a threat to reputable officers. Rather, he is a person who merely wants to live his life absent of police harassment. It would be assumed this would not threaten the honorable officer; so, too, it would seem logical that this same officer would applaud Mr. Darrow's role in bringing to public light the existence of the officer shuffle they claim to despise. Herein lies the paradox associated with local officers' unfounded perceptions of Brett Darrow.

Unbeknownst to Mr. Darrow is the very real fact that his actions on and following the early morning hours of September 7, 2007, brought local attention to a phenomenon that threatens the safety of all in society—the officer shuffle (Goldman, 2003; Goldman & Puro, 1987, 2001). Unfortunately, based upon my earlier research the general public has little interest in the officer shuffle or its impact on their lives and safety. It will take public education, awareness, and activism to bring the kinds of legislative change suggested by Goldman (2003) and Goldman and Puro (1987, 2001) to put an end to the nationwide hiring practices that perpetuate the officer shuffle. Perhaps one day Mr. Darrow will look back and realize he, while interested only in self-protection, was instrumental in bringing this change to fruition.

Endnotes

[1] Mr. Brett Darrow asked that his real identity be disclosed during the writing of this paper.

[2] Sergeant (Ret.) Jeff Myer has requested that I use his real identity in all works associated with my research.

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Martha L. Shockey-Eckles, PhD, is an assistant professor in the Department of Sociology and Criminal Justice at Saint Louis University in St. Louis, Missouri. As the policing specialist for the department, Dr. Shockey-Eckles works directly with the St. Louis Metropolitan Police Department conducting research that focuses on police-resident interactions and their role in reducing neighborhood crime, women and crime, the intergenerational transmission of crime, and the rehabilitation of female offenders. Dr. Shockey-Eckles has previously published in *Law Enforcement Executive Forum,* the *Journal of Business and Psychology, Everyday Inequalities, Understanding Correctional Violence,* and *The Encyclopedia of Race and Crime.* Additionally, Dr. Shockey-Eckles serves on the Executive and Steering Committees of the College-in-Prison project, a unique pilot program affording both select inmates and staff in Missouri prisons to obtain a Saint Louis University sanctioned Associate of Arts degree while incarcerated or while employed as corrections officers.

Contact Information
Saint Louis University
237 McGannon Hall
3750 Lindell Boulevard
St. Louis, MO 63108
(314) 977-2725
shockeym@slu.edu

Considering the Animal Liberation Front: An Essay on Domestic Terrorism in the Modern Age

Thomas E. Engells, Assistant Chief of Police, The University of Texas at Houston Police Department

Terrorism is a scourge in western democratic societies and that scourge is not confined to exotic locales. As we saw vividly almost a decade ago, the human casualties resulting from, and physical destruction wreaked by, an act of terrorism can be visited upon Americans even within the homeland.

As we now face the complexities of achieving a practical understanding of terrorism while assessing terrorism's actual dangers and formulating sensitive yet appropriate response plans, responsible decisionmakers must broaden the scope of the problem being considered. While it is convenient, and some would argue intellectually comforting, to place terrorism into simple categories, the reality is that the specter of terrorism eludes a clear and simple classification scheme. As a society, we face several difficult tasks in effectively addressing terrorism, including designing and implementing effective strategies and tactics to cope with domestic terrorism while retaining the fundamental freedoms of a democratic republic.

The breadth and diversity of domestic terrorism reflects the complexity and variety of modern American society. This essay will consider the threat posed by a specific radicalized group of domestic terrorists—the Animal Liberation Front (ALF). I will trace the known development of this single-issue group, their preferred methods of operation, their recruitment, and a risk assessment using open source materials. After describing the group and its activities, I will outline their stated goals and review their targeting practices over the last decade. This will culminate in a series of assessments using both the Crenshaw and Smith models of terrorism. The brief essay will close with some conclusions about the ALF and some grounded forecasts for the group's activities for the next five years.

Short Background of Modern Biomedical Research

Modern medicine and the continued development of the life sciences require ongoing animal experimentation and select clinical trials. Modern medicine, surgical innovations, pharmaceutical research, and biomedical development are supported only when the safety of the innovation or development is linked to established research standards. A limited number of models are available for such research, and those include human subject, animal subject, and computer modeling.

Due to the specific nature of this essay, I will explore only the biomedical research in which animal subjects are used. These animal models range from simple multi-cell organisms to primates, but the predominant animal model used in biomedical research is a specially bred rodent (i.e., rats, mice, and rabbits). The specific animal subject used in the research is dependent upon the experiment being conducted, for some animal models are more appropriate for some specific experiments than others—for example,

fish are favored for a number of melanoma (skin cancer) research experiments, while pigs are critical for the study of select surgical techniques.

A clinical trial is an intensive period of work for the primary investigator in which the findings derived from bench work within the laboratory are tested in reality. These trials are usually years in length, follow a prescribed time line, and are reviewed prior to and during the clinical trial by an oversight board. That oversight board is the Institutional Research Board (IRB)—a multidisciplinary group who approves, approves with modification, or rejects the proposed clinical trial. That oversight board considers the purpose of the trial, the rigor of the underlying science, and the professional competence of the primary investigator. Upon review and approval of the IRB, the specific clinical trial may begin in compliance with the stated research protocol.

Today, it is estimated that more than 20 million animals are used as animal subjects in experiments at both university and private industry settings. To achieve replicable and valid results, the primary investigators invest significant effort in the maintenance of the animal subjects in terms of their health and welfare. Dr. Michael DeBakey, the renowned heart-surgery pioneer, summarized it best when he said, "The simple truth of research is that one cannot achieve good or meaningful results by mistreating animals" (Oliver, 1990). Moreover, statutory law, a plethora of federal regulations and the widely accepted laboratory best practices require that the animal subjects be kept in conformance with stringent care standards.

Philosophical Foundation for Animal Rights

The use of animals in research dates back generations. In what is now termed the Age of Enlightenment in the late 18th century, European intellectuals grappled with the morality of animal care, with a focus on preventing egregious animal abuse. In the Victorian Era, leaders of civilized society were repelled by the abuse visited upon animals, and Animal Welfare Societies were founded throughout the then British Empire and the United States. In fact, the American Society for the Prevention of Cruelty to Animals (ASPCA), one of the oldest animal welfare associations, was founded in 1866 in New York to confront the poor treatment of draft animals.

However, there is a distinct and material difference between the popular support for animal welfare measures and those people who subscribe to the belief of sentience among animals. Peter Singer, an Australian philosopher who is currently affiliated with Princeton University, initially codified and proposed the argument of animal sentience in his work *Animal Liberation* in 1975. To grossly oversimplify a detailed and complex argument made in that work, Singer advocates treating animals with a sense of equality to man: "I am arguing that we extend to other species the basic principle of equality that most of us recognize should be extended to all members of our own species."

More directly pertaining to the issue of animal experimentation in biomedical science, Singer also proposes, "If a being suffers there can be no moral justification in refusing to take that suffering into consideration. . . . [E]xperimenting on animals is a major form of speciesism."

Singer's argument has become the philosophical underpinnings of the animal rights movement. The major concept is that a being who is sentient should and must be afforded consideration and equality to man. It logically extends that it is morally wrong

to injure or harm an animal as it is wrong to do similar to a fellow human. However, Singer never attributes rights to animals; rather, his argument is very utilitarian. He asserts that the pleasure we take from eating meat, wearing leather, or experimenting on animals is exceeded by the pain felt by the animals and, therefore, it is wrong.

Some radicalized activists found Singer's work lacking the clear justifications for their position. In 1983, Tom Regan, a philosophy professor currently affiliated with North Carolina State University, in his book *The Case for Animal Rights*, makes the case for the animal rights movement in that any subject that can feel pleasure or pain has life, and any being that has life has certain rights based upon having life. That philosophical argument is critically refuted both in "Liberation Zoology" by Oliver (1990) and in "An Animal's Place" by Pollan (2002). Pollan's summarization of the animal rights movement is quite revealing: "Animal rights is a parochial, urban ideology that could only thrive in a world where people have lost contact with nature."

The Growth of the Modern Animal Rights Movement

The historical antecedents for the radicalized American animal rights movement can be directly traced to the post-war United Kingdom. In the early 1960s, a group of fervent animal advocates, now known as animal rights activists, became politicized in their campaigns against foxhunters. That group took the name Hunters Saboteurs Association (HSA). This group mounted a series of visible, but generally ineffective, campaigns against hunters during the 1960s. These actions focused on the nonviolent disruption of foxhunts, foxhunters, and their hounds.

Some members of the HSA became dissatisfied with the very limited success of the tactics employed. In 1972, a splinter group led by two well-known British animal advocates, Ronnie Lee and Cliff Goodman, created the Band of Mercy. The Band of Mercy's name was taken from a famous 19th century British anti-vivisection group. In its modern manifestation, the Band of Mercy began to attack, not just disrupt, hunters. They purposefully targeted hunters' and other participants' vehicles and equipment, using low-key criminal mischief and vandalism. Yet more important to this discussion, the Band of Mercy broadened their scope of interest in the 1970s from foxhunts to focusing on animal research laboratories, food production facilities, and other enterprises using animals. Under Ronnie Lee's active leadership, the Band of Mercy transitioned from simple acts of criminal mischief to arson. Arson would become the preferred means of attack and a hallmark of the Band of Mercy.

Lee initiated a well-orchestrated effort against the economic interests of those firms that use or in any way profit from animals. Simple arson techniques progressed to the use of incendiary and electrical bombing, following the tactics of the Irish Republican Army. Arson is an especially despicable criminal act, involving the base human fear of fire. Wambaugh (2003), in his essay, "Uncovering the Smoldering Sickness Called Arson," characterized the arsonist best when he wrote that the arsonist is "clearly sociopathic: He's indifferent to societal values, lacking in empathy, hedonistic, breathtaking egocentric and manipulative, often intelligent and charming—and wears the mask of normalcy" (p. 31A).

In the United States during the late 1970s and early 1980s, several separate socio-political movements coalesced into the animal rights movement, and it is difficult to definitively sequence the impact of each for the purpose of this paper. The literature

is divided as to both the sequence of events as well to the importance of each event to the subsequent movement. However, Singer's 1975 work, *Animal Liberation*, was published to great acclaim and became a popular book, especially among animal advocates; the ecological movement was cresting in both public popularity and support; and there was significant and serious questioning of both government and organizational power across the United States in the immediate post-Viet Nam and Watergate era. Within that sociopolitical milieu, a group of concerned people formed the group People for the Ethical Treatment of Animals (PETA).

PETA was co-founded by a very public personality, Ms. Ingrid Newkirk. Newkirk is a very media savvy individual. She has strategically launched a series of public demonstrations and seasonal media events to keep the public's attention on animal welfare and PETA. PETA was founded in 1980 and has a membership (claimed or attributed) of 30,000 to 270,000, a staff of more than 70, and an annual budget of more than $7 million. Their website, www.peta.org, and its several associated websites, is indicative of the quality and depth of the organizational effort in cyberspace of this very public advocacy group.

A cadre of activists affiliated with PETA migrated from civil disobedience to participation in PETA's signature well-staged media events—for example, throwing red paint on women wearing furs in major urban areas—to more violent action. The literature is undecided as to the actual founding of the Animal Liberation Front.

There is one school who believes that the ALF in the United States is a direct transplant from the United Kingdom; while another school believes it arose independently within the context of the animal rights movement within the United States. A third school believes the two groups (ALF-USA and ALF-UK) are independent but share resources to accomplish their mutual goal.

The Animal Liberation Front

The ALF uses a distinctive organizational structure—the phantom cell mode of organization or leaderless resistance. It is believed to exist as a loose network of small and autonomous cells with no centralized command structure; the core unifying principle is participants' unity of purpose. This unique organizational structure is attributed to Louis Beam (1992) and Ulius Amoss's (1962) work outlining the attributes of leaderless organizations. In the case of the ALF, formal membership qualifications consist solely of a willingness to take action to inflict damage upon a targeted activity or facility. Federal observers estimate that the "hard core" ALF membership number less than 100.

Authorities suspect, but have not yet substantiated, that the active members of the ALF hire available area youth to commit some visible activities at low priority targets using simple criminal mischief tactics (e.g., graffiti, gluing locks, and breaking windows). These acts generate the desired attention from the media while simultaneously continuing their strategy of relentless pressure against their targeted enemies.

Law enforcement officials have sought to identify the group's recruitment practices with minimal success for, unlike hierarchical organizations, there is no known formal recruitment/selection/operationalization cycle in place. Smith (1998) asserts that ALF recruits may be found among the "idealistic and impatient university students who have become frustrated." These students may find fulfillment in direct action

operations. The existence of the organization for almost 30 years is indicative that this group has not just survived but has thrived. Additionally, the lifespan of the group supports the assumption that there has been transition between generations of activists, for the *ALF Primer* indicates the need for high levels of physical fitness for those who opt for direct action activities. Connections, although admittedly weak, have been made between anarchists, ecological terrorists, radicalized vegans, and suspected members of the ALF. The ALF has a significant presence on the Internet and participates in informational pickets at major universities throughout the nation. The absence of a formalized initiation system, a classic attribute of the leaderless group, prohibits definitive discussion of the recruitment process.

Animal Liberation Front Guidelines

The ALF has codified their goals and publicize the same prominently in their literature and website (www.animaliberationfront.com). They maintain that the ALF is committed to the following four guidelines:

1. To liberate animals from places of abuse (i.e., fur farms, laboratories, factory farms, etc.) and place them in good homes where they may live out their natural lives free from suffering.
2. To inflict economic damage to those who profit from the misery and exploitation of animals.
3. To reveal the horror and atrocities committed against animals behind locked doors by performing nonviolent direct actions and liberations.
4. To take all necessary precautions against hurting any animal, human and nonhuman.

In regard to the third guideline, it is important to note that the ALF does not in any way condone violence against any animal, human or nonhuman. Any action involving violence is by its definition not an ALF action; any person involved is not an ALF member. The fourth guideline must be strictly adhered to. In almost 30 years and thousands of actions, nobody has ever been injured or killed in an ALF action.

Over the last almost 30 years, from the first attributed ALF activity—the burglary of the vivarium at Howard University in 1982 in which 15 cats were freed from a research laboratory—a *modus operandi* has been established for ALF attacks. That *modus operandi* includes these distinctive features:

- *Detailed Surveillance and/or Infiltration of the Targeted Facility* – The ALF attacks are marked by their precision and planning. These attacks demonstrate detailed advance knowledge of both the location of research animals, laboratory equipment, and the security systems in place to protect those assets. ALF activists are known to infiltrate targeted facilities and to document research activities in advance of their attacks, for that information is used to justify their attacks in subsequent news releases.
- *Attacks Occur at Night and Preferably on Weekends, Especially Long Holiday Weekends*
- *ALF Members Disguise Their Identities* – They use ski masks and military or special operations uniforms—usually seasonal camouflage. They intentionally strike a serious and ominous pose.

The ALF advocates the use of *direct action*. The ALF has defined the term as meaning taking action to cause financial harm for those who profit from the suffering of

animals. By the ALF's own admission, "direct action is usually considered illegal by the police; direct action activists never physically harm human animals" (Animal Liberation Front, 2002). The term *direct action* encompasses activities that range from stink bombs to arson. However, the ALF officially maintains they do not advocate physical harm to humans.

1997 photograph of reputed ALF activist during a planned action. Note the use of dark clothing and ski mask. *Source:* Animal People (1997).

The ALF has had a remarkable number of operations attributed to the group dating from their early activities in the 1980s. Their actions fall into several distinct categories, including education, economic sabotage, and liberation activities. Some operations achieve all three categories, while other, more modest activities focus on education and include the surreptitious photographing or videotaping of "animal exploitation." To understand the breadth and depth of their activities, I have combed datasets to create a comprehensive list of operations against biomedical research facilities attributed to the ALF from 1991 to 2001 (see Table 1).

Table 1. Animal Liberation Front Activities within the United States

Year	Number of Incidents
1991	7
1992	2
1993	6
1994	7
1995	7
1996	25
1997	26
1998	11
1999	30
2000	30
2001	49

The direct financial costs of these direct actions to the victimized biomedical research facilities are significant. In the Attorney General of the United States' 1993 *Report to Congress on the Extent and Effects of Domestic and International Terrorism on Animal Enterprises*, it is noted that

> Generally speaking the ALF and other animal rights extremists tend to target animal enterprises that are easy to infiltrate and access, are readily visible to news media, and can generate maximum public sympathy. They also tend to select enterprises whose employees tend to avoid publicity and who are least prepared to defend themselves. . . . [A]ssuming biomedical research community encompasses universities, federal and private research facilities, and individuals, they constitute more than 43% of all documented actions. (p. 9)

A sample of damages sustained by biomedical institutions by ALF operations is outlined in Table 2.

Table 2. Direct Institutional Costs of ALF Activities

Date	Enterprise Victimized	Description of Activity	Estimated Direct Cost
4/16/1987	University of California–Davis	Arson/Vandalism	$4,500,000
4/20/1985	University of California–Riverside	Burglary/Theft	$600,000
12/9/1984	City of Hope Research Institute	Burglary/Theft	$500,000
6/5/1988	University of Arizona–Tucson	Arson/Burglary/Theft	$250,000
2/28/1992	Michigan State University	Burglary/Arson	$125,000
10/24/1992	Utah State University	Burglary/Arson	$110,000
12/6/1986	National Institutes of Health	Theft	$100,000
6/10/1991	Oregon State University	Burglary/Arson/Vandalism	$75,000
7/1/1989	Texas Tech University	Burglary	$70,000
12/25/1983	UCLA Medical Center	Burglary/Theft	$58,000
5/29/1984	Pennsylvania University	Burglary/Theft	$20,000
8/15/1988	Loma Linda University	Burglary/Theft	$10,000

Yet the direct costs are far from the only damage done by these activities to biomedical research. Other damages, although indirect, are no less real. First, time-intensive experiments and basic research are lost or destroyed. Years of skilled labor are sacrificed. The loss of such work is disheartening and demoralizing. Second, as a result of such operations, primary investigators and their lab staffs question their continuing work in the targeted research area. Several will select, under duress, to work in other less controversial research areas or at other universities. Third, facility overhead costs significantly increase as new physical security and target hardening practices are employed to reassure those who stay of their physical safety at the workplace. These are funds that could have been directly spent on furthering research objectives.

The ALF, even as a leaderless organization, incurs operating costs, be it logistical or legal defense. Financial links have been clearly established between the public organizations, such as PETA, and PETA underwriting nonprofit foundations and the ALF. PETA does not deny the linkage, although they note the ALF does not exist as a group but rather as a number of dedicated individuals who, as has happened throughout history, have felt the need to break the law in order to fight injustice.

The ALF and Models of Terrorism

A further understanding of the ALF as a domestic terrorist organization may be gained by comparing what is known of the ALF and some heuristic models for terrorist groups. Crenshaw (1988) offered two potential models: (1) the instrumental

and (2) the organizational. The ALF seems to fit the instrumental model best, for the ALF views terrorism as a viable means to achieving a political end (i.e., the elimination of animal experimentation and research). Ongoing research involving animals is considered intolerable; the actual costs of the terrorist activity is low; and the probability of success, especially against biomedical research facilities, is high. The ALF does use operational surprise as a critical element in their operations and, to date, their ideology of nonviolence has worked as a critical factor in self-restraint.

A core formula in Crenshaw's (1988) work in explaining terrorism is as follows:

Ideology + Capabilities = Targets

So, in the case of the ALF, that formula could be written as

Commitment to Animal Protection + Vandalism/Arson = Biomedical Labs

Hewitt (2003), in his work *Understanding Terrorism in America*, made a critical point about the organization of terrorism, which is directly applicable to the ALF. He noted that understanding the two entities is useful in understanding terrorism. The first group would be the extremist above-ground organization, and the second group would be the terrorist organization. In the animal rights context, the above-ground extremist group would be PETA. That group claims status as a legal activist organization and denies participation in any terrorist activities. PETA does receive charitable donations, actively participates in fundraising, and is granted legitimate nonprofit status by the federal government. The second entity, the terrorist organization, would be the ALF. That group is covert in nature and exists to accomplish direct action (terrorist) activities. As Hewitt proposes, in the evolution of the terrorist organization, many observers believe the ALF originated as a splinter group from PETA. However, absent definitive intelligence, we cannot confidently exclude the possibility that the growth of the ALF may also be explained as a group of friends and kinsmen with a shared commitment to animal rights. Regardless of its origins, through the use of a leaderless organization, the ALF has successfully avoided many of the issues found in hierarchical organizations, and the group has endured for almost 30 years.

Smith (1998), in his work "Single Issue Terrorism," noted that the animal rights extremists are classic single-issue terrorist groups. These single-issue terrorists follow no single profile, but participants are from all classes and walks of life. The ALF, as noted in Smith's work, does publish an Internet handbook, *The ALF Primer*, that provides instructions on how to engage in mischief, vandalism, civil disobedience, and sabotage. Smith's accounting of the increasing violence of these terrorists is most disturbing. The ALF in the United Kingdom in the mid-1990s migrated from arson of facilities to mail bombing specific researchers and mailing razors infected with rat poison or HIV-infected blood to targeted individuals. Smith's telling comment rings true for the ALF in the United States as well: "Terror itself is the chief tactic of the animal rights activists."

Closing Comments

The Animal Liberation Front is a well-established domestic terrorist threat within the United States. The group has survived for almost 30 years and has earned

a reputation for detailed planning and precision in their field operations. The leaderless organizational structure has served to limit penetration by government agents, yet their ongoing failure to achieve their political goals leads one to believe that a change in tactics may soon be forthcoming.

As biomedical research facilities target-harden vivariums and research laboratories, the classic tactics employed by this group have fewer and fewer returns on each operational investment of effort. I believe in the very near future, the ALF will begin actively pursuing terror on a very personal level. The individual academic researcher and laboratory worker will become primary targets for ALF operations.

This will present unique challenges to university police departments throughout the nation. Specifically, how much individualized protection can be provided to the hundreds of known research scientists while permitting them to continue to live a "normal life"? We will need to move carefully so as not to overreact to threat. As Gray (2002) noted in his essay on asymmetrical warfare, the greatest threat in the battle against terrorism is what we will do ourselves in disproportionate response to a terrorist threat. We must be consciously aware of the risk that through our reactions to specific incidents, we may further the terrorist objectives. This requires that agencies affected by animal rights terrorists meet and begin substantive planning now. These agencies need to agree on general principles that will guide their response to individualized terrorism in their specific jurisdictions before it happens.

This forecasted change in ALF targeting may both alienate the ALF's public base of support (PETA) and prompt governmental involvement at a level never before experienced in the history of the animal rights movement. The ALF legitimacy within the animal rights community will decrease as it begins a new campaign of terror, for such a campaign will violate a canon of the movement—no physical violence. That absence of legitimacy may present unique opportunities for law enforcement authorities. To date, assistance from PETA and like-minded foundations and patrons has been forthcoming when ALF violence has been property related, but when they make the predicted turn to personalized violence, their organizational existence will become endangered. The logistic and legal service support provided to the ALF by PETA will decline, and the authorities must be prepared to vigorously exploit that opportunity.

Applying the concepts of deterrence and consequence management, we may have the opportunity to eliminate this terrorist organization. With additional intelligence, prompted by the group's predicted turn to personalized violence, as has already begun in the United Kingdom and the Netherlands, the authorities may execute tactics of target denial as well as punishment to the several cells that constitute the ALF. Moreover, as punishment becomes widely known and is perceived as a factor in operational planning, individual identification with the ALF may decrease precipitously, eliminating their operational base.

Fundamental police investigatory practices, such as alerting potential researchers to the threat; increasing the directed analysis of apparent disconnected events over time and space to include target hardening; active information exchange with other agencies on local, state, federal, and international levels; and authoritative and consistent publicization of ALF failures and law enforcement successes, may contribute to target denial. Through active and participative coordination of effort by law enforcement, academia, and corporate organizations, the ALF's public reputation could be successfully

moved from that of an underground terrorist group whose operations are marked by selectivity and competence to that of a group of marginalized and generally inept criminals who attack scientists and deprive the public of their best hope of conquering disease. With such a turn of events, we will have achieved real progress in the successful elimination of the Animal Liberation Front as a domestic terrorist group.

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Thomas E. Engells is the Assistant Chief of Police at The University of Texas at Houston Police Department. A Master Peace Officer, he is an honors graduate of The University of Texas at Austin and holds advanced degrees in both Criminal Justice Management (Sam Houston State University) and Homeland Security and Defense Studies (U.S. Naval Postgraduate School). Assistant Chief Engells is a Certified Protection Professional, a Certified Public Manager, and a police instructor. He has written extensively on public administration, management, and homeland security issues.

Initial Steps in the Russian-American Police Partnership

Victor Chirikin, Deputy Director for General Affairs and In-Service Education, Academy of Public Administration, Russian Federation
Vladimir Sergevnin, Director, Center for Applied Criminal Justice, School of Law Enforcement and Justice Administration, Western Illinois University

In modern times, when the international community, including Russia, are increasingly experiencing the impact of integration processes, more than ever, there is an urgent need to integrate the efforts of law enforcement agencies from different countries in combating crime.

However, there is still no established and adequate legal framework for Russian and foreign security forces to effectively work together. There is a need to improve the organizational framework for such cooperation, and there is a significant lack of training and joint exercises for international law enforcement agencies to implement joint operations with foreign counterparts. Some police agencies are still under the mistaken impression of the secondary importance of this area of work.

In this regard, it is important to explore the history of Russian law enforcement cooperation with its counterparts in the United States.

An intriguing chapter in this history is the partnership of the criminal justice institutions of the Russian Empire and the United States. The beginning of this cooperation should be dated back to March 16 (March 28), 1887, when the convention on mutual extradition of criminals was signed. In an additional protocol of February 19 (March 3), 1893, it was stressed that "the murder of the Sovereign or Head of State, or any of their family members would not be considered political offenses."[1] It was during this period when law enforcement agencies, governments of most countries in Europe, and the U.S. expressed concern about the sharp increase in the number of terrorist acts. The scope of the revolutionary terrorist activity and the importance of the targets of their attacks were hardly inferior to the activity of the modern "leftist" terrorists. In 1892, around 1,000 bombings were carried out in Europe, and there were about 500 in the U.S.[2] Terrorism was one of the highest concerns of law enforcement authorities in Russia and the U.S., who understood the necessity of uniting efforts in the fight against extreme forms of political violence.

In August 1900, as a result of effective cooperation of the Department of Police (division of the Ministry of Internal Affairs of the Russian Empire) with the U.S. Secret Service, a plot to attack Russia's Emperor was exposed.[3]

The International Congress of Chiefs of Police was initiated by the National Association of Chiefs of Police of America and Canada and was held on May 7, 1902, in Louisville, Kentucky. This was an important step in law enforcement cooperation development in combating terrorism. On December 1, 1901, the Ministry of Internal Affairs of Russia received an invitation to this event, which

stated, "Your information would enable the Association to shed light on the actions and intentions of anarchists and, generally, all offenders subject to your supervision."[4]

Members of the Congress expressed grave concern that the anarcho-terrorism was taking a greater scope, and the means and methods of its activity had become increasingly dangerous. It gave special importance to the need for cooperation in the fight against these evil intentions.[5]

Russia and the U.S. authorities had to deal with the problems of extradition of political offenders. So, according to the New York correspondent for *Vorwarts*, on May 5, 1912, Senator Ruth Eldritch submitted a proposal to the Senate that the new law on immigration should include a provision according to which foreigners found guilty of plotting against a foreign government should be deported from the United States and returned to their respective governments. This proposal was accepted.

The assassination of Emperor Alexander II on March 1, 1881, acutely reinforced the need for restructuring both official and secret cooperation with foreign governments in the area of combating terrorism. The leaders of the Russian political police understood the importance of creating a broad network of informants abroad and attached exceptional importance to systematic and implicit monitoring of emigration. At the time, the benefits of the agreements on mutual extradition of political offenders was relatively low. The individuals who attempted to assassinate representatives of the royal family in Russia were beyond reach. A successful solution to this problem was largely dependent on the assistance of foreign law enforcement agencies.

In one of the draft documents dealing with overseas agents, developed by the Ministry of Internal Affairs's Department of Police, the following was outlined:

> The political processes of the last time, suggest that although social-revolutionary conspiracy breeds in Russia itself, however, representatives of this conspiracy are abroad, and among them there are as people staying there temporarily out of active involvement in terrorist and other revolutionary activities, along with old-timers and immigrants, who devoted themselves to ideological support to the issues put forward by the course of Russian antigovernment movement. Monitoring of the Russian emigration, the systematic and tacit, is therefore main concern of Russian state police. Successful prosecution of this task depends largely on the assistance of foreign police.[6]

Also, this document offered to assign one agent from the Department of Police to Russia's diplomatic missions to each foreign capital, but with the condition that "the agent does not, however, have this title publicly, but for the purpose of cooperation with foreign police, as well, as with the correspondents of the Russian police, already deployed.[7]

Soon, this idea was implemented: the Russian consuls in Paris, Vienna, and Berlin, and the vice-consul in Sullen began to perform this function for the Department of Police. Soon, in 1881, the monitoring of the Russian emigrants by the "Imperial

mission" in Washington had been launched. For these purposes, the Department of Police had been allocated 3,000 rubles ($1,467.13).[8]

On December 31, 1881, the head of the Russian mission in Washington, DC, Actual State Councilor Bartholomew, presented to the Minister of Foreign Affairs, Nicholas Girsu, a report on monitoring the Russian "political immigrants and nihilists" in the United States. The report indicated that the surveillance was organized by employing two agents (N. Michelson and F. Mill). However, the greatest benefit to the Russian mission was the assignment of Detective Robert McNaut by the Chief of the New York Police Department. McNaut showed "firm and constant zeal, coolness and great restraint in words and actions."[9]

Summing up this analysis, the Actual State Councilor came to the conclusion that the

> special urgent danger can not be anticipated from the efforts of our enemies (terrorists) in the United States. Here, apparently, there is still no solid organization and no permanent center of Russian immigrants and there is no organization with resources, correspondence, archives, and so evenly there is no reason to suppose that conspirators in the United States allocated dynamite and other means for the execution of the harmful intentions of the conspirators.[10]

However, since the spring of 1891, the situation had changed considerably. After the May 1890 arrests in Paris and the subsequent expulsion of Russian emigrants in Bulgaria, many of them without finding a safe haven in Switzerland, France, Bulgaria, or Romania, they moved to London. Living conditions in this city prompted many immigrants to move to North America, however, so that under the more favorable conditions there they could safely organize an active revolutionary group to liaise with the Russian revolutionary movement and to cooperate fully with it. Consequently, the Minister of the Interior Pavel Durnovo appealed directly to the Russian Consul General in New York requesting assistance in obtaining information about the new intrigues of Russian emigrants.

On September 20 (October 2), 1891, the Russian Consul General in New York, Olarovsky, in his letter to Durnovo, stressed,

> Considering the activities of the local Russian-revolutionary societies are serious and dangerous for us I will continue to use all possible means to monitor their vigorous campaigning.
>
> Use the services of hired private detectives and agents, I think not quite fit:
>
> Firstly, because they rarely work in favor of one case and with the difficulties of control often deceive their principals.
>
> Secondly, as private agents, they do not enjoy the privileges that the agents of a government criminal investigation department may have and can involve us into the judicial scandals, and thus spoil the continuation of monitoring the revolutionary agitation.

> In view of the foregoing, I think the most convenient and expedient will be to have under the Consulate General one secret and one top secret agent hired from the government Detective Bureau and he may be paid the annual allowance, so that they should be not leaving the Detective Bureau staff but would be assigned to our needs. Such agent should be paid an annual allowance of 2 thousand 190 dollars. We can fully rely on such agents, and they will follow every step of the revolutionaries not only in New York but also in Boston and Philadelphia.[11]

Durnovo recommended to the Imperial Mission in Washington, DC, and Russia's Consul General in New York to take the necessary measures to establish controls over the activities and movements of Russian immigrants and to communicate with the Foreign Ministry and Interior Ministry. For its part, the Ministry of Internal Affairs responded with complete willingness to reimburse the expenses.

Russia's law enforcement authorities in one way or another were involved in the implementation of the obligations of the tsarist autocracy in all major aspects of interstate cooperation in the fight against common crime. This was carried out in close collaboration with colleagues and interested state structures of both Europe and the United States. One prerequisite of this interaction was the creation of the necessary legislative and institutional framework.

Russia was predisposed for serious negotiations and agreements upon the judicial reform of 1864. And even after it, both European and North American governments shied away from making any serious commitments to Russia in this direction.

For example, in 1879, the Ministry of Internal Affairs and Ministry of Foreign Affairs of Russia appealed twice to the U.S. government and requested the extradition of the former Director of Sandomir's Customs, who fled to America with a substantial sum of public and private money, in addition to a group of individuals who fled to the United States with 1.5 million rubles stolen from the repository of Kherson Provincial Treasury. In both cases, Russia's envoy in Washington, DC, received a denial of his application, based on the absence of a convention on mutual extradition of criminals.

It was recognized that, despite the vastness of the United States and the high cost of transference of criminals to Russia (at that time the investigation and extradition costs was at about $4,500 to 5,000), such an agreement was necessary in order to frighten Russian criminals and to prevent their escape to the U.S. The result of joint efforts of law enforcement agencies of Russia and the U.S. was signed on March 16 (March 28), 1887, with an additional protocol, an agreement on the mutual extradition of criminals, on February 19 (March 3), 1893.

Because of changes in national legislation of individual countries and for the prompt and successful investigation of crimes, Russia had to deviate from the established practice of enforcement of court orders through diplomatic channels. Until 1888, this form of cooperation between Russian and North American law enforcement agencies had not met with any difficulties. But since this time, the State Department has sent its diplomatic services notification explaining the new order of performance within any state of court orders coming from foreign judicial authorities. Under this agreement, the State Department could no longer provide

any support for the enforcement of court requirements communicated to them through diplomatic channels and that the performance requirements of such foreign authorities themselves had to enter into direct relations with the U.S. courts.

Direct transfer of Russia's judicial orders in U.S. courts required a detailed knowledge of the organization and legislation of the latter, which presented considerable difficulties. In such a case, Russian law enforcement agencies have to approach local lawyers, who as private attorneys would appeal to the American judicial institutions with the motions of taking testimony, etc.

For example, at the request of the Russian Ministry of Justice to U.S. judicial authorities on January 20, 1909, the law firm Hout, Dustin, Kelleu, McKleehan and Andrews arranged the interrogation of a witness who lived in Cleveland, Ohio.[12]

Providing such legal services, ultimately, led to significant financial costs. It is no accident that on February 23, 1912, the Consul General in New York, Baron Slippenbach, addressed the embassy in Washington, DC, with a petition for the Consulate to receive special credit for the early payment of attorneys, the demand for whose services was increasing every year; the extradition court cases; and to allow him to temporarily cover the cost of consular facilities or trace, as required, bills for the Foreign Ministry in connection with such matters.

Because of the distance and some specific features of the legislation, some difficulties appeared between Russian law enforcement officials and the U.S. agencies concerning extraditions. In April 1893, the Russian Foreign Ministry at the request of the Ministry of Justice turned to the embassy in New York in regard to Prince Cantacuzenus's request to provide information on the extradition process as well as on the cost associated with the demand for the extradition of criminals and their transfer to Europe. The Head of the Embassy was informed that cases of extradition to other European states which signed an agreement prior to Russia are not uncommon, and the costs in each case were based on the number of courts, if the case passed, the distance to the port of issue of Europe, etc. Thus, in 1893, the extradition of criminals from the Austro-Hungarian Empire cost $6,000, which was the highest amount spent by any government on this process. In all cases, the offenders were sent to Europe by the regular passenger steamships.

On November 26, 1893, the Foreign Ministry sent a telegram authorizing the request for the extradition of three Russian nationals who had committed several crimes, claiming at the same time that the captains of steamship companies had agreed to transport the named offenders. On March 24, 1894, the Consulate General in Copenhagen reported that one of the Danish shipping companies confirmed the agreement to transport these criminals, giving them and their accompanying personnel accommodation in second class along with food. The company required 1,440 Danish kroner for the feeding and transport of the three criminals, the police agent, and the three guards. The duration of the trip was 15 days.[13]

In addressing extradition issues, Russian and American law enforcement agencies had to face yet another challenge. In October 1900, the Ministry of Justice concluded that actions taken by Russia's consular agents in the United States to apprehend and extradite criminals often had not led to the desired results due to considerable delays in the formal requirements of the detention.

According to the accepted order of the Ministry of Justice, demands for the extradition of criminals hiding in the United States generally were presented only after detecting the location of the latter in the mentioned countries. Upon receipt by the local judicial authorities of the necessary documents together with a request for extradition of criminals, the Ministry of Justice considered the possibility of bringing such a petition to the U.S. courts. Once decided, the Ministry of Justice transmitted to the Ministry of Foreign Affairs all the documents with their translation into English. All this required relatively little time. However, the main delay was due to the time needed to send judicial documents by post from Russia to the United States; criminals often used this time to flee and, thus, avoid arrest.

As a result of negotiations, a new procedure was established that achieved favorable results in addressing issues of extradition. The Ministry of Foreign Affairs received the necessary documents from the Ministry of Justice for the extradition of a person specified, which were immediately telegraphed to the appropriate authorities in America requesting the provisional arrest of that suspect. The request for his extradition and the prescribed documents included (1) a copy of the arrest warrant; (2) an extract from the criminal law with the definition of the degree of punishment; (3) a copy of the testimony; (4) a description of the offender and, if possible, his photo; and (5) a translation of all of these documents into English.[14]

There were further difficulties between the law enforcement agencies of Russia and the U.S. in judicial proceedings. In particular, Russian law enforcement and diplomatic services encountered some difficulties with the delivery of subpoenas by the judicial institutions to individuals from Russia residing in the U.S.

In the early 20th century, Russia's consulate in the United States significantly increased the flow of orders on transfer of subpoenas to Russian subjects residing in the U.S. In all such cases, consulates seemed to choose one of three ways to ensure this event: (1) apply to the local authorities of the state where the recipient resides; (2) apply to private attorneys who would take over subpoenas, bringing them to these persons—this was associated with some cost; and (3) to appeal directly to the recipients to sign a summons to the consulate by submitting proof of their identity.

However, none of the above methods led to the desired results and, as practice shows, the subpoena found its destination only if the U.S. authorities believed that these judicial proceedings had been given a proper motion. The main reason for this situation was, apparently, that the U.S. government had not seen fit to join the international conventions concluded at The Hague on July 4 (July 17), 1905. Part one of this convention had provided regulations on the procedural issues of transmission of judicial and extrajudicial acts. Hence, there was a lack of attention from American authorities and law enforcement to such appeals. At this point, the positive principle of reciprocity came into play. Similar requests from U.S. consular offices to Russia were strictly abided by the authorities. It was on the basis of this reciprocity that the U.S. federal government began to assume its responsibilities and the means at its disposal to ensure subpoenas from Russian judicial institutions were delivered to the recipients.[15]

Thus, starting from the second half of the 19th century, a solid foundation was laid for cooperation between the law enforcement bodies of Russia and the U.S. Some

successful efforts to prevent and suppress both political and common crimes were made. However, it is worth noting that certain characteristics of the interactions of the security forces of both countries were due primarily to the geographic distances between them, differences in the organizational structures of legal institutions, and major differences in the national legislations in regard to the provision of legal aid.

Endnotes

[1] Collection of the most important treatises and conventions concluded with Russia foreign powers (1774 to 1906); Warsaw, 1906. S. 504.

[2] Vityuk. V., & Efirov, S. (1987). *"Left" terrorism in the West: History and today*. Moscow: Nauka.

[3] State Archive of Russian Federation (SARF), fund 102, inventory 226, file 300, part 15, pp. 1-2.

[4] SARF, f. 102, i. 230, file 99, p. 6.

[5] SARF, f. 102, i. 230, file 99, p. 6.

[6] SARF, f. 102, i. 1881, file 1313, p. 1.

[7] SARF, f. 102, i. 1881, file 1313, p. 1 over.

[8] SARF, f. 102, i. 1881, file1333, p. 113; Archive of the Foreign Policy of the Russian Empire (AFPRA), fund 155, inventory 441, file 8 (1881), p. 9.

[9] AFPRA, f.155, i. 441, file 8 (1881), p. 8.

[10] AFPRA, f. 155, i. 441, file 8 (1881), p. 114.

[11] AFPRA, f. 155, i. 441, file 8 (1881), pp. 1-14.

[12] AFPRA, f. 155, i. 368 (1909), pp. 1-3.

[13] AFPRA, f. 155, i. 351, file 5 (1892), pp. 1-42.

[14] AFPRA, f. 155, i. 359, file 291 (1900), pp. 1-2.

[15] AFPRA, f. 155, i. 396, file 15 (1911), pp. 1-23.

Dr. Victor A. Chirikin is a Deputy Director for General Affairs and In-Service Education of the Academy of Public Administration under the President of the Russian Federation, Vladimir branch, and an assistant professor. He has over 20 years of experience in the policing field and is the author of 20 publications.

Vladimir A. Sergevnin, PhD, is the Director of the Center for Applied Criminal Justice, School of Law Enforcement and Justice Administration, at Western Illinois University in Macomb, Illinois. Dr. Sergevnin has published over 60 articles, chapters, brochures, and authored or co-authored ten books pertaining to law enforcement training, leadership, recruitment, history, and education.

A Letter to the Chief

Steven H. Brumm, Coordinator of Criminal Justice Training, Public Safety Academy, Gulf Coast Community College
Lorne L. Brooks, Assistant Coordinator of Criminal Justice Training, Public Safety Academy, Gulf Coast Community College

Dear Chief:

It's time for the Ol' Sarge to hang up his badge and gun after 30 years of more or less exemplary service. We've seen a lot of change over the years, and now you are facing perhaps the biggest challenge of your career: continuing to offer the community top-notch service in this time of major budget reductions. Since I'll be gone in a couple of days, I'm going to take the liberty of offering some advice from the trenches:

1. Above all, tell us the truth. You hired most of the troops because they were reasonably smart, and developing an excellent BS detector is part of the job. The first time you get caught in even a small lie, your credibility is gone. Most of us understand the basics of budgeting and read the newspapers. Don't tell us that the budget you submitted called for a raise when it really didn't.

2. Be seen to fight for the troops in the budget hearings. You may win something extra, but even if you get nothing extra, it will be easier for the troops to stomach if they saw you advocate for them. In today's age of 24/7 media coverage, most commission meetings and hearings are broadcast, and you just don't know who is listening. Let the commission be the bad guy—not you.

3. If you can't get a raise for the troops, at least try to prevent a loss. For example, if salaries stay frozen and health insurance goes up (especially for the family), the troops have taken a loss. If you want to meet a union organizer up close and personal, messing with the families is a good way to arrange it. Read this one again. The officer forced to give up health insurance for his family because he can no longer afford it is looking for another job and is thinking about his problems more than he is thinking about his job. This becomes a safety problem as well as a retention problem.

4. If at all possible, involve the troops in the decisionmaking process—that way they at least feel they have had a say in their fate and their future. If there is limited money and the decision is between a few new hires or maintaining the status quo on insurance, ask the troops how they feel. If they vote for insurance, ask them how they would cope with the department being short three or four officers. They might just have some good answers.

5. Chief, let's be honest and acknowledge that you basically sit in your office all day and often your information is filtered by supervisors who tell you what they think you want to hear. The troops out on the blunt end of the spear know where the money is being wasted and where savings can be made. They aren't going to give up the really good stuff in a group session, so set up some method that they can send you the information anonymously Your computer folks should be able to set up an address by which e-mail will reach you only after

the identifiers have been removed. Think about how successful Crime Stoppers is because it is anonymous, and it offers small rewards for good information.

6. That leads me to the next item. Offer small rewards for cost-savings suggestions that work out. In some cases, that could be a percentage of the savings. How about a day off with pay for a really good suggestion? If that won't work, perhaps area restaurants might donate gift certificates so the officer and their spouse or friend could have a nice dinner out. The possibilities are limited only by your imagination.

7. If you can't give a pay raise, think about giving the officers something else that will improve their working conditions. One rural department I am aware of couldn't get a pay raise but was able to issue each officer a patrol rifle with money obtained from a homeland security grant. Another agency upgraded their MDTs with grant money.

8. Which brings me to grant opportunities. Work the grant system for everything that your agency can get from it. If you can get grants for vehicles, as an example, buy the vehicles with the grant money and put the money budgeted for the vehicles into a raise or some other benefit for the troops. Every department has the officer who is the dreamer and who marches to the beat of a band that the rest of the folks don't even hear. This is the person who thinks outside the box, so harness that creativity for writing grant justifications.

9. Don't cut training. Training is going to save butts and keep the lawyers off your back. Outstanding free training is available from federal agencies such as FLETC. Some of it is even online and can be completed during the officer's slack time. Yes, I understand that even free training costs money for the wages while the officer is in training. Again, turn your creative folks loose on the problem. One training sergeant recently set up a program where he has one or two on-duty officers dispatched to the range where they are presented with a series of tactical problems and work them one-on-one with an instructor. The entire process takes about 30 minutes and 10 to 20 rounds of ammunition per officer, and there is no down time while officers wait their turn to run the course. When the training is over, the officer is issued ammunition to replace what was expended and sent back to patrol. Training organizations such as ILEETA offer your trainers an excellent networking opportunity to share low-cost training ideas. ILEETA also has a large database of lesson plans and *PowerPoints* that can be accessed free of charge by members.

10. If it can be done legally, consider hiring several retired officers on a part-time hourly basis to work the fender bender crashes that tie up a lot of the day shift's time.

11. Consider establishing a reserve and/or auxiliary unit. Laws will vary by state on this, but effective utilization of a reserve unit and requiring a minimum amount of donated time by each officer monthly can easily add up to the equivalent of two or three full-time officers on an annual basis. More importantly, the reserves can be used at special events or in weather emergencies to provide additional manpower without the cost of overtime.

12. Consider telephone servicing or online servicing of minor crimes such as gas drive-offs and bike thefts. Many people today are computer literate and could fill out a template on the department website rather than have to have an officer dispatched to the scene. With the right spin, you could have the community thinking it was a great deal: "Why wait for an officer to be dispatched to your low priority call? File the report online and an acknowledgement and case number will be sent to you within _____."

13. Use senior citizen volunteers or minimum wage employees to handle the mundane tasks such as collecting pawn tickets and entering them into the computer system. Again, this could be a multiple win situation, and you could get some really fine publicity from it.

14. This may come as a real shock, Chief, but those young troops just don't think like we do. However, that doesn't mean they don't have some great ideas. Chat with some of them one-on-one and ask how they would deal with some of the budget problems and find out what is important to them.

15. Don't forget the nonsworn folks or the building custodians. Dispatchers generally know everything that is going on in the department. Chat with them one-on-one, and you might get some really interesting ideas on how to do more with less. Try showing up on a midnight shift with a pizza in your hands and I suspect you would get an earful!

Finally, communication is the key to getting through bad times. The rumor mill can destroy your organization. Getting factual information, be it good or bad, out in a timely manner stops the rumor mill dead. Appoint an officer or a sergeant (or perhaps your PIO) who is trusted by the troops to be the rumor control officer. Encourage all employees to utilize this person to verify or disprove rumors. Above all, when the rumor control officer comes to you with a rumor, provide factual information.

Best of luck to you Chief!

The Ol' Sarge

Steven H. Brumm is coordinator of criminal justice training at the Public Safety Academy at Gulf Coast Community College in Panama City, Florida. He holds a Master of Science degree in Forensic Toxicology and is a Fellow of the American Academy of Forensic Science. He is a graduate of the Navy War College and Air Force Command and Staff Officer School. He is a retired Air Force Officer and former Air Force Office of Special Investigations Special Agent. He has been a reserve police officer/sergeant with the Panama City Police Department for almost 20 years.

Lorne L. Brooks is an assistant coordinator of criminal justice training at the Public Safety Academy at Gulf Coast Community College. She holds a Bachelor of Arts from High Point College and a graduate-level certificate in legal assisting from George Washington University. Ms. Brooks is certified as a law enforcement trainer in many areas by the Florida Department of Law Enforcement and is a member of the American Academy of Forensic Science.

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