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Chapter Objectives
- Understand what is meant by the term police discretion.
- Identify and examine the factors that influence police decision making and the exercise of discretion.
- Examine different theories of police behavior and address the question of whether there is such a thing as a “police personality.”
- Become familiar with Wilson’s three styles of policing and explore the relationship between police organization and the behavior of individual officers.
- Examine the causes of police stress and police suicide.
Maria Teresa Macias lived in fear. After separating from her husband, she continued to be terrorized and abused by him as a result of repeated stalking and harassment, despite having successfully obtained a restraining order against him. On April 15, 1996, the abuse finally ended when her husband showed up at her home for the last time, ultimately shooting and killing her. What raises many questions is that in the year and a half leading up to her death, Maria Macias had contacted the Sonoma County Sheriff’s Department on more than twenty-two occasions for help in dealing with her husband, including making them aware of his repeated threats to kill her. According to expert testimony, “the Sheriff’s Department brushed Teresa off at every turn” (Women’s Justice Center n.d.).

Despite the husband’s known violent history, and the escalating seriousness and fear on the part of Maria Macias, the Sheriff did not come to her aid. Expert testimony in the $15 million federal civil rights wrongful death lawsuit filed by the Macias family claimed that the failures of the Sheriff’s office to respond, and in many incidents properly investigate the seriousness of occurrences, contributed to the escalation of violence as the suspect was sent the message that he could continue his actions, and that Macias’ life was expendable. Sergeant Anne O’Dell testified that “long gone are the days when the criminal justice system has to speculate on how and why people are murdered” (Women’s Justice Center n.d.). Domestic violence homicide is often preventable. O’Dell went on to cite that in many jurisdictions responding officers no longer have complete discretion to treat domestic incidents as “family affairs,” formerly common practice in law enforcement. As a result, domestic violence homicides have decreased more than 50 to 60 percent (Women’s Justice Center n.d.).

In the case of domestic violence, then, practices to reduce officer discretion might appear to make sense. However, in reality, discretion can never completely be eliminated in policing, given its complex realities, just as it will always play a central role within the courts and correctional agencies across this country as well. Even with domestic violence, the answer is not always as simple as mandatory arrest policies. Studies such as the Minneapolis Domestic Violence Experiment have pointed to a more cautious interpretation of such policy; mandatory arrests might decrease the escalating violence of those males who have a lot to lose by criminal justice attention, such as the employed or political figures in a community. For
others, however, such a practice can lead to further anger and ultimately aggression (Worthington 1991).

The good news in the case of Maria Macias is ultimately its legacy. After an initial dismissal of the case by the Ninth District court judge on grounds that there was not a “direct causal link” between the murder and the response of the Sheriff’s Department, the U.S. Ninth Circuit Court of Appeals ruled to reverse the dismissal, finding that women have the constitutional right to nondiscriminatory protection. Although not eliminating the complexities of officer discretion in domestic violence altogether, even with mandatory arrest policies the Macias case evidences that “proper care” in such cases on the part of law enforcement will be a standard to follow for jurisdictions nationally in the future.
The Role of Discretion in Policing

Along with the right to use force, one of the defining characteristics of policing as a profession is the amount of discretion given to individual officers, as introduced in Chapter 1. Although the organizational structure of most police departments follows a traditional bureaucratic model—power concentrated at the top of a hierarchical pyramid and clear lines of accountability running up from the base—police organizations differ from many other public institutions in that low-ranking individuals are given considerable decision-making power, much of which is unsupervised. Although it is senior police management that makes decisions about police strategy, departmental policy, and the allocation of police resources (called departmental or command discretion), the great majority of day-to-day policing decisions are in fact made by ordinary officers (individual discretion). These police officers decide whom to stop, whom to question, and whom to arrest, as well as how best to deal with public concerns and complaints.

In this sense, the formal organization of traditionally oriented police departments offers support for the Iron Law of Oligarchy proposed by Michels (1966). The Iron Law of Oligarchy suggests that the formal organization of bureaucracies inevitably leads to oligarchy, in which even organizations that originally proposed to be based upon democratically oriented philosophies eventually come to be dominated by a small, self-serving group of people who have achieved positions of power. Over time, this group will become more distant from the needs and realities of the rank and file. The depersonalizing effect of police bureaucracies has often been cited as a major contributing factor to the development and maintenance of a distinct police subculture.

Because so much power is concentrated in the hands of officers, no matter how rigid the formal bureaucracy of a department, how and why they exercise their discretion continues to be a source of great interest to policy makers, researchers, and the media. Studying police discretion is, however, problematic. Many important police decisions are made on the job and on the street, and as a consequence are not open to easy scrutiny. For example, although police departments record all of the arrests made by their officers, they rarely if ever keep track of police–public interactions that do not lead to arrest or some other type of formal response. Police officers do not inform their superiors every time they decide to let a speeding motorist off with a warning or choose to overlook some minor incident of public disorder or illegality. For this reason, criminologists and sociologists interested in police discretion have tended to concentrate their efforts on identifying those factors most likely to influence the exercise of police discretion, especially as it relates to the power of arrest and the use of force.

Defining Police Discretion

Although a number of writers have attempted to define police discretion, one of the most widely accepted definitions is that used by Kenneth Culp Davis in his book *Discretionary Justice* (1969). According to Davis:

> A police officer or police agency may be said to exercise discretion whenever effective limits on his, or her, or its power leave the officer or agency free to make choices among possible courses of action or inaction.² (p. 4)

Put another way, a police officer is said to have discretion when he or she has a choice over how to respond to a specific problem or situation.² In the ma-
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In the majority of cases, officer discretion is expressly provided for by the law or police procedure. For example, although NYPD officers are given the power to arrest citizens for jaywalking by the city’s Traffic Rules and Regulations, they are not required by the statute to make an arrest in every case. As a consequence, an officer can exercise discretion when dealing with a pedestrian who has broken the law and choose whether to arrest that individual or issue a warning or some other verbal reprimand. In other cases, police discretion exists because the law does not expressly cover the situation facing the officer. As Bittner (1990, p. 249) notes in his famous article on the function of the police, officers frequently find themselves in the role of society’s problem solvers of last resort, called in to deal with situations that “ought not to be happening and about which someone had better do something now!”

According to early studies by LaFave (1965) and Davis (1969), police officers may choose not to arrest for a number of different reasons. In many cases, police officers will not arrest a suspected offender either because they believe that the legislature did not intend the law in question to be enforced in all cases or because they feel that the general community would not be in favor of the arrest. As both LaFave and Davis observe, laws that officers feel are out of date, ambiguous, or overly harsh are often not enforced, particularly if those laws deal with questions of community standards or “victimless crimes.” Equally, because the police are aware of the need to maintain good relations with the public, where strict enforcement of an unpopular law may lead to serious conflict with the community, the police may choose to use less formal means of discouraging the unlawful behavior. In addition, police officers may choose not to enforce a certain law because it would mean drawing time and resources away from other more important tasks. The police cannot arrest everyone who breaks the law, and as a result they have to make choices about which laws they enforce and under what circumstances. Time spent arresting jaywalkers could, for example, be spent preventing or investigating more serious crimes such as assaults and burglaries.

Discretion is regarded as an essential aspect of policing because individual police officers are required to deal with a vast range of problems and situations, many of which are not precisely regulated by the law. Indeed, so important is the exercise of discretion to police work that it is hard to imagine what policing would be like without it. In a world in which individual police officers had no discretion, every type of possible police–public interaction would have to be governed by clear policies, guidelines, and rules, which the officer would then be required to follow precisely and without deviation. Police officers would walk the streets with a book of laws and rules that they would enforce without exception, irrespective of their own personal judgments or feelings. This is hardly a model of policing that many would regard as either realistic or desirable.

Although such extreme examples help to highlight the importance and necessity of discretion, “nondiscretionary” policing tactics are sometimes employed in real-world situations. Zero-tolerance policing, for example, often is used by the police as a means of combating certain forms of minor crime, such as urinating in public, aggressive begging, and fare dodging. When zero-tolerance policies are in effect, police officers are required to stop anyone they see committing such offenses, with little or no discretion as to whether to arrest. According to advocates of zero-tolerance policing, limiting or removing police discretion in this way is justified because strict enforcement of the law sends a powerful deterrent message to potential offenders and increases public confidence in the police (Bratton 1996; Greene 1999; Kelling and Coles 1996). Critics, however,
argue that such policies rarely have a lasting effect on crime rates and can cause considerable harm to fragile police–public relations (Harcourt 1998).Ironically perhaps, these critics argue that it is the existence of police discretion that protects the public from abuse and helps to ensure that the police respect the rights of citizens.

Factors Affecting the Exercise of Officer Discretion

Over the past fifty years, a large number of studies have examined police decision making to identify factors that influence the exercise of officer discretion (see, for example, Black 1971; Davis 1975; Klinger 1995; Reiss 1968; Worden 1995). Broadly speaking, these factors can be grouped as follows (also see Figure 9.1).

**Type and Seriousness of Offense** According to research undertaken by Black in the late 1960s and early 1970s, one of the most important factors that police officers take into consideration when deciding whether to arrest a suspect is the seriousness of the alleged offense (Black 1971). As might be expected, the police are far more likely to arrest an individual they believe to have committed a major crime, such as assault or robbery, than one who has committed a relatively minor offense, such as ignoring parking regulations or littering. In Black’s study, for example, the police chose to arrest a suspect in 58 percent of all felony cases, as opposed to only 44 percent of all misdemeanors (Black 1971). More recent statistics on arrest rates also appear to bear out this basic relationship. As
Roberg et al. (2000) observe, approximately half of all violent crimes result in an arrest, as compared with less than a quarter of all property offenses. Other factors related to offense seriousness that may influence officer decision making include the use or presence of weapons and the type of property concerned (where the offense is property related).

There are, of course, obvious reasons for this. Given that one of the primary aims of the police is to maintain order and promote public safety, arrest is one way in which the police can incapacitate a suspect and ensure that he or she does not have an opportunity to re-offend. In addition, from the perspective of both the police and the public, arresting those suspected of committing serious crimes is far more important than apprehending those responsible for minor offenses and misdemeanors. Yet there are, however, other reasons why serious offenses are more likely to lead to an arrest. Many instances of violent crime, for example, involve an identifiable victim who can serve as both a complainant and a witness to the offense, increasing the likelihood that arrest will lead to prosecution and eventually conviction of the suspect. Furthermore, as Black and others have observed, the decision to arrest is frequently based on questions of probable cause, which is generally easier for an officer to establish in the case of a serious crime (Black 1980).

Certain types of offenses might have differential rates of arrest as well, particularly crimes such as domestic violence. Domestic violence represents approximately 20 percent of all violent crime committed against women (Eitle 2005). Thirty years ago police agencies had policies in place that discouraged arrest in cases of domestic violence (Klinger 1995). These policies have gradually been eliminated, but many advocates and scholars claim that police are still less likely to arrest men in cases of domestic violence and more likely than in cases involving women as suspects or other persons in other kinds of violent encounters. This claim has been called the leniency thesis.

Despite the advent of mandatory arrest policies, the results of studies are not clear as to the practice of police officers in domestic violence situations. Klinger (1995) found that although officers were unlikely to arrest in cases of domestic violence, the police were equally as unlikely to make arrests in other violent incidents. A 2005 study found that in states with mandatory arrest policies the chance of arrest was 50 percent, whereas in those without mandatory arrest policies the chance was 45 percent (Eitle 2005). Klinger et al. (1997) found support for the leniency thesis, finding arrests in only 13 percent of domestic violence cases. However, the study found a strikingly low overall arrest rate—28 percent—for violent encounters. The role of discretion is undeniable. Even in the face of widespread policy changes, decisions made by individual officers still determine who is arrested and who is not.

**Attitude of the Suspect** How a suspect reacts to being stopped and questioned by the police can also have a significant effect on an officer’s decision to arrest, particularly if the suspect appears aggressive or disrespectful. As Black (1971) notes, “disrespect in a police encounter is much the same as ‘contempt’ in a courtroom hearing” (p. 1092) in that it represents a challenge to the position and authority of the police officer. Just like a judge in the courtroom, the police need to maintain the public’s respect in order to do their job, and as a result they can be expected to vigorously defend that authority when threatened. Some authors have referred to this attitude as contempt of cop (COC).
Studies of police discretion also have found that the demeanor of the suspect is an important factor in the police decision to use force. Research by Reiss (1968) in the late 1960s found, for example, that police officers were far more likely to use physical force against suspects who they felt had not shown the proper amount of respect to them either as individuals or to the police in general. Similarly, a later study by Worden (1995) suggested that disrespect was a key factor in the decision to use force, as was the perception that the suspect was being uncooperative or attempting to resist arrest. The conclusions drawn by both Reiss and Worden, have, however, been the subject of some debate. According to Klinger (1994), for example, in many cases disrespect and friction between the police and the suspect emerges after the arrest has taken place, and as a result such behavior cannot be said to have influenced the initial decision to arrest. However, later studies have found the opposite: that disrespect is not a key predictor of behavior with respect to force (Terrill and Mastrofsky 2002).

**Characteristics, Position, and Preference of the Victim** Although offense seriousness and suspect demeanor appear to play an important part in the decision to arrest, research also has shown that the characteristics of the victim may be significant. In his study of police attitudes toward rape victims, LaFree (1989) found evidence to suggest that officers may be less likely to arrest a suspected offender when they disapprove of the victim or her lifestyle in some way. Furthermore, when the victim of a crime does not want the suspect to be arrested, the police are likely to take this into account, particularly if the victim is the sole witness to the crime. Of course, many studies have demonstrated that the presence of a witness (or willingness to report of a witness) is a key factor.
influencing discretionary decisions to pursue an allegation or incident (Black 1971; Greenwood and Petersililia 1975). Officers are far more likely to arrest/cite the offender if witnesses are present.

**Relationship Between the Suspect and the Victim**  Another factor that can have an effect on a police officer’s decision to arrest is the relationship between the suspect and the victim. In situations in which the parties are close—for example, when the suspect and victim are husband and wife—the officer may feel that there is little chance that the victim will be willing to testify against the suspect in court, and as such an arrest is unlikely to lead to a conviction (Enstermaker et al. 1980–1981). In such cases, the officer may choose to regard the incident as a “private matter” and simply decide to issue the suspect a warning (Black 1971). An officer may choose not to arrest when the relationship between the suspect and complainant is close for a number of reasons, including:

- The officer believes the complainant does not actually want the suspect arrested, but merely wants to “teach them a lesson” by calling in the police.
- In suspected cases of domestic violence, the officer believes there is a strong possibility that suspect may re-offend as a way of punishing the victim for making the complaint.
- The officer believes the arrest would deprive a family of its major income earner (“breadwinner”).

**Evidence of the Offense**  According to work by Black and others, police officers are more likely to arrest a suspect when there is clear evidence of wrongdoing. In cases in which there is little or no physical evidence, or where the only evidence available to the police is the testimony of the complainant or victim, the officer must decide whether there is enough evidence for there to be a reasonable chance of conviction if the case goes to court (Black 1971).

**Minority Status of the Parties to the Offense**  Of all the factors that can influence an officer’s decision to arrest, questions of race and gender are by far the most controversial. Based on studies of racial profiling and the impact of race on police decision making, many criminologists and police researchers now believe that a suspect’s race is an important factor in the decision to arrest. Although Black (1971) did not find any clear evidence of racial discrimination in his study of police discretion, subsequent work by Maurer (1993) and Chambliss (1997) indicate that African American suspects are not only more likely to be stopped and arrested than whites, but that they are also more likely to be subjected to police use of force.

In their efforts to explain these findings, some criminologists (Worden 1995) have suggested that this difference in treatment may not simply be a product of police racism, but rather a consequence of poor police–minority relations or miscommunication between white officers and African American suspects. It is also worth noting that although there may be a broad consensus regarding the existence of racial profiling and gender bias, considerable disagreement exists over the relative importance that police officers attach to race when making the decision to arrest. Is, for example, a suspect’s race more important than their attitude or the seriousness of the alleged offense? Are officers more likely to take
a victim’s complaints if they are members of an ethnic or racial majority? To what extent does race outweigh or “trump” other considerations?

In contrast to the issue of race, very few studies have examined the impact of a suspect or victim’s gender on the decision to arrest. One widely held belief is that male police officers are generally more lenient when it comes to dealing with women and have a tendency to act out of a sense of “chivalry” when dealing with female victims or complainants. Research by Visher (1983), however, suggests that the level of chivalry extended depends largely on whether the woman’s appearance, demeanor, and behavior conforms to the male officer’s traditional gender stereotypes and conception of how a woman “ought to behave.” In those cases in which the woman does not conform to the ideal image, she may in fact be treated more severely than a man on the basis that she is “doubly deviant”—that is, she has offended both the law and the officer’s idea of what constitutes normal female behavior. Although many police departments in the United States continue to be dominated by men, the evidence suggests that women are no more (or less) likely to be stopped or arrested by the police than men (Martin 1980). Perhaps the one exception to this general finding, however, is in relation to traffic violations. According to a study undertaken by Kappeler et al. (1994), attractive young women are more likely stopped for traffic offenses by male police officers than men, in many cases simply because the male officer is looking to initiate personal contact with the female driver in question.

Finally, research suggests that individual factors also affect the exercise of police discretion. According to a number of studies, female officers tend to be less aggressive when dealing with suspects than their male counterparts, particularly when it comes to the use of force (Grennan 1988; Martin 1990). Some of this difference has been attributed to the greater tendency of female officers to use more developed mediation skills in tense situations, as compared to their male counterparts. In contrast, evidence indicates that African American officers are stricter when dealing with the African American community than they are with other racial and ethnic groups and are more likely to arrest African American suspects than whites or Hispanics (Brooks 1989).

The devalued status of other minority groups has also historically been said to influence police decision making, as will be discussed further in Chapter 10. Depending on the degree of tolerance of the responding officer, he or she may have difficulties dealing with members of the Gay Lesbian Bisexual or Transgendered Community (GLBT). One particularly disturbing example of such differential treatment is how two officers responded to a bleeding, disoriented Laotian boy on the streets of Milwaukee after receiving a call from a disturbed neighborhood resident. After learning that the fifteen-year-old boy was gay, the officers dismissed the incident as a “lover’s quarrel” and returned him to the apartment of Jeffery Dahmer, now widely known as a depraved serial killer. The taped communications of the two responding officers revealed horrible references to needing to “delouse” following contact with the “gay couple.”
nologists, including Goldstein (1968), Neiderhoffer (1969), and Skolnick (1966), it is possible to identify certain core beliefs, values, and behavioral traits that are common to many police officers and that help to explain how individual officers exercise their discretion and how they deal with members of the public as well as how police organizations function. Many studies argue for the existence of a police subculture with distinct traits, such as cynicism, authoritarianism, and suspiciousness of the general public, and that these traits often affect the way in which the police deal with particular groups, such as women and racial minorities (Leftkowitz 1973; 1975).

In their efforts to explain how the police personality and subculture develops and why certain beliefs are more prevalent than others, researchers have tended to favor one of four main theories or explanations. Broadly speaking, they can be summarized as follows:

- **Psychological theories.** These theories argue that core attitudes are formed before the individual enters the police force and are a function of such things as family background, social status, and prior education.

- **Educational theories.** These theories state that core attitudes are acquired during police training and early years on the street and are passed on to recruits by older, more experienced police officers.

- **Sociological theories.** These theories state that police attitudes are shaped by the daily demands of police work and reflect the “working culture” of policing.

- **Organizational theories.** These argue that police attitudes and values are shaped by the organizational and working culture of policing and the demands placed upon officers by their police colleagues.

Before moving into a discussion of these theories, however, it is important to note that the idea of the police personality, or subculture, remains extremely controversial. Many of the key studies in this area were conducted during the 1960s and 1970s, and as a result their relevance to policing today must be questioned. Although most criminologists and sociologists appear to accept that the police are indeed more conservative than the average citizen, many remain unconvinced that the police are necessarily more authoritarian or more prone to racism and sexism (Worden 1995).

### Psychological Explanations: Predisposition and Police Behavior—Police Personality or Culture?

As noted by Bonifacio (1991), most predisposition theories focus on the reasons why people join the police and whether particular personality patterns common to police applicants distinguish them from members of the general public. In an effort to identify these patterns, a number of researchers have looked at the reasons why people join the police in an effort to determine whether a link exists between the motivation to join and certain key personality traits. For example, various studies have suggested that most people who apply to become police officers do so either because they want to help society or because they want a job that offers them challenge and excitement (Lester 1983). According to work by Arcuri (1976), Lester (1983), Reiser (1973), and Stratton et al. (1984), such individuals tend to see themselves as “brave” and “powerful” and are more
conservative and authoritarian in their thinking than the average person. In addition, it has also been argued that because many police recruits are drawn from traditional working-class backgrounds, they are naturally more inclined towards conservative attitudes. Work by Bayley and Mendelson (1969), however, has found that working-class recruits were no more or less authoritarian than those drawn from other social backgrounds.

The emerging consensus in the research literature indicates that career socialization is a stronger influence than preexisting differences in temperament (Wiederhoffer 1969; Worden 1995). However, famed police personality researcher Lefkowitz (1975) found that although police do not differ from other groups in terms of psychological disorders or intelligence, a constellation of traits/attitudes does significantly merge with officers, such as authoritarianism, suspiciousness, conservatism, loyalty, secretiveness, physical courage, and self-assertiveness. These traits are likely more influenced by the strong influence of a police subculture than a predisposed personality type. For example, one of the key elements stressed in the police subculture literature is the sense of mission felt by police that corresponds with each of the cluster traits noted by Lefkowitz. This sense of mission is characterized by the perception that the police are a thin blue line between anarchy and order in a society (Reiner 1992). The peer solidarity and loyalty so often noted in the literature also are seen as outcomes of this sense of mission and the type of work that police do (Waddington 1999).

Chan (1997) argues that the majority of the academic literature related to police culture is too simplistic. Instead, she argues that police culture is the result of history and learned dispositions (socialization), which both mold the police officer’s sense of what constitutes suspicious activities, and thus police work itself. These sociological processes have been categorized within educational, sociological, and organizational domains, depending upon the background of the researcher.

Educational Explanations: Police Recruits and the Effects of Police Training

According to traditional educational theories of police personality, the character traits typically observed in serving police officers are the direct result of the process of police training and early experiences “on the job.” Perhaps the most well-known and influential advocate of this explanation of police attitudes is Arthur Niederhoffer. In a study that attempted to measure levels of job satisfaction and cynicism amongst recruits and serving police officers, Niederhoffer (1963) found that after less than three months, levels of cynicism amongst serving recruits rose dramatically. For example, in Niederhoffer’s study, nearly half of all first-day recruits polled believed that the average police superior was “very interested in the welfare of his subordinates.” Two months later, the number of recruits who still believed this to be true had fallen to just 13 percent. Similarly, nearly 80 percent of first day recruits believed that their department was an “efficient, smoothly operating organization.” Two months later, less than a third of experienced recruits held that same opinion. Lastly, nearly three-quarters of all new recruits questioned believed that police training does “a very fine job of preparing the recruit for life in the precinct.” Two months later, less than a quarter of the experienced recruits believed that was the case. It is important
to note that such cynicism may be a result of psychological shielding against the realities faced by officers on a regular basis.

Based on these results, Niederhoffer concluded that the quasi-military style of police training caused police recruits to become cynical about themselves, others, and the department they were joining. A parallel study undertaken later by Van Maanen (1997) returned similar results. For his study, Van Maanen sought to determine how much a recruit’s feelings about the department changed during the course of the police training process. To test this, Van Maanen developed a questionnaire to measure the motivational level and organizational commitment of recruits. Note that Van Maanen also did participant observation, thus lending greater weight to his final results. According to Van Maanen’s finding, as recruits’ careers progressed, their attitudes and beliefs changed significantly. Recruit motivation declined significantly, as did organizational commitment.

In summary, these studies suggest that the person who completes police training is clearly different from the person who begins it. At the outset of the training experience, the recruit identity is embraced. A few months later, however, the typical recruit is disenchanted with the recruit role and the department. In light of the changes that have taken place in police training practices since the 1960s and 1970s, however, these findings need to be treated with caution.

**Sociological Explanations: Skolnick’s “Working Personality”**

In contrast to the approach taken by Neiderhoffer and others, some sociologists, most notably Jerome Skolnick, have sought to explain various aspects of police behavior in terms of the relationship between individual officers and the police organization. One of the most influential writers on the subject of police personality, Jerome Skolnick, published his first book, *Justice on Trial* (1966), at the height of the American civil rights movement, at a time when the public was becoming increasingly concerned about the issue of racial bias in law enforcement and the problem of police brutality. Having examined the subculture of policing and police deception in his book, Skolnick came to the conclusion that there were “distinctive cognitive tendencies in police as an organizational grouping” and that it was possible to identify a number of elements that combine to form a police officer’s “working personality,” most notably danger and authority.

According to Skolnick (1966), because police officers are constantly faced with dangerous, sometimes life-threatening situations, many officers tend to become suspicious when dealing with members of the public. In addition to danger, the public nature of police work and the resulting constant observation by the citizenry have an isolating effect. Officers are taught to regard civilians as potential offenders or even as threats to their personal safety, and they have difficulty trusting anyone other than their own police colleagues or forming friendships with people outside the department. As a consequence, police officers show an exceptionally high degree of work-related solidarity and tend to socialize together.

Skolnick proposes that police officers have a “perceptual shorthand” with which they come to perceive certain attitudes, movements, and styles of dress as cues of potential trouble. Individuals are stereotyped by the police as sources of danger, grouped into a mental category as “symbolic assailants.” Just as their sense of isolation is worsened by their exclusive association with other officers,
their detachment from those they police is increased by their classifications of these individuals. Even though officers may speak the slang of those they police efficiently, it is only a function of their ability to remember the properties of these “symbolic assailants.”

Additionally, the qualities that enable officers to deal with danger efficiently do not lend themselves to stringent moral behavior. Whereas the public expects men or women of flawless character, police officers seem normally predisposed to even more of the imperfections and vices common within the population. This provides another reason for officers to associate closely with fellow officers; to avoid public scrutiny of indiscretions that persons would otherwise deem harmless or common (e.g., drunkenness, colorful language, etc.). This unusual solidarity leads to a sense of dependence and a system of watchfulness or protection of other officers. Along with danger and authority, isolation and solidarity lead many officers to conclude that the only way for the police to protect themselves from the outside world is to be loyal to one’s fellow officers, even if this means lying or covering up acts of police misconduct.

Drawing on this account of the police working personality, Skolnick argues that police behavior and many undesirable police practices can be explained by reference to the emphasis on solidarity within police culture. From the police perspective, lying to protect another officer is seen as acceptable, even if this means deliberately deceiving one’s superiors or police investigators. As Skolnick (2000) notes, new police officers quickly learn to back up their fellow officers when dealing with the authorities, and expect to be backed up in return. Equally, officers who do not support their fellow officers are regarded as “rats” who are not to be trusted and deserve to be excluded from the group.

Although Skolnick’s work has had an enormous influence on thinking about the police and police working culture over the past thirty years, he has not been without his critics. In 1967, for example, the criminologist David Bordua (1967) argued in a review of Justice on Trial that Skolnick’s account of police behavior was somewhat misleading and overly negative. Although agreeing with many of Skolnick’s conclusions, Bordua believes that Skolnick’s concern with the police work ethic leads him to understate the positive effect professionalism has had on police efficiency and formal legality. On a similar note, the John Birch Society has continued to argue since the 1960s that it is important to recognize that the same subculture that Skolnick sees as the source of police deception and brutality also provides individual officers with the support they need to do their job effectively and with confidence (Grant 1995).

Organizational Explanations: Wilson’s Three Styles of Policing

In addition to these various sociological and psychological theories of individual officer behavior, attempts have also been made to explain police attitudes in terms of the history of the policing function and changes in the organization of policing in the United States. By the beginning of the 1960s, most theories of police management focused primarily on the importance of bureaucracy, hierarchy, and authoritarianism. According to this view, the police were almost exclusively concerned with the task of law enforcement and crime control, a fact reflected in the militaristic organization of police departments and the strict emphasis placed on formal chains of command. In the 1970s, however, this view of policing began to give way to new theories of police organization. These theo-
ries, sometimes referred to as behavioral management theories, emphasized the importance of looking at what police officers actually do and acknowledging just how complex the modern police department had become. Research during the 1960s had revealed, for example, that the less than 20 percent of police time was devoted to law enforcement, with police officers being more likely to spend their days engaged in community service activities than arresting criminals or preventing crimes (Bercall 1970; Cummings et al. 1965; Goldstein 1968). Furthermore, researchers had observed that while many police departments were organized along similar lines, they often adopted very different approaches to basic policing problems and their relationship with the public. These findings prompted a number of police researchers—most notably, the American criminologist James Q. Wilson (1978)—to reexamine existing ideas about the police function, to develop new theories about how police organizations worked, and to look for new explanations of individual officer behavior.

According to Wilson (1978), all police departments were faced with two fundamental but different types of problems: problems of law enforcement and problems of order maintenance. Law enforcement problems typically involved illegal conduct that could lead to an arrest, whereas order maintenance problems involved less serious behavior that in many cases could be dealt with informally by the police. Based on a study of eight police departments, Wilson concluded that police organizations could be divided into one of three basic categories depending on how they approached these problems: the watchman style, the legalistic style, and the service style (see Table 9.1). The key features of each of these policing styles are as follows.

The Watchman Style  Based primarily on the use of the uniformed police patrol, this approach places great emphasis on order maintenance and individual officer discretion. Because most policing activity takes place on the street, officers are less concerned with law enforcement than keeping the peace in their patrol areas, with the result that minor infractions of the law are generally overlooked. According to Lundman (1980), for example, one of the defining characteristics of the watchman style of policing is the tendency of officers to “avoid trouble” and to rely on informal, nonlegalistic means of resolving conflicts. Police departments adopting this style rarely engage in research or systematic planning and tend to suffer from problems of discriminatory arrests and

<table>
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<th><strong>TABLE 9.1</strong></th>
<th><strong>Key Features of Wilson’s Typology of Policing</strong></th>
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<tr>
<td><strong>Watchman Style</strong></td>
<td><strong>Legalistic Style</strong></td>
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<tr>
<td>Policing as order maintenance</td>
<td>Policing as law enforcement</td>
</tr>
<tr>
<td>Few policies and procedures</td>
<td>Emphasis on legal rules</td>
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<tr>
<td>Individual approach to problems</td>
<td>Formal resolution of problems</td>
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<tr>
<td>Emphasis on “curbside” justice</td>
<td>Commitment to professionalism</td>
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corruption, because there are few effective restraints on the activities of individual officers. In Fyfe et al.’s (1997) study of domestic violence, the police department observed displayed a remarkably low rate of arrest in violent encounters. The authors speculate that the selection of departments by academics and the demeanor of those departments (given their cooperation) are probably not representative of most municipal police agencies. They surmise that the “declining blue-collar city” (whose data was acquired by court order) was more representative of Wilson’s watchman style of policing, and they suggest that this style is more representative of most police agency’s operations.

The Legalistic Style This style of policing emphasizes the importance of law enforcement and maintaining clear and impartial legal standards for both the police and public alike. Police departments organized along legalistic lines tend to be bureaucratic, use performance indicators as a means of promoting professional standards, and place considerable importance on research and planning. In addition, individual officers are less inclined to exercise curbside discretion, preferring instead to refer to the law and make arrests. Corruption—at least at the operational level—is far less pervasive and discrimination less institutionalized than under the watchman model. Looked at historically, the legalistic style of policing tends to replace the watchman approach as the police become more professional, technologically advanced, and more proactive.

The Service Style According to Wilson’s typology, the service style of policing sees the police primarily as servants of the community. Although law enforcement and order maintenance remain priorities, emphasis is placed on maintaining good police-public relations and on the use of informal policing methods aimed at keeping offenders out of the criminal justice system. As a consequence, service-style departments tend to favor strategies that are proactive and heavily oriented toward crime prevention, with individual officers preferring to avoid reference to the law when dealing with the public. As Lundman (1980) has observed, service-style police departments are most likely found in affluent, middle-class communities style.14

By dividing police organizations according to these typologies, Wilson was able to explain the differences he observed in terms of both police functions and
individual officer behavior. In addition, one of the great strengths of Wilson’s approach was that he did not abandon previous theories of police organization, but instead argued that the “legalistic model” favored by many departments in the 1960s and early 1970s was better understood as a stage in the overall development of policing. Although elements of all three styles can be found in most police departments, according to Wilson as society becomes more complex and begins to demand more of its police, police organizations tend to go through stages of evolution, moving more closely toward the service-style model.

Reconciling the Theories

Attempting to account for and explain why police officers appear to share certain values and personality traits, criminologists, sociologists, and psychologists have approached the subject of police personality from a variety of angles. Clearly, the reality is that all of the factors and influences identified in this section play a part in shaping how police officers think, behave, and exercise their discretion. One thing that is apparent from this section is that there is a pressing need for more work to be done in this area and for many of the seminal studies, such as those by Niederhoffer and Skolnick, to be updated to account for the very real changes that have taken place in policing over the past thirty years.

Police Stress

In addition to being interested in how police officers behave, police researchers have also devoted considerable time examining how individual officers are affected by the demands of police work and how police officers deal with stress. It is generally accepted by the public that policing is one of the most stressful occupations in contemporary society. Many police officers deal with potentially dangerous situations on a daily basis and are required to handle a wide range of different and challenging tasks as a matter of routine. Furthermore, because they occupy a unique position in relation to the public they exist to serve and protect, the police are required to maintain high standards and are frequently subjected to intense scrutiny and criticism from the media and the public at large.

Although police work is clearly stressful, research suggests that policing may not be the most stressful profession. According to a study conducted by Pendleton (1983) in the 1980s, police work can be extremely stressful, but members of many other occupations, including emergency medical personnel and correctional service officers, face stress levels at least equal to and in many cases in excess of those confronting police officers (Patterson 1992). Regardless of whether policing is any more or less stressful than other forms of work, however, stress and its consequences for the health and well-being of individual officers is a serious problem for many police departments across the country.

Sources of Police Stress

Police officers experience stress for a variety of reasons. There are two categories of occupational stress: eustress (stress that is normal and good, even providing on-the-job motivation) and distress (stress that is outside of the normal
range and very harmful over time). Often referred to as stressors, the causes of police stress can be broadly categorized according to the source of the stress, that is, whether the cause is produced by the police organization itself or by the on-the-job pressures of actual police work.

**Internal and External Organizational Stressors** These include stress factors that stem either from the relationship between the individual police officer and his or her department (internal stressors) or from outside pressures place on the police as a group by the criminal justice system or the community at large (external stressors):

**External Stressors**
- Lack of interagency cooperation or community support
- Ineffective criminal justice system
- Overly lenient courts
- Political interference in police policy and decision making
- Overly critical media coverage of police actions
- Poor police–minority relations

**Internal Stressors**
- Overly tough supervision
- Absence of promotional opportunities
- Troublesome or offensive internal policies and procedures
- Excessive paperwork
- Poor or substandard equipment

**Work-Related Stressors** These include stress factors that result from the day-to-day work done by police officers. Although these stressors often affect officers who are not engaged in routine patrol or investigative work, they are most likely to have a negative impact on officers on the street or otherwise engaged in more “traditional” policing tasks such as public order maintenance and crime prevention. These stressors include, but are not limited to:

- Work fatigue
- Rotating shift patterns
- Having to maintain conflicting roles in the community (i.e., as both law enforcer and public servant)
- Persistent fear and danger associated with police work
- Dealing with victims and the families of victims
- Lack of control over the progress of cases within the department
- Internal review boards and ongoing performance assessments
In terms of the relative importance of individual stress factors, research by Violanti and Aron (1995) found that the single most stressful event a police officer is ever likely to face in the course of his or her career is killing someone in the line of duty. Closely behind this was the death of a fellow police officer, and then being subjected to injury or physical attack. Although the majority of officers are rarely, if ever, forced to deal with such events, the fact that they are all incidents that occur on the job reinforces the point that policing is an inherently dangerous and stressful profession.

How police officers respond to these different forms of stress will vary according to the personality of the individual concerned; the level of support they receive from friends, family, and their department; and other factors, such as their level of experience on the job, years of service, ability to develop effective coping strategies, and the nature of the stressful event itself. According to an early study by Niederhoffer (1969), most police officers respond to stress by withdrawing into themselves and becoming more cynical.

Police Suicide

In recent years, police suicide has become a major concern for many departments throughout the United States. Although it is difficult to get an accurate picture of the problem, most studies suggest that suicide rates among serving police officers are considerably higher than those of the general population. In one of the first studies of the problem, Guralnick (1963) compared suicide rates for police officers with those of 130 other occupations and found that police officers were almost twice (1.8 times) as likely to take their own lives as members of the general public. These results were later confirmed by a similar study conducted by Richard and Fell in 1975, which concluded that policing had the third-highest suicide rate of any profession. Although more recent studies by Heiman (1979), Terry (1981), Allen (1986), Ivanoff (1994), Violanti (1996), and Hoenig and White (2000) have returned marginally different results, in each case police officers were found to be more likely to commit suicide than almost any other group. Perhaps even more disturbing, Violanti (1996) found that more police officers—over 8.3 times more—die at their own hands than at the hands of criminals or in the line of duty.

As disturbing as such figures are, there is reason to believe that the problem of police suicide is far more pervasive than these studies suggest. According to Violanti (1996), many officer suicides are intentionally misclassified by police departments as “accidental,” either to protect the reputation of the individual officer or the department as a whole. For example, police investigators may deliberately misclassify an apparent gun-related suicide as a result of careless weapon handling or instead conclude that the gun had misfired while the officer was cleaning his or her weapon. Such misclassification allows the deceased officer to be treated as having died in the line of duty, entitling him or her to burial with police honors and the officer’s surviving family to full insurance and benefits (Bonifacio 1991). Alternatively, a suspected suicide may be misclassified in an effort to protect the officer’s department from criticism, particularly regarding the provision of mental health services and officer support. Although the courts have ruled that police
Post-traumatic Stress Disorder Following Response to Stress—Law Enforcement and Other Emergency Workers

Although police work often involves its share of mundane activities, such as report writing or having to respond to minor disputes, there can be no question that the job always holds the threat of difficult and dangerous situations. In addition to the often insular nature of the profession (Blau 1994), many officers often feel alone when they have to work in a “thankless” environment, that is, a community that does not support their efforts. Moreover, police often have to see the very worst in people or communities, more often responding to the violent or disturbed elements of a community than having a chance to meaningfully interact with those that are truly supportive.

In the course of their duties, patrol officers may have to confront highly disturbing or stressful situations, such as responding to a particularly gruesome accident, taking testimony from a sexually abused child, or having had their own personal encounter with serious injury. In situations where officers have had to use lethal force, the months afterwards can be filled with sorrow and second-guessing one’s own actions. The response of police officers, firefighters, and other emergency workers in the horrific events of domestic and international terrorism evidenced in the Oklahoma City Bombing and the attacks of September 11 demonstrate both the courage of so many in these professions, as well as the gravity of situations they can be called upon to face in the course of their duties.

Post-traumatic Stress Disorder (PTSD)

In some cases, traumatic incidents can lead to the development of post-traumatic stress disorder (PTSD) in law enforcement or other emergency personnel. The diagnostic criteria for PTSD are as follows:

- The person experiences a traumatic event that involved the actual or threatened death or injury to self or others;

- The traumatic event is persistently re-experienced through recurrent and intrusive recollections or dreams, acting or feeling as though the event were reoccurring; and

- Intense psychological distress and physiological reactivity upon exposure to internal or external cues resembling an aspect of the traumatic event.

In some cases, there may not be one single traumatic event, but rather a cumulative weight of numerous stressors. Officers develop numerous coping mechanisms for dealing with these stressors, including the isolation of feelings, use of seemingly callous humor, and shutting off of the outside world characteristic of the insular police subculture (Blau 1994). In many cases, however, these coping and defense mechanisms are not enough, requiring more formal intervention services. Some of these interventions might consist of a day-long workshop; other officers may require more intensive services.

Strategies for Dealing with PTSD and the Patrol Officer

Because of the negative stereotype within law enforcement that accompanies accessing mental health services, interventions are usually referred to as critical incident stress debriefing (CISD) (Belles and Norvell 1990). CISD is a “structured intervention designed to promote the emotional processing of traumatic events” through the discussion and normalization of reactions, as well as preparing officers to be able to cope with other possible traumatic events in the future (Miller 1999). CISD has seven phases (Miller 1999):

1. Introduction: A debriefing in a group setting about the CISD approach.
2. Fact phase: Group discussion as to the facts surrounding exactly what happened during the traumatic event.
3. Thought phase: Group members begin to discuss what was going through their minds during the event.
4. Reaction phase: Group members begin to comprehend the emotional consequences of the event, highlighting what the worst part of the event was for them.

5. Symptom phase: Group members work past the incident to begin to deal with their experiences since the event occurred.

6. Education phase: Information is provided to the group as to the stress response and the related psychological and physiological symptoms.

7. Reentry phase: Coping strategies are provided to prepare members for the eventuality of future traumatic events.

In order to prevent the possibility of group participants being subpoenaed as witnesses, it is recommended that the CISD process not begin until after the initial investigation and collection of formal statements in the case of officer-involved shooting investigations.

QUESTIONS

1. In your opinion, what are the most stressful aspects of police work? Have these stressful conditions changed since September 11? Why or why not?

2. What intervention might a police manager introduce to help police officers deal with stress?

3. What characteristics/background in new recruits might indicate a better ability to cope with stress?
departments are responsible for ensuring that all police personnel are psychologically fit, many departments do not have the resources to effectively monitor the mental health of their officers (Meredith 1984). As a result, there is a strong incentive for departments to “cover up” the problem of police suicide, both to protect themselves from possible legal actions and external investigations that may harm the department’s reputation. In either case, there is reason to believe that many police suicides go unreported. According to an FBI study of Chicago Police Department (Cronin 1982), it was possible that as many as 67 percent of all police suicides in Chicago had been misclassified, a finding that suggests reported police suicide rates may seriously underestimate the extent of the problem.

Over the past forty years, researchers have advanced a number of theories of police suicide in attempts to explain why police officers kill themselves in such numbers. One of the earliest explanations can be found in the work of Friedman (1967), who looked at incidences of police suicide in the NYPD between 1934 and 1940. Having examined 93 individual cases, Friedman concluded that while approximately two-thirds of the officers who committed suicide could be said to have had “passive” personalities, the remaining one-third could be classified as “overtly aggressive, impulsive, and reckless” in nature. This led Friedman (1967) to conclude that police suicide is primarily the result of emotional displacement, with officers turning their aggressive impulses onto themselves in an effort to deal with feelings of frustration or inadequacy:

> The policeman is permitted to kill and receives praise from his superiors, peers, and even the public for carrying out these acts. The aggressive and controlling drives, which are no doubt the primary motivations for his choice of occupation, are often in collision with the command to refrain and repress, therefore causing tremendous conflict within him. (p. 430)

This explanation—sometimes referred to as the displaced aggression theory—was later challenged by Farber (1968), Heiman (1977), and Danto (1978), all of whom argued that it was too simplistic and failed to adequately explain why officers in the “passive” category also took their own lives. More recently, theories of police suicide have sought to explain the problem in terms of stress, substance abuse, and the personal lives of officers. Based on their examination of police suicides in Buffalo between 1950 and 1990, for example, Violanti and Vena (1995) concluded that many officers commit suicide because of work-related stress and problems with their social and marital relationships. Violanti and Vena also found, like Cronin (1982) and Wagner and Brzeczek (1983) before them, that the majority of officers who committed suicide had a history of alcohol abuse. In contrast, while Ivanoff’s 1994 study of police suicide in New York also found that many of the deceased officers had abused alcohol, there was little evidence to suggest that job-related stress was a major cause of police suicide. Instead, Ivanoff concluded that personal problems, such as depression and marital difficulties, were far more likely to result in feelings of depression among officers than the challenges they faced on the job.
Chapter Summary

● One of the key features that distinguish the police and other criminal justice agencies from other public institutions and organizations is the extent to which serving police officers possess and exercise discretion. Although efforts can be made to reduce officer discretion, such as zero-tolerance or mandatory arrest policies, the complexities of police work will ensure that discretion will always remain a central ingredient in policing.

● Police decision making can be influenced by many factors related to the officer’s own disposition or the nature of the act itself. Factors commonly cited in the literature as influencing police discretion include offense seriousness, attitude of the suspect, characteristics of the victim, relationship between the suspect and victim, evidence of the offense, and the minority status of the parties to the offense.

● Whether officers exhibit similar personality traits and the extent to which these are caused by predisposing factors or a socialization into the police culture is the subject of many diverse explanations: psychological, educational, sociological, and organizational. The influence of historical factors on officer perceptions of suspiciousness must also be considered in discussing the origins of police culture. Police are in many ways a reflection of the larger societal force in which they are embedded.

● The nature of police work can bring with it many serious stressors requiring complex coping mechanisms that themselves can contribute to the maintenance of police culture. However, following particularly serious traumatic incidents, officers can develop post-traumatic stress disorders, requiring serious intervention strategies to minimize.

Linking the Dots

1. Why do police officers need to use discretion? Where is the majority of discretionary power concentrated in the typical police department?

2. What is zero-tolerance policing? Why do some commentators believe that limiting police discretion can damage police–public relations?

3. Identify four factors that may influence an officer’s decision to arrest. Which factor do you think should be given the most weight by the officer? Which should be given the least weight? (Explain your reasons in each case.)

4. Explain the difference between the predispositional and socialized theories of police behavior. Which of these theories do you find to be most convincing?

5. What are the major causes of police stress? Do you think that limiting the amount of discretion given to individual police officers would help to reduce stress levels?

6. Can you think of any reforms that could help to lower the stress suffered by police officers? Do you think that limiting the amount of discretion possessed by officers would help to reduce the strain of daily police–public interactions?
Chapter 9: Policing Discretion and Behavior

### REFERENCES

References


1. The story of Maria Macias is summarized from the presentation of the expert testimony of retired San Diego Police Sergeant Anne O’Dell found on the Women’s Justice Center website, www.justicewomen.com/witness.html.


3. Another excellent definition is provided by Goldstein, who argues that discretion is the decision not to impose a sanction in a situation where a sanction is available to the police. See Goldstein, J. (1998). “Police Discretion Not to Invoke the Crimi-


14. See also Manning (1977).

