

APPENDIX B

**REPORT ON FOCUS GROUP
OF POLICE SCHOLARS
AND EXECUTIVES**

OCTOBER 15, 1997

Rosann Greenspan

David Weisburd

Kellie A. Bryant

Contents

Introduction	3
Defining Issues of Police Authority: The Boundaries of the Proper Use of Authority	4
Abuse of Authority and Community Policing.....	8
The Use of Civil Law to Address Crime Problems: The Local Context of Community Policing	9
The Changing Role of Supervisors Under Community Policing	11
The Impact of Community Demands and Expectations	13
The Closer Community–Police Relationship and the Potential for Corruption	15
Societal Factors That Affect Abuse of Authority	20
Incivility and Cultural Differences as Influences on Abuse of Authority	20
The Effect of Race on Police–Citizen Interactions	22
High-Crime Areas and Officer Perceptions and Behavior	23
The Effect of Neighborhood Income Levels on Interactions with Police	23
Possible Solutions: Promoting “Good Policing”	26
Cultivating “Good Policing” Skills	27
Standards of “Good Policing”	27
Methods of Rewards and Recognition	28
Conclusion	30

B

POLICE SCHOLARS AND EXECUTIVES

Introduction¹

On October 15, 1997, a group of eminent scholars and police chiefs gathered in the conference room of the Police Foundation in Washington, D.C., for a full day of discussion exploring management, legal, and ethical questions relating to police abuse of authority. This expert focus group was asked to identify key issues, to explore possible causes underlying police abuse of authority and police brutality, to suggest potential actions that police departments could take to prevent abuses, and to consider the potential effects that the community policing movement has had on such issues. For example, does community policing increase the risks of police abuses of authority or decrease them? Does it change the nature of such abuses or not affect them at all? The panel was also asked to provide ideas to assist in the development of a questionnaire for use in our national survey of police officers.

In identifying participants, the principal investigators drew on their knowledge of the field and consulted several scholars and police executives to provide lists of leading academic and police executive experts on issues of police authority, community policing, race, and the law. Scholars in attendance were Professor Carl Klockars from the University of Delaware, Professor Peter Manning from Michigan State University, Professor Ramiro Martinez from the University of Delaware, Professor Stephen Mastrofski from Michigan State University, Professor Jerome Skolnick from New York University Law School, Professor Alfred Slocum from Rutgers University School of Law, and Professor Robert Worden from the State University of New York at Albany. Police executives included Commissioner Thomas Frazier of Baltimore, Maryland; Chief Jerry Oliver of Richmond, Virginia; Director Bob Pugh of Atlantic City,

...[The] group was asked to identify... causes underlying police abuse,... to suggest potential actions,... and to consider the... effects [of] community policing.

“...[M]ost of the public don’t really understand what the lines are with respect to police use of force, and that police are authorized to use force. The question is, when?”

New Jersey; and Chief Jerry Sanders of San Diego, California. Hubert Williams, president of the Police Foundation, greeted the guests and participated in the discussions. Dr. Rosann Greenspan presided.

Defining Issues of Police Authority: The Boundaries of the Proper Use of Authority

The first set of issues concerned the definition of abuse of authority. What are the boundaries of proper use of authority? Are our ideas about the meaning and boundaries of police authority changing? What forms of abuse concern the participants? How extensive is the problem? Is abuse an inevitable by-product of increased efforts to control crime and disorder?

As participants debated the boundaries of police authority, they considered whether the meaning of abuse of authority should be limited to matters related to the use of force. Some argued that corruption and unprofessional conduct more generally were important concerns that should fall within the definition. Police chiefs identified a wide range of unethical behavior by police officers—from language to corruption to brutality—as matters of concern to police executives. How to formulate a definition of abuse of authority was discussed not only in terms of which specific acts should be included, but also in terms of the sources for the standards and criteria that should define the scope of proper use of police authority.

Professor Skolnick led off the discussion by suggesting that because the media focus attention on incidents of “police brutality,” it may be appropriate to focus our attention on police brutality. He raised the hope that this project could serve “to

inform the public about how difficult an issue this is. I think most of the public don’t really understand what the lines are with respect to police use of force, and that police are authorized to use force. The question is, when?” Skolnick suggested that one way to structure thinking about the boundaries of police authority would be, on the one hand, “the use of force in apprehending somebody who is considered to have committed a crime” and, on the other hand, the use of force after somebody has been apprehended. He pointed out that “this [difference] is really what distinguished in a way the Rodney King case and the Abner Louima case.”

Skolnick pointed out that “it is true that police are authorized to, and sometimes have to, use force in order to apprehend a suspect, and sometimes police are authorized to and have to use deadly force.” He then offered a provocative suggestion:

Then I suggest to you that we cross a line. And the line is now you have a suspect who is in custody and who is under control, is immobilized....I want to suggest to you that there is never a reason to use force there. [There] might be [a] question as to whether working police officers can really understand that line.

Professor Klockars argued that “the blanket statement that no force is justifiable at that point is probably a little strong,” and Commissioner Frazier suggested that first, “[t]hey have to be compliant. Then, of course, there is no justification.”

Chief Oliver recalled a difficult situation in his department that involved the use of force when a suspect was in custody and handcuffed:

I can think of a situation that I've dealt with where someone was in custody and immobilized. Force was used as a reaction on that person....[I]t was certainly looked at from a disciplinary standpoint....[A]n officer was talking to an individual who was under arrest in handcuffs sitting next to him, and the person cleared his throat and spit in the officer's face. And then the officer's reaction was to immediately push that person away, and that's a situation where force was used. It was videotaped. We looked at that. If you just took that clip of the videotape of a person turning and pushing somebody that's already handcuffed, [it could appear as though that officer used unnecessary force or abused (his) authority].

Professor Skolnick pointed out that in the Abner Louima case—even before the alleged events at the precinct headquarters—“There were four officers who were being accused of taking this guy [who is under arrest] out of the police car, beating him up, and putting him back in the police car ...beating him up to beat him up, to teach him some lesson.” He suggested the discussion implied that it may be valuable to ask officers in our survey, “What are the occasions under which it might be possible to use force after somebody has been arrested? And if somebody spits in your face, what can you do? If somebody insults you, what can you do?”

Commissioner Frazier raised the interesting question, “Do you have an obligation to submit to illegal arrest...?” He suggested that “the definition needs to be written, and has to do with were you legally arrested and were you under obligation to submit

and was the force...used...necessary or unnecessary?” He recalled that a turning point for him in the Rodney King trial was when it was stated that officers had been trained in the legal limits of the use of force:

...in the Rodney King trial, the one clip that I'll never forget was the federal prosecutor being asked, “What do you tell Los Angeles police officers about the use of force?” And he said, “You can use whatever force is necessary and not one iota more.” That, I think, was the key. I mean, just because you use force doesn't necessarily mean there is anything wrong. But the line is more than is necessary to accomplish a legal end.

Professor Mastrofski suggested that a number of ways exist to approach the issue of defining abuse of authority. One way would be to use a legal definition: “We can, as a definition, just say that abuse of authority by definition will be only legal. That is, whatever the law sets forth—whatever case law and statutory law set forth—we can say that constitutes abuse of authority.”

But he went on to suggest, “There is this other issue of bad policing or ineffective or not the best policing. And does that constitute abuse of authority?”

Mr. Williams responded to Mastrofski's question, “[P]olicy I would think is...one of the critical issues that has to be examined and not just the law.”

Professor Manning added yet another consideration:

[W]e know from public opinion polls that there are enormous differences by race and ethnicity around what is

“...[J]ust because you use force doesn't necessarily mean there is anything wrong. But the line is more than is necessary to accomplish a legal end.”

...[T]he public is less concerned about issues such as corruption because such issues are less visible than instances of excessive force.

legitimate use of force. So clearly from the point of view of the attitudes of the public or public legitimacy of the police, it's very important to look at what is defined as appropriate by the public as well as legal or state statutes.

Professor Mastrofski summarized the discussion as follows: "That really raises three possible standards—legal, professional, and ...legitimacy of a larger society."

Returning to Commissioner Frazier's point about the importance of the citizen's compliance in determining the appropriate use of force, Professor Manning pointed out that the process is interactive, and that the police do not act alone:

[I]f we take some of the Weberian definition of authority—that is when the compliance and deference to command—and we recognize that the police have the capacity to coerce that compliance up to [and] including fatal force, that makes the process interactive to some degree....I think it's important to recognize that authority is an issue of negotiated acceptance of command, and [it] can raise quite a span.

Professor Klockars argued for a more expansive definition of abuse of authority and for the inclusion of the officer's motive as an aspect of the definition:

We have, in the discussions so far, focused on only one very special type of abuse of authority, namely abuse of force....[T]here [is] a whole range of abuses of authority, and the motives are often extraordinarily different. It's one thing to be motivated by gain or corruption; it's another thing to be

motivated by an attempt to get that guy off the street. It's another thing to be motivated by an attempt to pay back somebody who spit in your face....It's also not clear...that the most serious forms of abuse involve the use of force. It seems to me that fraudulent testimony, which results in somebody being put in jail unjustly. I mean, if I have a choice of getting punched in the nose or sent to jail for a year or so wrongly, I'd take a punch in the nose any day.

Professor Manning suggested that the public is less concerned about issues such as corruption because such issues are less visible than instances of excessive force:

Now the reason that [Professor Klockars's] points about procedure, deception, and corruption perhaps are less public concerns is that they are often done without people knowing or [being] aware of those things going on. Perjury in cases, corruption, implicit lying to each other, and manipulation of records and the rest [are] less likely to become public. So the focus is often on those more public cases of coercion....The public concern is...[on] those issues of excessive use of force that...become known....Media events, in the sense, are [not] created by the media, but the media amplified them....The videos and the visibility of these things through television...[are] now become international.

Professor Slocum raised—in order to reject—the provocative suggestion, which he attributed to Professor Randall Kennedy, that "there ought to be a sliding scale when it comes to legitimacy....[S]ince the black community is the biggest victim of all

crime...they need greater protection when it comes to 'equal protection,' and, therefore, aggressive law enforcement is required."

Mr. Williams agreed that the implications were "a little bit scary." Professor Slocum offered a preference for "a constitutional standard." The issue of local standards and legitimate authority is integral to the discussion of police authority and community policing. (See pages 89–91, 93–95, 107–108, *inter alia*.)

Abuse of authority can encompass a wide range of activities (or inactivities) from lack of professionalism to corruption to brutality. The police chiefs discussed which forms of abuse they were particularly concerned about in their departments. They identified three types of misconduct: excessive force, theft, and inappropriate language. In the context of community policing, they were particularly concerned with the restructuring of authority that might be leaving officers with insufficient supervision and inviting certain forms of corruption, such as accepting gifts, discounts, and so forth. They agreed that incidents involving unnecessary use of force do occur in all departments and that such situations are of serious concern when they do arise. However, they also agreed that such incidents are not widespread problems and do not occur on a regular basis. In the view of the police executives, the perception by the public that police brutality is rampant in many police departments can be attributed to the media coverage of isolated incidents.

Commissioner Frazier expressed concern about incidents of theft by officers in his department, but argued that he was seeing "isolated instances," not "systemic corruption":

This could be anything from picking up the money from the crap game when everybody runs, to young officers who start at \$25,000 a year and see a drug dealer on the corner with \$2,500 in [his] pocket...They count it out and \$2,100 ends up going back in the pocket. You foot chase [criminals who] used to pitch their gun; now they pitch their money because that ends the foot chase.

I don't see systemic corruption. I don't see an officer taking a thousand dollars a week, two hundred for him, two hundred for the sergeant, two hundred for the lieutenant, two hundred for the captain, two hundred for the district commander, but we see individual cases of theft.

And usually, I'd say more times than not, it involves more than one officer.

The chiefs also expressed concern about unprofessional behavior in the form of inappropriate language. Chief Sanders and Commissioner Frazier both indicated that discourteous and inappropriate language directed at community residents is a serious problem for police departments. It not only hurts the police department's image but also can hamper community policing efforts in neighborhoods. Commissioner Frazier revealed an incident that disturbed him:

[T]he other thing that disturbs me is language. [When] I gave my community policing speech, I had a woman basically tell me, "I'm not going to help you." Long story short, she said there was some kind of disturbance outside her front door. She opened the door to see what was going on.

...[T]he perception ...that police brutality is rampant in many police departments can be attributed to the media coverage of isolated incidents.

Three standards... were identified as measures for inappropriate use of authority: court rulings and state law..., departmental policies..., and...society's concept of acceptable and unacceptable conduct...

[The] officer said, "Lady, get your ass back up inside that house."

She said, "That was uncalled for; I will not help you if that is the way your officers treat me."

That disturbs me because we're trying to develop trust and partnership and relationships that will assist us in community organization development... In that community-policing model, we talk about retaking the city neighborhood by neighborhood, if we can; block by block, if we can't; house by house, if we have to. I mean, it's just not going to work if we cannot develop the kind of trust.

A wide range of issues was discussed in attempting to define abuse of authority. Participants pointed out that in determining the boundaries for the proper use of authority, one must examine the relevant standards by which an officer's behavior is judged. Most preferred not to limit the discussion to the use of force, but rather to include any type of misconduct, whether criminal or unprofessional. Three standards or levels of authority were identified as measures for inappropriate use of authority: court rulings and state law (legal), departmental policies (professional), and the larger society's concept of acceptable and unacceptable conduct (societal). In addition, the participants identified the need to take into consideration the level of compliance or noncompliance demonstrated by an individual being taken into custody by the police, recognizing that abuse of force is an interactive concept.

Participants suggested that the boundaries of abuse of authority are not limited to acts of police brutality but rather include any

type of police misconduct. The media's intensive coverage of incidents of police brutality, coupled with the fact that most other forms of misconduct are not public knowledge, results in the assumption that brutality is the most prevalent form of abuse of authority. This misperception directs the focus of public concern to brutality and away from corruption and unprofessional conduct, which may be more prevalent in modern policing than brutality. The police chiefs confirmed this position, indicating that although brutality does occur, incidents are infrequent. The behavior that could be construed as abuse of authority by police officers and that was of greatest concern to the chiefs was theft and unprofessional and discourteous conduct. The rise of community policing emphasizes the development of partnerships among police and communities and their citizens. Misconduct by officers, especially discourteous and disrespectful behavior, erodes the foundation of trust that departments must build on to create successful partnerships, and it alienates the community.

Abuse of Authority and Community Policing

Central to the community-policing approach is the development of partnerships between the community and police to formulate and implement effective crime-prevention strategies. These strategies often require officers to use problem-solving skills and to rely on a range of resources and agencies in addressing community problems.

The impact of this philosophy on abuse of authority by police was a central topic of debate and a discussion by the participants throughout the meeting. Although most

agreed that community policing enhances crime control and crime prevention, they also agreed that this style of policing may lead to increased opportunities for, and thus incidents of, abuse of authority, especially given the significantly changed role of the supervisor under community-oriented policing.

In discussing police abuse of authority and the effects of community policing, participants enumerated several factors that influence an officer's use of authority. These factors may be categorized into two main themes: internal influences and external influences.

Internal influences include the effects of departmental policies on officer behavior. These effects include the use of civil remedies in crime control and the changing role of supervisors under community-policing models.

External influences include those factors that are the result of the police–community relationship. Factors included in this category are community demands and expectations on the behavior of officers, plus the effect that the close police–community relationship has on opportunity for abuses of authority, particularly corruption.

The Use of Civil Law to Address Crime Problems: The Local Context of Community Policing

Picking up on Professor Slocum's point about the differential use of aggressive law-enforcement techniques in poorer communities, Professor Manning introduced an interesting discussion about the "local context of enforcement" and whether the growth in the use of civil law to address crime problems has expanded the author-

ity of police beyond the boundaries of previously appropriate behavior. He raised the provocative suggestion that

One of the kinds of abuse of authority that's growing is a collection of all kinds of civil penalties and...collusions by city agencies to use civil law, to, say, evict people from public housing:

Abuse of authority that ranges into the mobilization of a political unit against minority populations on the grounds of it's drugs or on the grounds of it's public order, or on the grounds of it's other points.

...But authority that comes through the widening of the net to use...and [that] coordinates a variety of other means to coerce and minimize the opportunities for appeal, I think, is very serious....

If you view mobilizing the housing bureau...you use civil law. There's tax law, [and you] use RICO statutes. Then you're beginning to organize the political [part of the state] in a very different way than focusing the police to aggressively, proactively intervene [with] the sweeps or stops or even arrests.

I think that's a different level of abuse. And the remedies are very, very rare. Indeed, they're available only in civil law if you can hire a lawyer, and it's really simply not done. It just happens. You're out. It's done.

Professor Mastrofski agreed with Professor Manning, noting that the civil law mobilization he describes "is very much on the agenda of community policing, problem solving. Herman Goldstein devoted a good part of his book to saying

...[G]rowth in the use of civil law to address crime problems has expanded the authority of police....

“We use the civil side...on some difficult problems simply because the criminal side doesn’t provide significant remedy.... And all of these involve community members; they involve attorneys; they involve judges.”

police should explore these very things.” Mastrofski went on to suggest that these methods raise a question of invasion of privacy as a new form of abuse of authority: “There is another domain too, which is the invasion of privacy, which...often doesn’t involve coercion, but can involve abuse of authority.” Professor Mastrofski took the point further, questioning whether this entire set of community-policing strategies is good policing or whether it involves “a mobilization of bias”:

What do you do with a situation where—and this is quite common in my experience—police officers suspect someone of dealing drugs, maybe in public housing or something like that. They can’t develop sufficient criminal evidence to invoke the criminal law. But there’s a whole different standard when it comes to public housing that they can mobilize because of who they are, public housing people, quite selectively. And whether or not this is good policing or legal—I suspect it’s legal; but whether it’s good policing or whether it involves a mobilization of bias similar to the kind that [Professor Slocum] was talking about.

After these challenges to the legitimacy of central strategies of community policing, it was not long before Chief Sanders rose to the defense:

I don’t think that’s any different than issues of discretion...on the criminal side and the civil side. And I think the civil side has just as many protections. We use the civil side for abatement on some difficult problems simply because the criminal side doesn’t provide

significant remedy in the situation. And all of these involve community members; they involve attorneys; they involve judges. I mean, these aren’t things that are done behind closed doors and some secret thing. These are done at community meetings, these are done with the presiding judge, they’re done with a defense attorney, or they’re done with the city attorney that looks at these things

And they’re much more difficult...than pursuing criminals. But we’re looking for a different outcome on it. And I would suggest that the same discretion an officer uses in making an arrest is used in this type of situation.

In fact, I think [it’s] scrutinized even more because it’s something that isn’t an immediate thing. It’s a planned thing where you have to go through so many hoops to get it done. Where an arrest out in the field is something that you see your probable cause, you use your discretion, you make the arrest right there, and then it’s reviewed after the fact.

Professor Skolnick offered that he did not agree that having a “very local vision of...what’s authority” is abusive. Chief Sanders noted that the procedures are open and participatory:

These are done working with the people who are going to be affected and telling them what has to change ...as you actually bring in legal aid to work with them and bring in adult protective services, bringing in child protective services, bringing in all those

resources to try to solve it at one level first. And yet, when the activity continues—and I do think that you bring the resources that you have to bear on that issue. And it's not—you know, I don't see it as being duplicitous or anything else. The agenda is out. It's not done behind closed doors.

Later, Professor Worden returned to the issue of giving police authority to invoke civil law to solve crime problems. Rather than expanding the potential for abuses of authority, he argued, "If I understood Herman Goldstein correctly, [civil law] might, at the same time, make it less likely that police abuse their authority. If they have a wider range of tools that they can apply in a somewhat more surgical fashion to the problems that they confront, they may be less likely to abuse their authority."

Professor Klockars agreed: "The argument is that one of the sources of police abuse of authority is our failure to give police adequate means to do the work we demand of them."

Professor Mastrofski suggested that invoking civil law provided the ability to "target through civil means" rather than "running sweeps in the neighborhood."

Chief Sanders expanded: "Rather than using a zero-tolerance model on all window washers or all...disorder issues, you look at specific areas where you have problems....You can document those areas, and you remove the cause that allows that to occur."

The Changing Role of Supervisors under Community Policing

Adopting the community-policing philosophy in departments is not a simple task. Internal policies and procedures have to be revamped to incorporate the new strategies and policing practices. As Chief Sanders suggested, "[T]hat's a really important issue with community policing...because we're restructuring departments to fit the community-policing model." With the implementation of community policing, departments are experiencing a change in the roles, responsibilities, and levels of authority of line supervisors, specifically sergeants and lieutenants. This change has led to a variety of concerns and problems related to supervision by sergeants and lieutenants, and to selection and appropriate training of sergeants.

The supervisory concerns expressed by the police chiefs are twofold: first, the issue of how the sergeants supervise and subsequently discipline the officers they command; second, the issue of how the sergeants communicate with the lieutenants. Chief Sanders laid out his concerns about supervision under community policing as follows:

I think...a really important issue with community policing is the internal issues, the supervision...because we're restructuring departments to fit the community-policing model. And the rigid structures we have in place for how you supervise, how many people you supervise, how you did it, are gone. And now our sergeants don't really know how [to supervise]...We told them it's a team. We've reduced spans of control.

"...[Civil law] might...make it less likely that police abuse their authority. If they have a wider range of tools that they can apply in a somewhat more surgical fashion..."

“...[T]o push authority, responsibility, accountability down to [lower ranking officers] to get...the community involved in the decision-making processes, you’ve actually changed all the management dynamics of your police department.”

And all of a sudden we find the sergeants are closer to the team members, the officers, than they are to the department. And we’re not seeing those types of decisions we had seen in the past where they stopped things before they become problems or where they’re writing up discipline.

Instead, they’re so close to the people on the team that it creates problems. And I think that’s a large issue because it starts spilling out externally after you’ve had the internal damage. And we’re struggling with a training program on how to bring the sergeants back up.

And as we’re moving through this, we’re finding that we’re in whole new territories that we’ve never considered when we restructured the police department, because we just weren’t aware of what was going to happen.

Community policing increases the authority of supervisors and line officers. “So we’re going to give the lieutenant 24-hour-a-day responsibility....[S]ergeants...don’t know what to do and loyalties are misplaced.... [I]n an attempt to push authority, responsibility, accountability down to [lower ranking officers] to get...the community involved in the decision-making processes, you’ve actually changed all the management dynamics of your police department” (Commissioner Frazier).

Chief Sanders agreed completely with Commissioner Frazier:

And that’s exactly what we’re facing. We did exactly the same thing. And we used to have a lieutenant that supervised during a band of time, and the people knew that that person was there.

Now that person has 24-hour responsibility, and that lieutenant may not see [his] sergeants for a week or two.

Professor Klockars had observed the same problems in another department, and he felt that the lack of supervision created a great potential for corruption and other abuses:

Well the problem, from a management point of view, is that the community-services officers, by and large, dictate their own schedules. They’re on total flex time....Number two, the problems that they decide to address are calls they get...and they’ve got an answering machine that they pick up.

So they operate almost independently of the other. Well, there’s nobody who’s supervising in that situation. I mean, you can say I’m the lieutenant or the sergeant in that area, but I don’t know when you’re working.

And our paths may cross, and I’ll get a little summary of what you’ve been doing; but in terms of you seeing me on any regular basis, it’s very [infrequent]....I think from the point of view of potential corruption or abuses or whatever, that scares the hell out of me if I’m a police chief, to have these potentially 70 independent agents out solving what they think are problems [and] drawing on whatever resources they can command.

...And it’s just one of those areas in community policing that, I think, [those] departments that are committed to [community policing will] have to struggle with as to how we control it, how do we supervise it, how we manage it.

Professor Slocum agreed that “the difficulty with this corruption aspect is they’re independent agents, and that’s conducive to corruption, [which] makes it the...least detectable kind of abuse.”

This change in management style and internal department dynamics leads to another area of concern for police departments in implementing the community-policing model—selection and training of sergeants. The role of the sergeant under community policing has changed in terms of responsibility and authority. Commissioner Frazier pondered:

It almost makes me wonder if we needn’t redesign how we select sergeants. I mean, if we have selected sergeants traditionally to get one kind and now we need to get a different kind of result, [then] maybe the format we use, the way we weight the exams, the questions we ask, the answers that we’re looking for need to change to select sergeants...[N]ow that the lieutenant’s not the bad guy anymore, the lieutenant has 24-hour-a-day responsibility, the sergeant has to be the disciplinarian, and maybe we’ve not selected correctly or trained correctly.

Chief Sanders agreed that the old training is no longer effective:

I think you train the same way, but I don’t think we follow up. You train in the traditional role. And then we’re saying [that] we want you to be flexible. We want you to work with the community. We want you to be a team member with these officers. We want you to coach them. We want you to work on team projects. So [with] the training they’ve just received as a brand-

new sergeant, we’re saying...just keep that in the back of your mind, but what we really want you to do are all [of] these things.

Chief Sanders explained:

We reduced the span of control from one sergeant [for] 10 to 12 officers down to one sergeant [for] six officers, thinking that they could better direct the activities, better coach, better be a part of it. And what we’re finding is [that] they don’t know what to do now. We removed the role of just evaluating, looking at journals, adding numbers. ...Instead, we said you’re a part of that team now; you have to direct it...We gave 40 hours of community policing training, 40 hours of problem-solving training...but we neglected the supervision part.

The Impact of Community Demands and Expectations

Community policing stresses the need to establish partnerships with the community to identify neighborhood problems and to formulate solutions. The tasks that community-policing officers are asked to address can range from crime prevention techniques to crime control strategies. An important key to this police–community relationship is the idea that different neighborhoods require different police services. Therefore, community policing is a flexible model designed to change with each community the police department serves.

The differences that are acknowledged to exist from neighborhood to neighborhood will also be reflected in the community’s expectations of its neighborhood officers. What is expected of an officer in the inner

“We gave 40 hours of community policing training, 40 hours of problem-solving training... but we neglected the supervision part.”

“That’s what community policing...is. It’s a negotiation—an ongoing negotiation and conversation [between] a community and its police department.”

city may not be expected of an officer in a suburban area. In addition, what the community views as acceptable police behavior will also vary across communities.

Chief Oliver spoke thoughtfully about the negotiated relationship between the police and the local community they serve:

I think, at least from a practitioner’s standpoint, that community policing implies—authorizes, I think, in a way police departments as a whole, and then as individuals—to negotiate a certain relationship with the community.

It’s a localized relationship with the community they serve. And they negotiate the expectations, some of which we have talked about here, the expectations of how police officers will behave, how much force they will use, where they will appear, the kinds of programs they’ll be involved in.

That’s what community policing in my mind is. It’s a negotiation—an ongoing negotiation and conversation [between] a community and its police department. And part of, I think, the glaringness of the abuses that we’ve talked about has to do with—in the context of community policing—[the fact that they] are so far out of the negotiated relationship that that police department and that community thought they had.

Chief Oliver suggested that when the community has been involved in “negotiated expectations,” an incident like the Abner Louima case is even worse.

As the relationships and expectations vary between communities, so do the demands of community members on the police. In

high-crime neighborhoods where the community mobilizes to drive the criminals out, residents may demand swifter and stronger action by the police than they would in a neighborhood with a lower crime rate. These community demands may influence not only the behavior of the police in that neighborhood, but also the residents’ perception of this conduct. Indeed, as Professor Klockars suggested, and as Professor Mastrofski affirmed, residents may ask the police to engage in what the police know is illegal activity—to use excessive force, to violate rights—and this may be a particular problem for community policing:

(Klockars) [S]ome proportion of force is...in response to demands for it from the community...The community says we want this problem fixed. And the community may apply real pressures on the police to use excessive means to achieve that.

(Mastrofski) They do all the time.

(Klockars) All the time. And may be uniquely a problem in community policing where that voice of the community becomes pretty strong.

Director Pugh thought that the police could resist these pressures: “Well you can’t succumb to that. That just causes you major problems.”

Professor Klockars emphasized the point: “But just don’t misrepresent the problem; force is something that police officers are just generating. That there’s a demand for excessive force from the communities is all I’m saying, too, in many cases.”

These community demands, however, are not limited to implementation of stronger

crime-control tactics and a tougher stance by the police. With this community–police relationship, the community relies on the police to solve a broader range of problems, problems that have traditionally been outside of the realm of police work. This reliance on the police to solve a more varied set of neighborhood problems implies that society is vesting more authority in the police. The more authority the police are given, the greater the likelihood for abuse. Chief Sanders spoke of the increasing pressures on the police “to lead every effort,” and Professor Klockars pointed out that “the more broadly you extend the scope of police responsibility and authority, the more occasions there are for the potential abuse of that.”

As Chief Sanders put it:

[I]t’s to the point now where everybody looks to the police to lead every effort, it seems like, because we seem to be the most effective in doing it.

When we make a mistake, ... we’re held to a much stricter standard than corporations. We’re probably the least educated, the least funded to really know how to do all of these issues well. And yet we’re held to a much higher standard.

And our officers are being tested every day with incredible challenges. I mean, when I was out on the street it was a pretty easy job. You got 10 numbers a day. And you stayed out of trouble. And you were rated as an excellent cop.

Our cops don’t have that luxury today of having quotas anymore. We make them do all sorts of things. And every-

body is looking to them to lead every effort, whether it has anything to do with policing or not.

You know, ... the problem with expansion of community policing is that we’re more effective. There’s more demand. And we’re being placed in arenas that we just have no business being in.

And it’s awfully hard for police departments to say no because we traditionally made our power base by doing more and more and more so that we got more cops and more funding and all of that. And the challenge, though, is what you talked about here.

And that’s the reason I’ve been sitting here trying to figure out how you incorporate some of the ideas that we’ve talked about in here in the policy for police departments.

And it’s very easy to sit around the table and listen to academics talk about the issues. I just hope you appreciate how difficult it is to turn that into concrete policy for our cops.

...[Y]our message has to be extremely clear when you send out directions to your officers because they will take it literally, especially if they don’t like your directions.

The Closer Community–Police Relationship and the Potential for Corruption

In discussing the effects of community policing on abuses of authority, several participants raised the concern that the close relationship established between the community and police could increase the potential for corrupt behavior. Professor

“...[T]he problem with ...community policing is that we’re more effective. There’s more demand. And we’re being placed in arenas that we just have no business being in.”

“...[A]ll of the things we’ve tried to move away from in... professional-model policing were originally ...to control corruption, to control abuses.”

Klockars reminded the group that the professional policing model that is being rejected in favor of community policing was put into place precisely in order to prevent corruption:

Let’s keep in mind that all of the things we’ve tried to move away from in incident-driven policing and the old professional-model policing were originally put in to control corruption, to control abuses. And as we back away from them and move to community models, I suspect that we introduce a whole new set of problems.

Commissioner Frazier expressed concern that the emphasis on developing relationships is an invitation for misbehavior and for undue influence by community members:

One of the things that troubles me about community policing is you talk about establishing relationships. The longer the relationship exists, I think the more opportunity for corruption.

Let’s say that your neighborhood services officer has been in a neighborhood for X number of years. And just as a departmental response, we say that these assignments are limited.

And now the very communities that you have sent this officer out to develop a relationship with will come to me and then to all the political entities at every level to try to influence the assignment process inside. So that’s going to come down the line.

And you have to see a balance of relationship versus opportunity for misbehavior.

The concern about abuse of authority under community policing that was expressed by the panelists focused on the potential for corruption that arises under the community-policing model. None indicated a concern about increased incidents of police brutality under community policing. Director Pugh suggested that excessive force comes from officers who are frustrated because they are not part of a “glamorous community-policing unit”:

A lot of the excessive force [is] not coming from the individuals assigned to community policing. [It’s] coming from the individuals who are frustrated, who feel that they’re not a part of that glamorous community-policing unit that gets all of the praise for everything that’s done that’s successful in the police department.

So that mobile unit, that unit that handles the calls for the department, they feel that they’re isolated in the unit in another arena. And the community suffers for that.

The types of corruption that result from this relationship with the community usually take the form of officers accepting gratuities, discounts, and other similar gifts from community residents and businesses in their area. Participants illustrated a number of examples of the situations that can arise; a central theme in these examples is the complexity of the issue and the difficulty of establishing standards for what is abuse of authority. As Professor Klockars put it:

Maybe it just is different in different places and you have people...articulating different points of view on how

to do this. You know, there's the police foundation solution. There's the one that says we want these community partnerships. The other one says we'll have these community partnerships, but there can be no financial component to it. I mean, we don't want our communities to be buying our bike patrol officers bikes. If they need bikes, we'll buy them out of the general fund. You know, there's all sorts of different views.

Director Pugh suggested that some community members tried to buy bikes for specific officers in hopes of keeping those officers on their beat:

One of the things that they're starting to do, which we have to—well, I have to stop immediately. They weren't attempting only to buy the bicycle; they were buying it for Officer Jones. They could guarantee that Officer Jones would stay there.

Professor Klockars pointed to the irony of some situations: "So if you run a McDonald's and you give a cop a free meal, that's corruption. But if you give a whole booth, that's community policing."

Director Pugh pointed to the complexity:

The officers don't feel that there's a problem with accepting a sandwich or coffee, or I can recall where they would have a cookout, businesses, for the officers from the community-policing unit assigned. And they would feed them all.

Mr. Williams also suggested how complicated questions of corruption can become under community policing:

I wonder whether or not in an era of community-oriented policing it is important to look at the issues of motive and not merely look at questions of when you, in fact, cross over the line. Let me give an example.

Let's assume that a young police officer comes on the job. He's walking the beat. He goes in. He orders a slice of pizza. He puts his money down to pay for the pizza. The owner says, "No. I don't take money from police officers. Here. Take this back."

And the officer says, "No, no, no. I always pay. Take the money." And it ends up getting into almost a fight, you know. I'm telling you because I experienced this situation.

Is that corruption? I mean, you have to fight this guy to make him take the money. You know? And you're telling the cops now, "We want you to establish contacts and work with the neighborhood, develop relationships, and stuff like that."

I think this issue, this corruption issue, is very complex.

Professor Martinez offered another example:

As another example, there is a favorite cigar shop that some of the detectives in Miami go to and get discounts. Sometimes I go with them, and I get discounts too.

I asked the shopkeeper why about this discount. His response had very little to do with maintaining a relationship with these specific officers, but what

"...[I]n an era of community... policing it is important to look at the ...motive and not merely ...questions of when you... cross over the line."

“...[D]o you allow your officers to go out for a big ...event that’s a combined thing with the community and...solicit hot dogs and hot dog buns?”

he wanted was for the local bad guys to see the cars going in and out, maintaining a presence in that area. And that was his motivation to let the other people know in the community, “Hey, I have people coming in on a regular basis. Don’t rob me during the day. Don’t burglarize my shop at night.”

Professor Klockars described the formalized nature of police discounts in one business establishment:

Anybody who is interested can come to Delaware to Dunkin’ Donuts, the doughnut shops. On the register, they’ve got a list of prices that faces back to the person who operates the cash register. And then next to that, there’s a column that says, “Police.” And they’re all half.

...[T]hat’s just the policy. They like the cops coming in and out for extra security, and they want to be able to call on them when there’s a problem.

One concern that emerged was the motive of the police officers involved in any incident of misconduct, as well as the motive of the citizen or business that provides “gratuities” to an officer in the community. This consideration of motive was seen as increasingly important as many police departments move toward the implementation of community policing.

Participants recognized that this type of behavior (i.e., businesses giving free or discounted meals to officers, etc.) had been going on before the implementation of community policing, but as Chief Sanders pointed out, “It’s just more subtle now than it was before.” Also, the consequences of not accepting gratuities can be greater in

terms of alienating members of the community with whom the police are trying to establish a working relationship under the philosophy of community policing.

We have gone to an establishment that had a police key, which was half-price. We went out and said, “If you don’t stop doing that, we will forbid our officers to eat here.”

I mean, we’ve had to do it with ...several places. But that happened before community policing. It’s happening now. I think...the issues now are so much more subtle. I mean it’s: Do you participate in, like you said, a business or group of business people showing appreciation to all, perhaps?

It’s a much more subtle thing. Or do you allow your officers to go out for a big community event that’s a combined thing with the community and go out and solicit hot dogs and hot dog buns...? And do you allow them to take that?

I mean, what business feels like they can say no to cops [who] come in and say,...“We need 500 hot dogs for the community social on a Friday”? And that’s difficult for cops because they’re trying to do their part to increase togetherness in the community....

I mean, I think it’s just much more subtle now than it was before. And it’s hard to talk in those shades because the officers get invited to dinner at people’s houses because they create friendships.

The friendships are created, which is what we’re trying to do. And when is it not? And when is it a gratuity to go into a friend’s business and get a cup

of coffee, and when is it not? I mean, I just think these are really difficult issues not only for the police officers but also for police management.

Where do we draw the line? Is it, as O. W. Wilson said, “The first cup of coffee you take for free is the start of corruption,” or is it [that] we need to be a little bit more understanding about the motives that we’re talking about?

Professor Skolnick spoke about the motives involved:

Businessmen have a motive for developing a category that will allow them to make a profit so that they have these places being used because there’s a general overhead.

And that’s what I’m saying why motives get to be very complicated. The question is whether rational economic motives apply to the police in the same way. And in some ways they do, and in some ways they don’t.

I mean, it’s rational to give a category of persons a break because you want to do more business and the more business you do, the more your general costs are covered.

[Yet,] you want to give police a break because you want services from the police. And one of the services may be merely appearance. [B]ut then you have the other appearance problem of the free hot dog, which then people don’t understand this and don’t see it as ethical.

I guess the bottom line is [that] I don’t think you can get into these larger ethical questions. I don’t think that’s the issue.

Mr. Williams addressed the issue as follows:

So [with] this issue of corruption, I think maybe we have to be careful about how we try and frame this thing. [We have to] recognize the complexity and the subtlety associated with it in this community. When we had the old traditional style of policing, we could say to the cop, “Here’s what you do.” He’s dispassionate and he’s distant.

Now you want him to be close to the people he’s servicing. You want him to establish relationships. You want him to formulate partnerships.

In summary, the implementation of community policing has far-reaching effects on police departments that go beyond how police services are rendered to the community. Participants suggested that several aspects of the community-oriented policing model and its implementation, both internal and external, may increase the opportunity for, and thus the likelihood of, abuse of authority.

The internal factors are the increased use of civil law and procedures to address crime problems, and the new role of sergeants and lieutenants under the community-policing model. Both factors affect officer behavior, and participants voiced concern that each may increase the opportunity for abuse of authority. Participants debated whether the new tools that the civil law provides will expand authority, and thus potential abuse, or will refine police actions and, therefore, reduce potential abuse. Supervision problems include the lack of training for new roles and relationships, the sergeants becoming too close to the officers they supervise, and the lieutenants becoming too removed.

Supervision problems include the lack of training for new roles and relationships, the sergeants becoming too close to the officers they supervise, and the lieutenants becoming too removed.

“The departments that have the corruptive influence under the other style of policing are the ones who are going to be the most susceptible under the community-style policing.”

External factors and concerns relate to the relationship between the community and the police, which is critical to community policing. This relationship can lead to increased demands and expectations by the community, which may pressure officers into using excessive means to address the community’s problems. Also, the close nature of this police partnership with the community creates increased opportunities and pressures for officers to engage in some forms of corrupt conduct. Despite these concerns, it was suggested that if police managers were able to take steps to address the potential problems that may result from implementation of community policing, this policing style could improve community relations and benefit police departments.

Finally, Chief Sanders expressed what was probably a consensus position when he said, “The departments that have the corruptive influence under the other style of policing are the ones who are going to be the most susceptible under the community-style policing.”

Societal Factors That Affect Abuse of Authority

This section of the meeting moved away from the structure of policing and its relationship to police authority to a discussion of other societal factors that may affect abuse of police authority, issues such as perception and reality of the role of race, ethnicity, and social status. These factors are of increasing concern in an increasingly multicultural society. Several surveys have shown that racial minorities perceive the problem of violation of rights by police as being much greater than the white community does. This difference suggests

that examining societal factors is a relevant and important segment of a study of abuse of police authority. Are these differences misperceptions or do they reflect reality?

Participants were asked what their thoughts are on this issue, whether or not the public’s perceptions are accurate, and whether different styles of policing are more relevant in an examination of these societal factors. The panelists’ responses covered a wide array of topics. In some instances, their comments addressed the issue of race and the effects of race on police–citizen interactions. However, their responses also addressed the effects of different communities’ income levels on citizen perception and police behavior, and the effects of neighborhood crime rates on police and policing strategies.

Incivility and Cultural Differences as Influences on Abuse of Authority

Throughout the day, the effect of citizen misperceptions of police and the effect these mistaken views have on police–citizen interactions arose in the discussion. Participants noted that many instances of police abuse of authority result from a negative interaction with a suspect or offender. In other words, police officers do not go out looking to abuse an individual, but rather the abuse is a response to a “bad” attitude by the citizen, and it takes the form of discourtesy or disrespect toward the police.

Professor Mastrofski offered the following observations, which he based on a recent departmental study:

We found in this particular city that the rate of incivility or discourtesy...coming

from citizens was far higher than was coming from police.... The factor was about five to one for African-American citizens, [which was] much higher than the other groups in terms of acting in a discourteous fashion toward the police. The police rate was much lower. We also looked at who acted discourteously first... [I]nitially the police initiated discourtesy quite rarely....but they will retaliate. [And] that is fair. So what comes from this particular department is a fairly professional response. And that is a very human thing when you get dissed to respond in a similar fashion. So there are a lot of ways of looking at it. Every instance of discourtesy by a police officer is bad PR and bad policing, but not unexpected in a human kind of thing.

An interesting discussion took place about the effect of the cultural differences that may exist between the officers and the citizens they come into contact with. Some felt that these cultural differences may result in the officer's perceiving an individual as antagonistic or uncivil. Mr. Williams suggested:

One of the things that we've got is [that] often we don't understand the language that's being communicated. And we're communicating in different ways. That's why you heard all this talk at some point about ebonics because of the linguistics.

...I think that it would be interesting to see...how [African Americans] see themselves in terms of reacting to certain kinds of things. What do they call themselves? Do they see themselves as being uncivil? Do they see themselves as being unfriendly to the officer, or is

there something else going on there that maybe we don't really understand?

Maybe the cop is looking at it as "this guy is not showing me respect." And maybe the person in the community, the environment where he communicates, is showing him all the respect that he could possibly be giving him.

The discussion of the role of cultural difference was not limited to racial differences. Some emphasized the environmental and background differences between officers and citizens that result in misunderstandings. Professor Skolnick suggested, "[Y]ou can take a 22-year-old kid, and you put that kid in Bedford-Stuyvesant, and he's grown up in a New Jersey suburb. He's scared to death, a white kid who is a cop. He doesn't know quite how to act."

Chief Oliver noted:

I come from a city that is not typical of what you are describing. This is a city where there's an awful lot of African-American officers [who] are working predominantly in African-American areas. And we are faced with some of the same situations.

In many cases, the officers came from the neighborhood and...speak the same language, understand the nuances of what people are saying and how they say it to them. We're still having some difficulty.

If there's more to it than that, I really would like to get at that. I think it's fairly superficial just to say that it's a white [or] black [thing]. It's people [who] didn't grow up in the area, that kind of thing. There are a lot of other dynamics, a lot of other variables going on

"Maybe the cop is looking at it as 'this guy is not showing me respect.' And maybe the person in the community... is showing him all the respect that he could possibly be giving him."

“There are some serious ...issues going on here, even intraracial issues that have nothing to do with color. It has to do with culture.”

here about authority and about the way people are alienated and disenfranchised.

...So there's a lot more to it than just a white person [who] did not grow up in there. There are some serious other issues going on here, even intraracial issues that have nothing to do with color. It has to do with culture.

The Effect of Race on Police— Citizen Interactions

Although the effect of cultural or environmental differences on police and citizen interactions may explain some incidents of police abuse of authority, the effect of race on police behavior was also addressed by the participants. Recent court rulings on the police practice of “profiling” are a clear example of the impact of race on police practices and individual officer behavior. It was suggested that the effect of race on police behavior goes further than merely the use of profiles to target certain groups of citizens. Race reaches into and affects the daily interactions between officer and citizen. As Professor Slocum described his own experience:

[Chief Oliver's] point when he said he can take people who are black, born in the community, raised [in the] nuances of the language, [and] put them in that position, [then] he got the same conflict he has for whites out there.

My whole life experience is I'm sitting here saying this is not theory for me.

...I'm driving down a highway 90 miles an hour. And I pass two state troopers who were like talking....

I see a guy pull out. I know he's coming. He roars. He doesn't turn the light on. What is he doing? He drives past me at 100 miles an hour. But he looks at me to see who I am. He looks first. And then he slowed down, pulled in behind me, turned the red light on.

And then when he pulled me over, I bad-mouthed him. I told him, “Well, you didn't like what you saw.”

And he looked at me, and said, “Well, you're okay, man.”

“No, no, no, no, no. Why didn't you turn the light on when you first saw me speed by you?” I asked him. And he never gave me a ticket, and he let me go. And I did bad-mouth him, told him he was an incompetent police officer. I did.

Well, see, let me tell you this. I had assumed I was going to get the ticket. But I was more aggravated because in my mind's eye...[h]e said, “Speeding isn't the violation. It's you, who you are, who would go by me and speed. And I have to see who you are first.” And when I told him that, he knew I had told him the truth, and it paralyzed him. It's true.

Professor Mastrofski offered some results from a study:

It is more complicated than that. We actually have data on Richmond that we collected in '92. One of the things we looked at was whether the citizen complied when the police said, “Quit being disorderly. Leave somebody alone. Don't bother them. Leave the scene,” or “Stop doing something illegal.”

One of the things we looked at was the appearance of the race of the officer and the race of the citizen. And sometimes what you get is not necessarily what you expect because we've been talking about the likelihood that the African-American citizen will rebel against the white officer.

In Richmond, we found that that combination was the most likely to be [a] white officer [and an] African-American citizen. And, not unexpectedly, the combination that was least likely to secure compliance was an African-American officer [and a] white citizen.

I'm trying to remember the comparison of like race. I believe it was the case that basically there was no difference between an African-American officer, [with an] African-American citizen and [a] white officer [with a] white citizen at the extremes.

High-Crime Areas and Officer Perceptions and Behavior

The topic of neighborhoods with high-crime rates led to [a] heated discussion among the panelists. One opinion expressed was that—because many minority citizens reside in low-income, high-crime areas in cities—acts by the police that appear to be racially motivated may, in fact, be a response that can be attributed to the high-crime rate in that neighborhood. Professor Klockars suggested:

One of the consequences of living in a crime-ridden neighborhood is that police, rightfully so, are going to interfere in your life very often.

When they get a call [that] there's a black male walking hurriedly down the street and there's been a robbery, if you happen to be a black male, you're going to be stopped. It's not racist activity. It's simply one of the prices you pay for living in a high-crime area.

This idea led to discussion over whether or not this type of police action was indeed fair. Mr. Williams suggested, "Well, what if you don't have much of a choice, you're poor?...It's the only place you can live....So you end up being subjected to a kind of harassment without your having done anything improper or illegal."

The panel disagreed over whether citizens residing in high-crime areas should view these frequent contacts with police as a consequence of living in that neighborhood and not as harassment, inappropriate behavior, or abuse of authority. Professor Klockars suggested that it is critical that police attempt to communicate to citizens the reasons behind their actions and to apologize:

In those circumstances, it's absolutely critical that police explain why they stopped you. And there are lots of things you can do to repair that....

[W]hat we have to do is train police to apologize, to explain why it was necessary for me to stop you, but you can't say to them, "Don't stop people in that neighborhood."

The Effect of Neighborhood Income Levels on Interactions with Police

The correlation between income level and interactions with police was initially raised by Professor Skolnick. He argued that

The panel disagreed ...whether citizens residing in high-crime areas should view...frequent contacts with police as a consequence of living in that neighborhood and not as harassment....

“...[T]his kind of enforcement has [an] impact [on] people who are poor.... And there’s a high correlation between race and poverty in most places....”

varying types of enforcement strategies affect poor people more than the middle and upper classes, and, as a result, affect minority groups because of the high correlation between racial minority and poverty. He described his experiences observing police behavior in New York City, where there has been a growing emphasis on implementing enforcement strategies focused on quality-of-life crimes:

[T]his comes from some observations: A young man is drinking beer on a hot night on 170th Street and lives in an apartment that’s not air-conditioned. He is stopped by the police. Now, the next thing that happens is he’s asked for his ID. People walk downstairs, and they don’t necessarily carry their IDs in their wallets with them.

He’s been arrested. Okay? Now this is all following the pattern. You know, there’s no...“racial animus” here.

[I]f you don’t have your ID, you’re going to be arrested. If you’re going to be arrested, then you’re going to be handcuffed and you’re going to be searched. This is going to happen more on 170th Street than it is on 70th Street, where people live in air-conditioned apartments.

So one of the things that happens in a place like New York is that poor people live more of their lives on the street. And because they live more of their lives on the street, they are going to be engaged in minor violations....

So I think there’s no question that this kind of enforcement has [an] impact [on] people who are poor essentially. And there’s a high correlation between race

and poverty in most places, and certainly in New York.

This type of zero-tolerance strategy has a greater impact on people with low income because, as Professor Klockars put it, “Poor people commit more minor offenses,” offenses that are characterized as quality-of-life crimes. But is this abuse of authority? Is an enforcement strategy that seeks to place limitations on acceptable behavior in public areas an abuse of police authority simply because it will have a greater, and perhaps a more negative, effect on a certain group of citizens? Professor Mastrofski suggested:

It depends on whether you’re talking about infringement of offenders’ freedoms and selectively doing that, or whether you’re talking about a community that because there are so many people who have need of using public space makes it all the more compelling to regulate behavior in those public spaces.

The community’s perception may sometimes be that the enforcement policy is selectively applied and thus is an abuse of police authority. This perception may exist because residents do not believe the behavior that a zero-tolerance policy targets is a problem or is related to the larger crime issues in that neighborhood. Working with each neighborhood to identify problems and to formulate solutions may limit this perception, as Chief Sanders suggested:

I think the issue, though, is that what we have found in working with partnerships with[in] communities in asking what their priorities are, instead of

us coming in and saying, “This is our priority,” is that we have a lot of officers who grow up in an area where they’ve never seen anybody drink on the street [or] drink outside of a liquor store. They thought that’s what the problem was.

When they go in and ask communities what the priorities are, it almost never is those types of things because that’s just a custom in the neighborhood. They’ll talk about other issues that are more important to them.

And I think that’s what the problem of community policing is: actually working on issues that the neighborhood agrees are a priority, instead of cops coming in and saying, “This is unsightly. This doesn’t fit the mold for the last area that I worked in,” or “I think that this is a crime generator.” The people in the community know that it’s not.... It’s their father out there; it’s their cousin; it’s whoever.

And I think that’s where we’re going to have to start making those inroads and where we get the community’s priorities, instead of [having] us overlaying ours on top of them and deciding we’re going to enforce in a certain way.

And that’s the only way we’re going to be able to do it....Otherwise it’s always going to be on the racial side because that’s what the majority of the police departments are going to see as a problem because it doesn’t look like where they grew up.

Professor Manning suggested that zero-tolerance policies regularly reflect middle-class interests and not the interests of the

people in the community at which they are directed:

When you look at it, you see what is being done in the name of zero tolerance. Well, that’s not because it’s soliciting community police people to find out what the neighbors want. But it’s what the real estate people want and the private property owners and others who want the business districts to live [and] thrive.

So it’s not a reflection on community interests. And every one of the examples of zero tolerance is about lower-class interventions and lower-class activities in a public area that interfaces with the middle class.

In summary, the discussion suggested the importance of considering a wide range of societal factors, such as income, race, crime rates, cultural differences, and even personal attitudes of individuals, when examining influences on police abuse of authority. Also evident from the discussion is the complexity of evaluating the real impact of those factors on police and citizen behavior.

Citizens’ perceptions of the police will likely influence the manner in which they interact with an officer. These perceptions are formed and influenced by many factors. Police must also consider such factors when they interact with citizens. For example, when aggressive policing policies such as zero tolerance are implemented in a department, the enforcement of such policies will have more of an impact on lower-income citizens. This increased contact with police for minor violations of the law may result in more negative perceptions. Such

“...[T]hat’s what... community policing is: ...working on issues that the neighborhood agrees are a priority, instead of cops coming in and saying, ‘This is unsightly.’”

To change the way police officers think, departments would have to focus on three areas: training, professional standards, and means of reward and recognition.

interactions may be viewed by some community residents as abuses of authority because the police are focusing on behavior not perceived as problematic by the community. Another important factor that was discussed was the impact of race on police practice. Participants debated whether this factor manifests itself through a combination of cultural differences and bias, or whether each of these concepts singularly influences abuse of authority.

Possible Solutions:

Promoting “Good Policing”

In this section of the meeting, panelists were asked to identify policies and practices that departments may implement to promote better standards of policing among officers. The participants approached this topic by attempting to determine how to reduce, and ultimately prevent, varying types of police abuse of authority. They agreed that the best way to achieve this goal would be to address policies that would serve to alter the mentality of police officers. To change the way police officers think, departments would have to focus on three areas: training, professional standards, and means of reward and recognition.

Participants suggested that departmental policies and practices that emphasize the positive may serve as better deterrents to abuse of authority by officers than merely implementing more stringent types of discipline for misconduct. Three positive policies or practices were: (1) training and encouraging officers to do “good” policing, (2) establishing high standards of professional excellence, and (3) recognizing and rewarding the efforts of officers for a job

well done. The panelists also suggested that raising the age of recruitment may be beneficial. We will address the issue of age first.

Participants suggested there is a relationship between the age at which officers are hired, their behavior, and their subsequent abuse of authority. Some police departments have begun to hire older individuals because they bring greater maturity and life experience to the job. The premise is that this increased maturity and life experience will improve the level of policing and perhaps reduce abuses of authority. Chief Oliver stated, “That’s what we’re doing, 20 to 30, as opposed to 20.”

Chief Sanders remarked about hiring a 22-year-old: “You know, you give him the best training you can, the best supervision. You’ve still got a 22-year-old with a gun and a fast car.” As he elaborated:

Yes. We’re in there even older. Our average is about 26 or 27 because what you’re getting is people who have had some life experience.

I shudder to think. I joined when I was 22, and I don’t think I quite caught up to the job until I was in my mid 20s or late 20s. It’s all of our, the police chiefs’, nightmares to have a 22-year-old with a gun and a fast car and red lights out there.

You know, you give him the best training you can, the best supervision. You’ve still got a 22-year-old with a gun and a fast car.

Professor Manning concurred:

[I]t seems to me that people who are a little more advanced in life with more

life experiences might have a deeper commitment to ethical values, for want of a better term, might be better able to resist some of the temptations that they confront on the job so that who they are is better established. And it has been reflected in what they do and ideally is more compatible with what the community expects.

And so did Professor Klockars:

I would have answered that the opposite theory applies. That is, they are more balanced and less extreme than the 21-year-old, for whom the world is much simpler. The more life experience you have, the more complicated the world becomes and, hopefully, the more restraint you can show.

So...the one who scares me is the one who joins as a police recruit at age 17, hears all these old stories, lives inside the police world, and then goes on to become a policeman. This guy has never talked to real people, just police, or crime control. [He thinks] the community is divided between the good people and the evil people and all of those kinds of things.

I mean, you put me out. I start working in a factory. I begin to understand that there [are] all sorts of different people in this world. And they have troubles, and I've had the same troubles. And maybe I come to it with a little bit more maturity at 25 than I do at 22.

Cultivating “Good Policing” Skills

The panelists agreed that training and encouraging officers to be “good” officers rather than how not to be “bad” officers

was a priority for police departments. Officers should have the necessary skills and tools to be “good” officers instilled in them from the start. As Professor Worden put it, “If they have a wider range of tools that they can apply in a somewhat more surgical fashion to the problems that they confront, they may be less likely to abuse their authority.”

Professor Klockars went on:

[T]here has to be a cultivation of police skill that motivates a police officer to use those things with restraint or with precision. That is, [officers should not] settle for behavior [they] can get away with without violating the criminal or civil law, but [you should have] a standard of good police work that you want cops to aspire to.

And we can all point to cops [whom] we know can take a riot and calm it down, and turn any domestic into a riot. And that is an issue not of the law—the criminal law or the civil law—but of the skill of competent policing.

And what you end up trying to do...is you try to encourage police officers to become skilled police officers, to learn how to handle incidents without making it worse than when you came there.

Standards of “Good Policing”

The policies of a police department reflect the standards of behavior for the officers serving in that department. To identify what is “good” policing and what is “bad” policing, one must look to the standards and boundaries of behavior set forth by the department in its policies. When the

“...[O]fficers should not settle for behavior [they] can get away with without violating the...law, but...should have] a standard of good police work...to aspire to.”

“...[W]e could impose something other than, and perhaps higher than, a legal standard, some standard of...professional competence or craftsmanship...”

discussion turned to this issue, Mr. Williams noted, “The law defines the outer parameters [of police authority and behavior], but policy defines the boundaries.” The importance of departmental policy as a factor in examining abuse of police authority, or conversely “good” policing, was acknowledged by several of the participants.

In conjunction with this concept of departmental policy as a means of establishing a standard of behavior is the role of the supervisor in enforcing these standards. “[T]here’s a presumption in the...discussions I’ve heard so far that the supervisor plays an important role in the regulation of police behavior. And presumably, that good supervision means that you’re going to have a lot less behavior outside the bounds of [departmental policy]” (Professor Mastrofski).

As Professor Worden put it:

The notion that we could impose something other than, and perhaps higher than, a legal standard, some standard of...professional competence or craftsmanship, if you will. [And] it’s not just supervision; it’s also management.

But conceive of the problem as not simply taking steps to detect abuses of authority and sanction abuses of authority, but more positively to and affirmatively to establish standards of professional or competent policing. We may, at the same time, do as much to stem bad policing if...we said this is the way to do a good job. [Then] we may make it less likely that officers do a bad job [because] I suspect that many of the officers who engage in these abuses of authority are not fundamentally bad

people looking to act in bad ways. [However, they] may need some guidance and constructive support and so forth.

Methods of Rewards and Recognition

Commissioner Frazier suggested, “A promotion is a reward,” and this is true in the majority of police departments. Promotion to a higher rank has always been a traditional means of reward and recognition at the departmental level. Commissioner Frazier suggested adapting the promotion system to “fit” the kind of officer whom the department wishes to reward. This is done by tailoring questions for the oral examination to the specific officer’s work experience, such as with the Police Athletic League facility.

However, others noted that promotions are not available to all officers. In these instances, a less formal means of recognition for an officer who is doing a good job may be even more meaningful and appropriate than a promotion. Professor Worden suggested that sometimes having a supervisor simply take notice of an officer who is doing a good job and letting that officer know that his or her work and effort is recognized (an “attaboy”) can improve morale. Professor Worden suggested:

...[S]ometimes when I talk to police officers in my classes, they say, “Yeah, you know, just an attaboy makes me feel good, makes me feel like I’ve done a good job.”

And I’m not sure whether we haven’t underestimated the value of just commendations, being held up as someone whose work might be emulated. That might be a part of being a coach and a mentor,...that is, identifying

officers who are doing what you want them to do.

[We should] not only prais[e] them, but hold...them up for others as role models to follow, which might, ultimately, affect the culture of the organization.

This informal, frequent recognition of exemplary police work not only rewards the officer who is being recognized but also serves to reinforce the high standards of professional behavior that a department encourages its officers to achieve.

In addition to the rewards mentioned, police chiefs were curious about what methods of reward rank-and-file officers would consider to be satisfactory. They suggested that the national survey or the upcoming rank-and-file and supervisory focus groups address this issue, and that the chiefs be informed of the officers' responses in order to consider the officers' suggestions for implementation.

Deterrence of abuse of authority may not be achieved solely through rigorous enforcement of departmental policy or through harsher disciplinary measures for the violation of such regulations, but also by cultivating "good" policing skills in officers, by instituting a higher standard of professional conduct, and by providing positive reinforcement for exemplary conduct.

At the training level, officers need to be provided with the necessary tools to carry out their responsibilities. If they are not, one should not be surprised when officers resort to relying only on their authority to arrest, even when this approach may not be the most effective solution to a

problem. As Professor Worden said, "There might be other approaches if you have other tools. And if the tool is the civil law, providing that you are trained and learn how to use that properly, then that might expand [the officers'] range of options."

In addition to the provision of more extensive training, it was suggested that departments consider establishing a higher standard of professional conduct than is dictated by the law. Encouraging officers to achieve a higher standard of conduct and professionalism may decrease the likelihood of officers abusing their authority and engaging in misconduct. Making policy changes that address prevention of abuses of authority and misconduct is a task that falls on the department administrators and managers. However, simply establishing a higher standard of professionalism is not enough. This standard must be effectively reinforced through adequate recognition and reward by midlevel superiors.

These line superiors have the most contact with rank-and-file officers on a daily basis; therefore, these supervisors must be diligent in their efforts to positively reinforce this standard of conduct in their officers. Supervisors should make all efforts to acknowledge exemplary conduct, "that is, identifying officers who are doing what you want them to do, and not only praising them, but [also] holding them up for others as role models to follow" (Professor Worden). Reward and recognition, both formal (i.e., promotion) and informal (i.e., a slap on the back), are key elements in motivating officers to practice "good" policing.

The panelists agreed that this combination of training officers with the proper skills,

"Reward and recognition, both formal (i.e., promotion) and informal (i.e., a slap on the back), are key elements in motivating officers to practice 'good' policing."

encouraging officers to achieve a higher standard of excellence, and rewarding exemplary conduct should decrease the likelihood of officers abusing their authority or engaging in misconduct.

Also, to improve policing services and to reduce abuses of authority, departments are beginning to recruit slightly older individuals because they believe that people with more life experience may be better situated to exercise discretion effectively.

Conclusion

Most of the themes and questions raised by this group of police scholars and executives were addressed again in subsequent focus groups of rank-and-file police officers and police supervisors, with interesting similarities and differences. Many of their concerns and specific experiences were incorporated into the survey questions and were drawn on during the analysis and writing of the final report.

1. The quoted portions of this appendix have been edited sparingly to enhance readability while maintaining the speaker's voice.