

**APPENDIX C**

**REPORT ON FOCUS GROUP  
OF RANK-AND-FILE  
POLICE OFFICERS**

OCTOBER 20–21, 1997

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**Rank-and-File Police Officers**

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# C

## RANK-AND-FILE POLICE OFFICERS

### Introduction<sup>1</sup>

In selecting police departments for participation in the two panels of police officers—one of rank-and-file officers and one of supervisors—we established a set of criteria to guide the process. Our goal was to achieve representation from various types of departments, as characterized by their style of policing, with attention to size of community served and region of the country. We began by using our own expertise as well as by consulting several colleagues to develop a list of police departments that are particularly known for either community-oriented policing, problem-oriented policing, or traditional policing. As the list grew, we attempted to ensure that all regions of the country were represented. Having reviewed and refined the selections, we then categorized them by size of population served and region of the country. In this way, we derived a list of 24 depart-

ments, representative of all regions and sizes. Half were assigned to the rank-and-file group, and half to the supervisory group. In the end, 11 departments participated in the rank-and-file focus group, and another 11 departments participated in the focus group of supervisors.

To guide the participating police departments in selecting representatives to participate in the rank-and-file focus group, we provided the chiefs with a list of suggested criteria. We asked them to choose an officer with 5 to 10 years of experience. We asked departments that were selected for their orientation toward community- and problem-oriented policing to choose officers from those units. We asked departments that were selected for traditional policing to choose officers from specialized units such as narcotics or gangs who have considerable contact with community residents.

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The 11 officers from all regions of the country who participated in the rank-and-file focus group ranged in experience from 3 years to 15 years, with an average of 10 years of experience as police officers. As we requested, their assignments included community- or neighborhood-policing units, problem-oriented policing units, and gang and narcotics units.

The rank-and-file focus group was moderated by Rhoda Cohen, survey director for the project, under contract with the Police Foundation from Mathematica Policy Research, with the participation of Dr. Rosann Greenspan, Research Director, and Earl Hamilton and Kellie Bryant of the Research Division of the Police Foundation. The focus group met for two days: from 9:30 A.M. to 5:00 P.M. on October 20, 1997, and from 9:30 A.M. to 4:00 P.M. on October 21, 1997.

The officers discussed a range of topics with a set of questions to guide each topic. The broad categories included a definition of police authority, the nature of the problem and their concerns, the effect of community policing on the abuse of authority, the societal factors that affect police authority, the culture of policing, and what can be done. In addition, the officers pretested the first draft of the upcoming national survey. They provided valuable input by reviewing and reacting to each question in the first draft of the survey instrument and by making general and specific recommendations.

The participants worked hard, grappling with some of the most difficult and personal issues they face in policing. We were grateful for their thoughtful and frank conversation. We were surprised, as they were, by the degree of consensus among them on many different issues.

### **Defining Issues of Police Authority: What Is Professional Conduct?**

To explore how contemporary police view the boundaries of police authority, we asked participants to discuss what they consider appropriate and inappropriate conduct in their exercise of authority. Their responses quickly turned to a thoughtful discussion of the sources of both the formal definition of good conduct and a personal sense of what is good conduct. One officer started off the conversation by again posing the question in different ways:

What is professionalism? What are our expectations of ourselves? What is the expectation of the citizenry of the law enforcement agency that works on their behalf? [H]ow is it that we ought to act and behave? How is it that these things are appropriate or inappropriate, or right or wrong, or good or bad?

The officer answered that, for him, the definition of appropriate conduct begins with his own sense of right and wrong, but it does not end there:

I think that I am generally guided by my own sense of what is right and wrong. In other words, my own personal view of what is moral or immoral, what's right and wrong...What becomes a challenge for me is how I behave in very difficult circumstances,... how I behave in cases where people hate me, [and] how I behave in cases where people want to kill me. So how do I keep from misbehaving? How do I keep from doing things that are wrong inherently, either morally or criminally? And so that is a huge challenge...on a daily basis, not just for the individual, but, I think, for the organization.

Another officer suggested that the source of the definition of acceptable and unacceptable behavior must be society and that the boundaries of appropriate conduct, therefore, change as society changes:

I think that we as police officers are guided by what society says is acceptable and is not acceptable. Thirty years ago [in] law enforcement, certain actions were acceptable, where[as] today's society has decided that those things are not acceptable. As a result, ...my definition of acceptable behavior is what society says the rules are for us. Twenty years from now, law enforcement will probably be different because society will have said that force can go this far—that professionalism means x, y, or z.

However, he agreed that one's personal standards were also relevant: "I think within that boundary, then we rely on our own personal moral and ethical ideas to define and guide that." That officer later modified his response: "I think when I said about society deciding what is acceptable, I think I didn't use a correct term. I think it's the community in which we live [that] decides that."

A third officer raised the interesting suggestion that society's standards are too low and that unless a higher, personal moral standard is applied, force will be exercised in effecting an arrest when it may be possible to use language to gain compliance:

I think that society in general is taking a very dangerous trend in some of the things [that] are morally acceptable, some of the things that are socially acceptable....

Society says that I can effect the amount of force necessary to effect the arrest. In other words, society has given me the green light to use some degree of physical force in order to control an individual. And I know that I can do that. And there may be something wanting me to do that [because] this individual has provoked me to some degree in which I have the option of exercising some force. But I know that if I can talk rationally to this individual and still gain compliance, then I should probably take that route or accept that as an alternative, as opposed to using some degree of physical force.

This comment turned the discussion to the participants' definitions of professional conduct. One officer suggested that key to professional conduct is treating each individual with respect:

...[B]eing professional is about respect ...whether you are talking to the president of the United States or whether you are talking to Joe the hobo....Everybody has a story and [people have] their own shoes....Just [as] I could in no way do what the president does, there is no way I could do what the hobo does. The hobo would teach me how to survive, just [as] the president could teach me a bunch of other things.

Picking up on the idea that attention must be paid to the individual, another officer emphasized the importance of learning about the individual situation:

You have to learn what the situation is and the background behind that problem. You have some police officers—they are so gung ho—[who] bust in the

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house and it's so much the profanity and it's so much this. They never know what the environment as far as the family [is], what's going on in there. Social issues: father could be laid off, the mother has...five kids, the father is frustrated because he doesn't have a job so he starts drinking, and that's when the domestic violence comes in... Good police need to focus more on being professional, finding out what the problem is, and the bad police officers need to think some time before they are so gung ho.

Later, another officer expressed the difficulty of entering a situation like the one just described and explained how, despite an officer's good intentions, the situation is interactive, and the individual may have a pattern of using violence caused by poor oral communication skills that may make it very difficult to avoid the use of force:

[S]ome people...have grown up in environments in which their oral communication skills are horrendous. The only way in which they know how to resolve conflict—express their emotions and feelings—is by getting physical. They beat their wives; they beat their kids; they beat the dog. That is how they express themselves. If the dinner was too cold, they smack their wife and that tells her the dinner was too cold. The kids are making too much noise in the other room; he gets the belt and just starts beating the kids to let them know that they are drowning out his football game in the living room. So for this guy to all of a sudden be a human being and treat you any differently [from how] he treats his family, once you go into his living room,...is a very difficult thing to do.

Another officer suggested that officers under stress in their personal lives will engage in misconduct, and she suggested that very young officers may also have such problems: “[Y]ou also have babies coming on. I'm talking about 19 to 20 years old. Can carry a gun but can't take a drink.”

In contrast to an earlier suggestion that standards of acceptable conduct have lowered, one officer explained how policing has changed over the decades, how a reform chief in his city in the 1980s played a role in changing the face of policing. Until that time, police violence was the norm:

...[B]eing a child of the '60s, a teenager of the '70s, and an adult of the '80s, I watched the...police department go through the change. In the '60s, there was no accountability whatsoever. Same thing in the '70s. [In] the '80s, the department really started changing its face. Twenty years ago, it was acceptable if you got a burglar call, the burglar was shot, plain and simple. There were no questions asked. [An officer from another department across the country agreed. The first officer continued.] We got a chief...[name omitted] came in. The face of the police in [name omitted] changed....In the '70s,...you got stopped, [and] you went into a panic because you knew...something bad is going to happen to me.... And they could walk up and basically knock the hell out of you....There was no internal affairs in [name omitted] until 1978.

Another officer, agreeing that standards have risen, that “police operated differently in a different era,” suggested that the Rodney King case had a big impact on

police accountability—educating the public about the limits of police authority, increasing civil litigation, and elevating recruitment standards:

[E]verybody, I think, is operating now under the post-Rodney King era, in which people are probably more aware of their rights and the limits in which police can actually do their job. And that holds police to a great degree accountable for their action. I think departments have come into great civil liability in that they cannot afford [any longer] to hire the six-foot-four, 300 pounds, police officer [who]...couldn't pour water out of a bucket without getting most of it on him. But he could kick butt and take names.

Summing up the sources of the definition of the limits of police authority, of what is acceptable conduct by the police, this officer noted that, "Your morals are guiding you, the department is guiding you: policy, rules and regulations, society."

Another officer suggested that an important concept that had been left out of the discussion was... "discretion. How much discretion you can use, and when to know how to use the word discretion."

Another officer offered what for him was the key to what makes a good police officer... "compassion. If you have the ability to feel, you are going to care about that person. I don't care if an officer has 30 years on the force, if you haven't developed that compassion, you are useless as a police officer."

### Handling Situations That Challenge Police Authority: Rules and Practice

The moderator asked the participants to discuss the appropriateness of police behavior in a scenario in which abortion protesters refused to leave and were forcefully picked up and dragged to a paddy wagon. One officer responded by describing his own experience with demonstrators involved in a newspaper strike. He explained how he defuses such a situation:

If I am on a line,...I will ask, not the ones who are hollering at me so much, but someone next to them, what are [you] guys really fighting about?...[A] lot of times the police—the rank and file as we are—don't know what the real issues are. So I will ask what is the problem? Then after they explain, I let them know that I understand. Then I tell them that these are the rules: you just stay back there and I will leave you alone. Most of the time—I am telling you 95 percent of the time—they go, "Cool, cool." And they will protect me!

As these officers reminded each other repeatedly over the two days, "The bottom line is officer safety. We want to go home."

Asked to relate situations where they had to deal with challenges to their authority, the officers responded by providing a range of stories in which they had acted by using less force than might have been permissible. One officer described how he had avoided a potentially volatile situation:

We had the...shooting,...emergency services had to go through a door, and

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they had to shoot her because she came at them with a knife. Right away, we are the bad guy. I was going down to court one day on the subway and right away, they said, “You shot grandma,” and this and that. I had three or four people looking at me like I did something wrong. How should I react to that? Maybe if I was a young cop,...came from a nice neighborhood, and was a gung-ho kind of guy, I could have escalated that on the train and then I would have had a riot situation. Or I may have had to lock up somebody....So, I took it; I swallowed a little bit of my pride; I tried to act as professional as I could without escalating the problem.

Another stated that it is because of his compassion that he takes “that extra second” to de-escalate a situation, “by letting them vent first and then asking what is wrong. The first thing they say is that I don’t care, and I tell them that, yes, I do care. Tell me.”

Another officer told a story of being called on a domestic disturbance where the individual had left in a car. To the surprise of the officer and his partner, the individual jumped out of his car and ran when they pulled him over. “We are thinking it is just a disturbance, so why would the guy run?” They chased him into a field, where he pulled out a switchblade. “He told us he was going to stab both of us in expletive terms.” The officers spent five minutes yelling back and forth, trying to get him to drop the knife, which he finally did. “Would other officers have handled it differently? Sure. There could have been a shooting. We could have been hurt. But I think that how we dealt with it [was by] not person-

alizing the question of authority....It is not a personal issue whether you hate me. You may not like what I am doing, but it is the community who dictates what the laws are, and I am simply following through with that.”

One officer shared a story, “not a dramatic story whatsoever,” where he learned the limits of his authority. He responded to a situation where there was a group of people playing basketball, and he wanted to speak to someone on the court. He asked another guy, “Hey, run over there and get that guy and tell him to come over here.”

Well, the guy told me to kiss his behind; that’s not his job. I thought, just me arriving in uniform, I could direct people and just tell this guy what I wanted him to go do for me. And that guy told me where to get on and where to get off....I was verbally assaulted.... And it made me really think, and it really does....[M]y authority only goes so far;...I do not dictate [to] people or control lives [as] I think I do—or [as] the uniform makes me think I do.

## **Officers’ Perceptions of the Extent and Nature of Abuses of Authority**

### **The Role of the Media**

Expressing a sense that the media, in reporting instances of abuse, influence the public to distrust all police, one officer said, “[E]veryone of us gets labeled for every problem from every city....When you respond on a call, [then] you just did everything that they heard of for the past 10, 20, 30 years of their life. You just did it, you represent it, and they’re going to take it out on you in those cases.”

Another put it this way, “And as far as the Detroit deal—yeah, we caught heat behind that; L.A., we caught heat behind that; and New York, yeah, we caught heat behind that.”

Another said, “[N]o matter what we do in [name omitted],...or anybody else does, I have to answer for it. If I go to Portland, Oregon, to see family, say for example, they’re going to question me about what happened in Detroit, and I have no connection....And if I take the approach that the police were right—they were not wrong—I better be ready with my ticket, my keys, whatever way I came, because I’m going to take some heat for that.”

Some also expressed concern about the accuracy of media reports. Because they tend to present only the dramatic event of police violence, the media neglect the situation that precipitated the violence, offering what some felt was a distortion of the facts:

...I was giving an example earlier with the situation in Baltimore. I didn’t see the 20 minutes of footage that occurred before that, in which the three officers are around this guy—please drop the knife; please drop the knife. I just saw the 10 seconds leading up to the point right before they shot and killed the guy. I know there was more to the story, but the average person [who] looks at that particular situation, that’s what they see.

One officer suggested that, although in her city the police receive both bad and good media coverage, the general trend is to report only the negative stories about police, and in that way, the truth is distorted. “You still don’t hear about the

bulk of us who are out there doing [our] j-o-b because we believe in what we do....”

Another felt that police departments needed to be more media savvy:

I think that we are hurt as law enforcement by our lack of communication with the media....But I think our lack of willingness to be honest with the public—and maybe not the lack of willingness, but the lack of know-how, to perceive that [lack] in the media is what is damaging us—not necessarily our actions but our inability to relate that to the mass public.

#### **The Extent of Abuses of Authority**

There was general agreement that a small percentage of officers abuse their authority. One officer referred to the “95/5 rule, in that 95 percent of the people on the department are doing what they’re supposed to do, doing a good job, and...there’s this 5 percent that cause all the problems in your organization.” And 5 percent became the rule of thumb generally accepted by the participants. At least some felt that these abuses were generally of a relatively minor nature:

I think on my part, that the 5 percent [who cross the line into abuse of authority] are usually guys [who] are in violation of some sort of policy procedural error, in that they didn’t take a report, or they failed to administer first aid when the situation called for it.... Of that 5 percent, you probably have 1 percent that actually goes out and violates someone’s rights....I don’t think that 5 percent...that are in trouble within the departments are actually taking bribes and shaking people down—

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you know, abusing authority. I think it’s more [that] this guy just comes to work, his uniform is bad, or he had alcohol on his breath today, or whatever.

One officer suggested that it takes maturity for an officer not to become jealous when he sees a drug dealer driving a nice car: “And then that’s when he starts doing illegal searches, not turning in the money, not turning in the drugs....And that’s what some of these officers are doing. They’re putting their hands in the cookie jar,... they’re being caught, and the media [are] feeding off of it.”

Another expressed his distaste for officers who engage in illegal activity:

And the reality is there’s nothing that turns your stomach more or that’s more distasteful than to find an officer [who’s] doing something illegal....[W]e had some officers in [name omitted] [who] were breaking the law,...were shaking down people....Not only was it illegal, but it was just so personally offensive.... You want to arrest them, but you also just want to throw up at the same time.

### **The Forms of Abuses of Authority**

When the officers were asked what kinds of inappropriate behavior they were most concerned about, they mentioned a range of behaviors. One officer described “a trend” in his department of “narcotics trafficking,” by officers who fit “the so-called new prototype police officer, college educated, passed all the tests, background checked out perfectly.”

A number of the officers expressed concern about verbal abuse or a general lack of respect by police officers in dealing with

the public. One officer suggested that he found for himself that the solution is to explain your actions to the people affected:

One of the problems that I think [is] an issue with regard to police work is that the public requests to be informed, and the officer feels as if he has no obligation to inform the citizen as to what he’s doing. I’ve found that I’ve eliminated a large percentage of complaints that I’ve had lodged against me and just [had] an easier time of doing my job by simply explaining to the individual what it is that I’m doing....You find that [with] most police officers [who] find themselves in trouble, it isn’t because he’s shaking people down or he’s taking bribes; it’s because he does not...explain his actions in a lot of situations....That person is hyped up and that person is really emotionally involved. And now the officer’s emotionally involved. And the next thing you know, the officer says something he wishes he could have grabbed back and pulled back. You know, it’s the verbal assault again, [which] the officer levies against the citizen, that hurts him.

One officer indicated that the behavior he is most concerned about as a police officer is “other cops [who] are bigots and other cops [who] are brutal.” He expressed concern that officers are placed in these brutalizing situations without having relationships with police supervisors who encourage talking about what they are confronting. He argued that “we’re putting a lot of young people of all races and a variety of different educational backgrounds ...into the worst possible environment, and we’re just leaving them there....And then we’re all real surprised when the media show

up and they're filming this person beating the hell out of somebody."

### **Abuse of Authority and Community Policing**

Most of the rank-and-file officers who participated in the focus group expressed belief in the value of community policing. They recognized that it expanded the tools available to solve community problems, but they cautioned about its potential for encouraging the community to place undue demands on the police. They saw a potential for violation of citizens' rights; they doubted a management concern about corruption. Most saw community policing as involving a much greater commitment of time and dedication than traditional policing. As one officer put it, "If you don't put in 110 percent as a community officer or beat cop or whatever, you're not doing your job; I don't care what anybody says." Their conversation seemed to assume that community policing and problem-oriented policing are the future of policing—a reality to which management and older officers must adapt—rather than an experiment or a marginal activity that may disappear or be deemed to have failed in time.

### **Community Policing and the Expanding Authority and Responsibility of the Police**

The officers discussed a wide range of issues that relate to the expanded role of the police in community policing, to the use of civil law, and to the effect of community demands and expectations.

One officer told a rich story that was about community policing and that demonstrates both the close relationships between

police and community and the expanded power of the police. He spoke of how he developed a teen basketball league some 12 years ago in the inner-city neighborhood where he was then assigned and still is working as a community-policing officer. The relationships he developed in the basketball league led to the development of narcotics information and warrants, as well as to a neighborhood "trespass affidavit program" and other techniques such as vertical patrol, which are all aspects of an expanded police role under community-oriented policing. In his words, "All these tools were added to us for locations like this so we could use [them] ... in our daily routine of patrolling." The basketball league continues to occupy much of his leisure time to this day:

I went to a community meeting...in a housing project, where blocks and blocks of buildings were...drug infested....And the people were complaining about drug dealers...hanging out late at night, drinking on the corner, throwing garbage out the windows, bringing garbage downstairs, boom boxes, drag racing, fixing cars on the street. It was out of control....They were yelling at me and screaming at me.... So I started thinking of what I could do. And I walked around, and on my beat there was a local church....I went upstairs,...and I saw there was a small gym....I started a basketball league.... I made out a few flyers....I had to consolidate it to [ages] 10 to 14 because I had too many kids coming.

Well, we built it up a little bit. Kids would give me information—not that I was looking for information, but they were giving me information on certain

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places. We would target them ourselves. I would pass the information to narcotics. I would do my own search warrants. And little by little, we cleared up each building at a time....

We set up another program, called the Trespass Affidavit Program, where we have people in the building; then we have the rent roll, so that if there were people that were outside from other areas coming to buy drugs—and I knew there was a spot in one building—I could grab them in the building when I was doing a vertical.

I do a vertical patrol, [which] means you go up and down a building and check it. If I saw somebody coming out that I didn’t know—because I knew people on the block—and [those people] couldn’t give me a good answer...take me back to the apartment they were visiting, they were placed under arrest for criminal trespass.

Now, today, I have 12 teams still doing it. I run the program from January to June. It’s four hours a night of my own time, but I have a good time, more than the kids, but I can’t let them know that. And I have 120 kids, and a 12-team league. It’s still going strong.

Another officer described a recent program to enforce a loitering ordinance. Police had been using the tool of criminal trespass, getting property owners to “post their properties,” as in the above example, in order to move “drug dealers and other people.” But the targeted population “kind of wised up to it and changed their tactics a little bit.” They moved to a public park. The tool now being used to move these

people has been “a very controversial ordinance.” The officer described it as “a real difficult ordinance to enforce,” with “five or six criteria in order to even write the ticket,” suggesting there are easier solutions than trying to enforce this ordinance. But some of the public and a radio talk-show host have raised concerns that “we are just stomping all over the people’s constitutional rights with this ordinance.”

But this expansion of authority also places a great burden of responsibility on police officers. As one community policing officer said, “[Y]ou, as a police officer, have to wear many different hats: a fireman one day, a lawyer another day, a doctor another day, a marriage counselor one day, a psychiatrist one day. It is amazing because we don’t go to school for that. We don’t get paid for having all these degrees.”

Another community policing officer stated, “[E]verybody’s always looking for the police to answer all their problems.”

A third put it this way, “We, as law enforcement, take responsibility for far too much in our society....And I think every time someone comes to us, we feel it is our responsibility to solve that problem for them.”

Another offered, “I know we’re feeling... just [an] overwhelming requirement to be everything to everybody.”

There was intermittent discussion about taking your work home with you, whether such a move is unhealthy, what to do about it, and what its effect on home life is, because the successful community-policing officer is an individual to his community. Officers admitted they gave citizens their home phone numbers and received calls

at all hours: “It never turns off.” But the most striking example was the following:

I’m down at the shore. I’m down there the last two weeks in July and the last week in August. I have a beeper. Well, [it’s] a great invention, but community leaders beep me. Community activists beep me. People [who] have a problem in the park beep me. You know why: S—, we didn’t see any radio car tonight; S—, can you do something. Could you call up one of the lieutenants at the desk and give him a heads up [to] send a car over.

These expressions of the burdens of community policing precipitated a discussion of the community’s responsibility in the community-policing partnership: “I’m not responsible for all the answers, and sometimes the community is.”

Another said, “[T]he problem is probably going to come to you first....But you’ve got all these other resources to funnel everything so...you’re kind of a liaison. And...you deal with the whole family with the idea that eventually you want to totally empower that whole community so, in a sense, you wouldn’t have to be there anymore.”

Officers also stated that at times they have to explain to community members that there are limits to their authority: “Can I hit this house two doors down from you? Probably, if I can get enough information that gives me the legal authority to do it. I can’t just go in there and just run through this person’s house just because you say that you think something’s going on.... [T]here’s certain legal—there [are] certain

rules and regulations,...which I have to follow.”

Perhaps most striking was the officers’ indication that a potential for abuse of police authority comes directly from the heightened community expectations and the closer community-police contact and relationship that occurs under community policing:

But just an example of the possible abuse, you get a person who lives in a neighborhood, and [such people are] in charge of a neighborhood watch program. Or they’ve got a house [that] they know [and that] they kind of get a little concerned about. Now, it’s not a regular 911: they’re [not] shooting or there’s [not] any kind of real problem. But they begin this process because now they have...the ear of the police because I’m designated as the person that they can call—not just a generic number, but now there’s a face and a pager. And they start calling me. Well, I sort of become the innuendo police...the rumor police. I...hear that so-and-so living at the house is—you know, I think he could possibly be doing a variety of things. I said, well, none of those seem to fit with what’s criminal...so maybe in some cases it’s more of a neighborhood personality issue than it is a crime issue. And now I’ve got [these people] in the community who [have] my ear [and] who feel like I’m accountable to them....They’re demanding that I do something....That’s the key piece; [discretion] is being able to tell them—which is nothing they’re going to want to hear from me because they think that

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***“You’re asking a quasi-military type organization with a very structured chain of command, and ...upper-level and mid-level managers to relinquish some of their authority....”***

I’m there to do what they want, not to enforce the law or keep the peace—[and] find...a way of telling them it’s not something I’m going to be able to deal with for you.

### **Community Policing and the Potential for Corruption**

Asked whether the closer ties with the community increased the risk of corruption, one officer suggested that this was a misperception held by police management and some citizens:

That’s how these chiefs and higher-ups think because...they’re behind closed doors. They’re in their offices....I deal with a lot of store owners because they give me things at the end of the year when I have my championship game.... I get donations that go right down to the PA [Police Athletic] office, and I get a receipt.... They’re afraid that we might get hooked into something with these store owners where—we might give them protection...a slap if they’re doing something illegal...in that community area. And then people [who] live in the community perceive this. And they see that we’re hanging out with somebody; right away we’re doing something wrong. And this is why these chiefs and everybody—they don’t want to hear this. And right away, they want to put a bashing on community policing.

Besides the potential for corruption from legitimate commercial enterprises, the use of vertical patrol raises some concerns among police management because of the potential for corruption by drug dealers when officers cannot be observed by their supervisors: “I [police administrator] don’t

want any cops going into buildings. Why? Because they’re going to get involved in something. Or maybe it’s easy for corruption. Right away, they’re corrupt. They’re going to get into an apartment, or they’re going to get...grabbed by one of the dealers and maybe—let’s make a deal.”

### **Departmental Structure and Community Policing**

Some officers expressed concern that police management is not adapting to the changing authority structure, namely the expanded authority of the rank and file under community-oriented policing:

You’re asking a quasi-military type organization with a very structured chain of command, and you’re asking upper-level and mid-level managers to relinquish some of their authority and some of their responsibilities....As a detective, I’m bypassing and eliminating the middleman and going right to the top with my plan and my solution, and that’s a threat against everything that you’re taught as a police officer.

Another suggested, “The problem seems to be...the breaking down of the pyramid...from staff to officer. There is a lot of old-school thought...that the street officer doesn’t really have the ability to create an autonomous decision.”

And another said:

The micromanagement part was our biggest foul-up in the system.... [Command officers from the old school didn’t believe in community policing.] Just go out and lock people up...and when you came up with ideas and things you wanted to try,...they were

reluctant to give you the go ahead on it...If you still have those people [who] are policing from the '60s and the '70s with the same ideas...it's hard to push new ideas around them sometimes.

One officer suggested this ideal for supervision under community policing:

You have to have immediate supervisors and mid-level managers [who] trust you and trust your judgment and [who] give you latitude to make decisions. And even if you fail in your decision, they cannot...micromanage. I guess they have to allow you to be innovative, to express yourself, to not be afraid to come in with an idea and implement that idea. I think that's very important.

Others suggested that they encountered problems, not with management, but with veteran officers who are not serving as community-policing officers: “[S]omething that we’re experiencing right now is that neighborhood officers are over here; patrol officers are over here. And you’re kind of looked at as this special group, and you get to kind of adjust your hours.”

## Societal Factors That Affect Abuse of Authority

### The Effect of Race and Ethnicity

Although we considered that the topic of race as a factor in police behavior—suspicion, investigation, stops and searches, use of force—was important to our consideration of abuse of authority, we were uncertain whether the participants would be willing to talk openly about their perceptions. As with all other topics addressed, we were impressed with the apparent thoughtfulness and frankness of the officers. We began the

discussion with a direct question that engaged the group: Is it unfair to stereotype or is it “smart policing” to know that people of certain types—seen at certain hours in certain places—are basically up to no good? This question led to a lively discussion that began with an insistence on distinguishing stereotyping from profiling, with the assumption that stereotyping is bad, while profiling is ethical, though its legality has recently been limited. By the end, the two seemingly disparate terms were comfortably conflated.

One officer suggested that profiling is “ethical to a certain degree, not necessarily...right. But you have a good feel of whom you are dealing with. I mean I can tell a normal person—a normal student—because I deal with a lot of kids. If I see a kid walking, I can pretty much judge what kind of person he is.” But as he explained, “We’re careful about stereotyping. The term we use is profiling.” Several officers questioned the difference between the two terms. Then one provided the working definition in his gang squad:

The way in which we have the practice in our department, I should say the practice in gang squad, to differentiate between stereotyping and profiling, is that to stereotype we go strictly...[on] physical appearance. Profiling would be the physical appearance, the location in which the person is, and what [such people] are doing in that location and what others are doing around them.

Exploring the meaning of stereotyping and profiling, one researcher described an actual incident where two black teenagers driving around in a white neighborhood were approached by two officers with their guns trained to the back of the boys’ heads.

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Two African-American participants took the lead in responding to the situation. The first admitted that he had been the recipient of similar treatment, “I have experienced the same things that you have experienced.” But he maintained the legitimacy of stopping someone at certain times on the basis of a sense that they have “no business being there,” because it is what the residents of the neighborhood want:

I’m from his hometown. I understand what you are saying. I have been on the other end. I haven’t been a cop, as I say, all my life. I have been stopped. I have been stopped by white officers in mostly white or predominantly white neighborhoods. I understand that. I think there’s—and I think everybody has been discussing this—a very fine line between stereotyping and profiling. If it has a beak and it quacks, it’s a duck. Regardless of what it calls itself, it’s a duck.

If you are walking down [or] if I was walking down that street,...I have been stopped during the middle of the day,...I don’t think that necessarily my actions warranted a stop. But if I am...walking down that same street at 3:00 in the morning when everybody else is asleep and I had really no business being there, I cannot justify my actions for being there. I have no legitimate address I am going to or coming from, and, therefore, I warrant the police to stop me.

If I live in that neighborhood, I don’t care what race he is or what ethnic background he is, I want the police to check that individual out and why he is even there.

The officer expressed hope that the police department is hiring better-educated and

more-compassionate recruits who have “an understanding of things and can resolve a situation without it resolving or ending in conflict”—if only to limit lawsuits.

Another African-American participant recalled that while “growing up in [name omitted]”...he too “was stopped many times.” But he noted, “One of the major factors is the time, the era for which that happened to you.” Like his colleague, he felt that such stops based on “profiling” are justified:

So...I tell the kids now, so what [if] you get stopped. So what [if] you get pulled over. So what? As long as you have all your paperwork in order, which you should have, there is nothing that an officer can do to you as long as you are in the right. If [an officer does], then you have a legitimate complaint. If we stop you and you have got all your stuff together, hey,...Excuse me for stopping you. I’m sorry that I delayed some of your time. Okay?

A white officer suggested that sometimes race is seen as a factor when it may not be. He told a story that began:

...just after the Rodney King trial, maybe the day after, my partner and I, both white, we [are at] work in a predominantly black neighborhood. We see a couple of guys in a car smoking dope, so we roll up on the car. I go to the driver’s side and say, “Hey, sir, I see you are smoking dope. Put your hands on the steering wheel. Don’t move.” He is more or less buffered—I mean the behavior, what he is saying to me. He is not indicating that he is compliant. He’s uncooperative.

So I become a little bit more concerned for my safety. It's very low light, a couple of guys in a car. We don't know who they are. They are not searched, so I have them get out of the car. "Put your hands on the back of your head, and lock your fingers." I grab hold of his hands. "Now step out of the car." ...I don't know if he and his partner are going to start shooting at us or what.

They step out. I go to handcuff him. He physically resists it. He tightens his whole body up. I am thinking—he kind of starts crouching down. I'm waiting for his hand to come off the top of his head, to [go] into a waistband. I ended up getting him cuffed up. We got the dope. He was dealing marijuana out of the car. They [were] smoking marijuana.

But we get in court several weeks later. He says, "I saw what happened on TV. I watched what the white police do to black men." He sees me walk up on him, and he begins to see me in a particular way.

I begin to see him as a threat to my safety. [When] we both sort of start looking at each other as men in this way, that's not really good for either one of us. I mean it's good in a sense because we're not going to die, but it's bad in a sense that now I kind of see him as a guy who is not a very nice person, and I don't know the man. He...starts maybe seeing me as this racist, brutal, heavy-handed white cop.

I have got to walk up on that car. But one of the things I don't have to like is what happens to me because of what I do, and what happens to people be-

cause of what I do [and] in terms of the relationship we get in....We don't ever have time to get to know each other.

Relinquishing the distinction, several officers agreed that "[s]tereotype or profile or whichever word we choose to use...sort of keeps us alive."

Citing a Maryland study that suggested African Americans are discriminatorily the subject of traffic stops, we rekindled the race discussion by asking whether police engaged in racially discriminatory practices or if this was a false perception held by the minority community. The term "discrimination" seemed more evocative than did stereotyping or profiling. One officer tried to refine when it was acceptable to treat people by appearance, suggesting that the standard should be: "I think it's discriminatory if I am judging somebody based on something that they have no control over." Thus, returning to the earlier example, he argued that "[y]ou are a teenager; you're black; you are in a white neighborhood; you are driving. You have no control over the color of your skin. For me to stop you simply because you are black...would be discriminatory." He continued in this direction, "However, you are a teenager who happens to be black, who chooses to dress like a gang member, who chooses to hang out with several other gang members, who chooses to be tagging in a neighborhood. Now I stop you. I think there's a difference. You had a choice.... I think...we can base a lot about how a person is dressed."

Another officer suggested this approach does not always hold up in court:

Then when I go to court, the kid [is] wearing the gang attire, standing on the

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corner or whatever. He's got his mom with him, his dad with him, and a lot of family members. They have got a lawyer, an American Civil Liberties Union; they are pissed off. Then the media [have] gotten in the middle of it and [are asking], "So that's good police work? This just kind of seems a little intrusive to us, officer."

As a result, his department no longer condones this activity: "[T]hey went the opposite liberal extreme. Our chief told us that if you see a kid who is dressed in gang-bang attire [and] who is in the wrong neighborhood at the wrong time, that's not enough to contact him."

Another officer said her department also would not permit such a stop:

We don't have routine pit stops or routine core stops. I mean, I can't assume because you are wearing your hat back with your pants back—they are falling down—that you are out there selling drugs. You might be a college-educated person that liked that type of dress, so we can't assume that. We are held responsible for that kind of thinking.

The moderator cited a national poll that reported that while 63 percent of whites stated they had a great deal of confidence in the police, only 26 percent of African Americans felt that way. The moderator then sought participants' reactions. One officer made these observations:

I can see why, though the people who are black might be more inclined to have less confidence in police because police historically are predominantly white....I think white officers—those that stereotype or those that have

discriminated—are more likely to discriminate against black, Asian, or Hispanic people.

...I'll give you an example. We're sitting around a table at a chief's forum.... I work in the black community. I have got a black man sitting next to me who is a leader in the black community. He says there [have] been X number of gang homicides on this street over the period of the last couple of weeks, and we need to do something about it. We have got a white guy sitting across the table who lives near one of the white area high schools. He says, "Well, the problem in our neighborhood is smoking off campus. The chief is sitting there. He's [thinking], "Let's see. We've got people dying over here, and we've got Mr.-let's-not-have-kids-smoking over here"....How can you help but have the disparaging sort of view from the different racial populations about police authority. I don't see how you can get away from it.

Another officer, also not surprised by the poll, suggested that the strong police presence in minority communities, which have traditional policing, contributes to the negative view of police:

[I don't know if] the traditional way that we do policing [is] reflective of everybody's department....The majority of police stations or policing, as it were, are situated or centralized in predominantly black or minority communities. Therefore, most of the police contacts that occur during the course of a day are involving blacks or people of color.... Most of those contacts have to do with enforcement, either that or the police

have been called in again to remedy or resolve a situation.

### **Race and Community Policing**

The view of the officer who saw a strong, but negative, police presence in minority communities was that community policing can be expected to improve the confidence level in the police of African Americans. This view was shared broadly among participants. As he suggested,

By seeing the police in a different light and seeing them as not just people who go in to enforce the law and to effect an arrest, but [as] problem solvers and facilitators in that they help guide and direct people into situations—help resolve their problem—I think that number [26 percent] is probably going to go up. It has no choice but to go up. I mean,...the police are now helping out as opposed to the bad guy [who] comes in and just drags people out of a neighborhood and takes them away.

One participant prescribed community policing to improve race relations, without actually naming it. He saw

...race relations improving with the amount of police that you are able to put on the street. The more police that you are able to put on the street, the more police officers will be out there [and] be able to do one-on-one community involvement. There is no way you are going to improve relations on an amicable basis...when all your officers are able to do is answer runs.

One officer who worked in community relations saw the solution in expanding communications, which is also a feature of community policing:

You have certain cultural groups—because of where they come from—[who] come to America. They have their own fear of police. We [police] have to go in and break down that fear, set up communications, set up information, open those lines of communication, [and] bring them into the fold.

### **The Culture of Policing**

In seeking to understand how much the culture of policing contributes to abuse of authority, we focused on two aspects attributed to police culture: (a) the “us-versus-them” mentality, with its premise that police officers who are in constant contact with problematic citizens tend to view all civilians suspiciously; and (b) the “code of silence,” in which police officers protect (by not reporting) their fellow officers in situations involving inappropriate or abusive police conduct. We began by asking whether the participants believed there was an us-versus-them mentality and what its role might be in the abuse of authority.

#### **“Us-versus-Them” Mentality**

One participant referred to a scholarly article that described the psychological and physiological response to living with the dangers of police work on a daily basis:

When you go out into the street and you make contact with somebody on a call or a car stop...you begin to see people, anybody, anywhere, as potentially a threat of death to you. So you develop this vigilance for work: I’m ready. I’m on. I’m prepared....And then what happens is [that] you sort of turn that [approach] into hypervigilance.... You’re always...looking over your shoulder;...you’re a little more aware

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than the general public about dangers that you encounter....And then, over a period of time, you [need] something to check that. In other words, people don’t get on the phone to 911 and tell us how good their life is going;...they get on the phone [to] tell us when things are horrible. So those are the kind of experiences that we have over a period of time [that] can divide us. And we may respect people....We may be thinking compassionately....But ultimately...you begin to see people as a threat of death to you.

A number of participants acknowledged that the us-versus-them mentality is a corollary of the requirement of their work that they be vigilant at all times. It is an attitude that never leaves many of them, on duty or off. Two described experiences in traveling to Washington, D.C., for these meetings:

We were talking—this is ironic again. We were talking the other day about going in restaurants and...we kind of [took] an unscientific poll. How many of us sit with our back to the door as opposed to sit facing the door? How many of us read customers that come in there? And we were talking about keeping our eye on the cash register. We’re almost expecting something to happen.

Or in the cab. Everybody was talking about [being] in a cab....We’re in a city we’re not familiar with. Get in a cab with this guy. It’s the middle of the night, and we’re driving, and, oh, okay, he’s taking us somewhere to kill us. All right. So what do I do now?

However, the participants felt that this vigilance does not lead to problems. More severe manifestations of the us-versus-them mentality can cause potential problems. Participants described a type of police officer who is intensely identified with his role and who may be “the ones that don’t make it”:

You’ve got a lot of guys [who] are cops in the day....They hang out with cops. They talk about cop stuff. All they do is cop, cop, cop, cop, cop. And those are the guys [who] are in that hyper-vigilance mode. These are the guys [who] read gun magazines....And, you’ve got to wonder about that.

Conversely, one officer suggested that the attitude described as problematic was more common than the more-balanced attitude that the participants were claiming, and he implied that the participants may not be all that different from the supposedly more-extreme adherents of the us-versus-them mentality:

There’s an over-identification with the police role. In other words, police work becomes your life in some ways. The people who are here in this room—in many ways in my experience—are the exception. I mean, I know a lot more people [who] are acting and behaving in the ways that we are characterizing than people who live and act and behave as we’re saying we do.

Comparing his life to that of his brother the banker, one officer admitted to living with an us-versus-them mentality:

[W]hen you’re bombarded with negative all day, pretty soon that becomes

your life, okay, because you are out there doing it to save your life or save the life of others...But as a police officer, I have to be concerned with my life and everybody else's.

Another officer admitted not being so far from the gun-loving officers characterized earlier:

I agree with...your over-gung-ho people with the gun magazine promoting guns and this, that, and the other thing. I like guns as much as the next guy, but I'm nowhere near that. But I do have something to say. In my experience, the [military] veterans are... some of the best police....They usually find a common bond. Yes, a lot of them come out of the chute a little too fast.... But some of our veterans are some of the best guys you can depend on.... [W]e work 8 hours a day, 40 hours a week, for a combination of 30 seconds of pure, sheer terror that can come at any unknown time. I can't think of another occupation that's like that. That's where the understanding comes in.... I'm asking you [the public] to sympathize. You're [the police] supposed to be perfect, perfect...up to the point where you make a minor mistake. Then you're held with a level higher, held to higher accountability.

Thus, as the discussion progressed, it became apparent that from the participants' viewpoint, many police officers have the more-negative version of the us-versus-them mentality, and perhaps the original distinction was overdrawn. This revelation led to questioning whether the participants felt they were the exception to the general

population of officers in their departments. They joked, "Oh, I think so," and "The department will not send one of them to Washington." Because the participants considered themselves "exceptions to the rule," they were asked how they personally managed to avoid the more-negative aspect of the us-versus-them attitude. The participants credited their own personal integrity—and often their religious or spiritual beliefs—with being key factors in avoiding those attitudes. They also suggested involvement with positive people or experiences, and humor. Typical comments included these:

I think it is filtered out by how much you are involved in other things other than your job....[Those who] are involved in church...get to see the good side of life. For most of us, kids suck because the only kids we deal with are kids who are problematic. I'm lucky enough that I'm involved with the youth group at our church. So I see the best of teens also. And that kind of balances things. If you don't seek out the best in [kids], all we are left with—with this job—is the worst in [kids]. And you have to actively do that, otherwise you will become mental[ly] unstable.

I think in myself, anyway, [that] I have a great appreciation for life after seeing death. You see people die [at] a young age. You see so many things that you see the worst in people and you see the best in people. And you really kind of balance it out.

You have to use every tool that you can. Because of my demeanor, I use humor to bring about some levity, to

***"[W]e work 8 hours a day, 40 hours a week, for a combination of 30 seconds of pure, sheer terror that can come at any...time. I can't think of another occupation that's like that."***

***...[P]articipants indicated the need for more experienced officers to take a lead in helping officers cope with the stress of the job and their personal lives.***

bring about some light in stressful situations. [It is] by no means demeaning, but I try to bring about some light.

I feel the spiritual side. I know what guides me because I would have burned out years ago. I know how to bow down to that. I know how to accept it. I know how to find it within me. It's what drives me. A lot of officers will not admit to a spiritual side until it gets tested.

What does it take to humble you as a police officer? It may be something as simple as an old lady you're giving a ticket to who will give you her license and say, "I need to come off the road"...Or it may take a kid whose mother just got killed by his father, you know. What is it going to take for you to come back to reality and realize that you're just a cop? You're just somebody out here doing eight hours.

You have to keep that spirituality within your heart because God is the one that watches over you, protects you from that unseen danger...I tend to find myself bringing that spirituality in the community and that gets rid of that us-versus-them because that's when the devil gets involved.

I'm going to take care of my family and that's one of the things. Here I've been doing this job for 10 years and prior to that, I didn't have the sense or the feeling in that very strong way. So that's an important point for me. Sort of a stake in the ground in terms of taking care of myself, taking care of my family.

While acknowledging that a number of officers exhibit these more problematic

forms of the us-versus-them mentality, the participants generally felt that type of officer does not remain very long in the police profession. Comments included these:

They're the ones that don't make it... Four or five years, burned out. They get injured, get hurt...And they're the constant revolving door of law enforcement.

Get hurt mostly.

The participants indicated the need for more experienced officers to take a lead in helping officers cope with the stress of the job and their personal lives:

And you help the other police also with that [seeking the best and not the worst in the job]...You help other police officers. Because when they had a problem, their own personal, they'll come to you because they see you in a certain light. And they see [that] you're always working with kids. You got something I can do with a kid...So you become a reference point for them...And I find it ironic that we, in community policing, help the community. But what happens to our problems?

We still have everybody [who] graduated [in] our class in the department, and everyone is doing well and we keep in touch with each other. [When] somebody has a problem, we can call one another.

Our department has a mentor officer program. When new guys come on, the training department looks at the old guys [who] have been on a while like we're looking at one another here and saying, you know, that guy is a guy [who's] doing something right...They take guys like me, and they pair me up

with a brand new guy....You just talk about whatever interests him....Of course, new people want to know about being a cop, and my job as a mentor officer is to make sure that he understands everything: how to be a 20-year veteran, how to retire from the job, not how to make it necessarily the year. FTOs [field training officers] will take care of that. You've got to make sure that they are human beings and members of society for that entire career.

Community policing was also seen as a critical component in preventing the us-versus-them mentality by allowing officers the opportunity to have more positive contacts with the community. As one of the participants commented:

I think when you're in control also, you see the community in which you work a little differently than a community police because you're in service. Okay. The radio dictates your movements, your time. The only time you're in control is when you take a personal or when you take lunch. When you're in community policing, you dictate what happens. You control the pace....Most officers I've seen who come out of patrol...[when] they come into a position in community policing, they sit back. Say, for example, in a situation like this [the focus group] and it's, "Oh." The sigh of relief. You're in with people [who] have education, [who] have a home, [who] have interests other than robbing a bank, taking drugs, beating on kids, or whatever the case may be.... If they were in service [patrol], whatever skills they have, now they can come to surface. In other words, they're

using what they have....So that diminishes that us-versus-them because they...get a chance to know a police officer or know the community on a first-name basis.

The participants agreed that all police officers exhibit some degree of an us-versus-them mentality—as a mechanism for survival—but that attitude in a more extreme form can cause problems with the community's perception of the police. Community policing may prove to be an important key for addressing the problem by creating more-positive interactions with the community that will, in turn, provide officers with a more-positive perspective on the people they serve.

#### **Code of Silence**

The topic of the "code of silence" or "blue wall of silence" generated more controversy than any other topic discussed. The discussion began with a flat denial: "I've got to tell you: there is no code of silence." However, even this naysayer before long admitted to what amounted to a code of silence, though he preferred to call it "police subculture."

At first, some held that the code of silence was a media creation and was based on isolated incidents that would negatively stereotype the public's perception of the police. Others admitted it exists and poses problems, but they suggested it is not as pervasive as is sometimes depicted in the media. The officer who denied outright that a code of silence exists immediately described something approximating such a code for minor transgressions. What concerned him was that people would suggest such a code applied for criminal activities by fellow officers:

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**...[P]articipants  
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involving  
criminal  
misconduct  
by a fellow  
officer.**

The code of silence is I take care of you, you take care of me. Yes, I might drive a drunk officer home. We may overlook the minor things. They're in no way infractions upon society or other police officers....Good police officers police other police officers. Nobody does that stuff in front of me....But the media take that and run. Code of silence. Code of silence....I'll protect just about anything: your morals, your foundation, your beliefs....But I'm a criminal, and you're going to look out for me. No way. It's just the opposite.... So that code of silence...insults me personally. Its credibility.

Another officer stated, "[T]he blue wall of silence, Louima thing, blue code of silence, and everything else,...this is all stereotyped in the media. Whatever the media see and whatever they print, people perceive that to be true."

Others agreed that the media exaggerate the wall of silence:

I think it does vary from department to department, jurisdiction to jurisdiction, but, in general, I think certain people in the media or just certain people [who] have been violated by the police would suggest that it's so pervasive that's it's going on everywhere....I'm not a fink, but if it comes down to [my] getting on the box [trial stand] lying for you or [my] putting my family out into the soup line, I'm not going to lie for you.

All it takes is one incident. One negative. And then the media come in and they blow it into like that's what goes on every day, all day.

As the discussion continued, it became apparent that much of the resistance to

admitting to the possibility of the wall of silence resulted from the kinds of activities that were permitted to stay behind the wall. What kind of "police misconduct" was being ignored? Whether the term "police misconduct" referred to officer violations of minor departmental rules and regulations, or to criminal violations committed by officers, affected the participants' perceptions of the code of silence. The participants consistently insisted that for them no code of silence exists for incidents involving criminal misconduct by a fellow officer.

One officer admitted he might turn his head while his partner "smack[ed] a crook," though he would not tolerate stealing:

No, I'm not going to tolerate your stealing in front of me. Okay. I'm not going to tolerate your abusing your family in front of me. Am I going to turn my head while you smack a crook?...It depends....Then is my partner going to tell on me? Maybe. Is the crook going to tell? Maybe. But that's something that I did....I think it's upon every officer, if he's going to do something...is it something that I'm going to get in trouble for or is it something that I won't get in trouble for? If there's a chance I'll be getting in trouble for it, 99 percent of the time I'm not going to do it.

One officer described a rejection of the code of silence in his unit:

If somebody has done something, our unit has an understanding. Nobody lies for nobody. You don't do something as my partner that I have to lie for you. ...If you are going to require me to lie for you, then I don't want you as my partner...because now what the hell

else are you going to require me to lie for you over?

Another officer emphasized drawing the line at felonies:

[T]hat's a felony. There's no cut and dry when it gets to that point. If he puts you in that line of fire, he's not your friend anymore. He's not your partner....It's not, well, you know, no problem....But once you cross that line into felonies, you can forget it....I don't know a cop out there [who's] going to go to prison for another cop.

Another suggested that there are those cops who get involved and those who don't, and the dishonest cops know the difference: "The cops that are doing these kinds of things...they know the cops [who] have integrity [and] who are concerned about their images....As a result, they don't pull you into that."

Some participants felt either it was their duty to report even small departmental rules violations, or at least they would not cover for the violators if asked, because participating in that way could, if discovered, jeopardize their pay. That is, the cost of upholding the code of silence could be too high: "I'm not a snitch, and I'm not a fink, but if it comes down to [my] getting on the box [and] lying for you or [my] putting my family out into the soup line, I'm not going to lie for you." Whichever position was taken on whether to report such infractions, the decision was generally viewed as being at the discretion of the individual. That discretion included whether to report the violation to superiors, to report only if asked, or to remain silent to protect the officer. The following dialogue between two of the participants illustrates the minor rule violation dilemma:

[Officer 1] "Now,...my question to you is what is your line? Are you saying as far as, let's say, a felony, that a fellow officer would commit or [are] you saying some minor rule or regulation? A cop didn't wear his hat."

[Officer 2] "Tell the truth or get suspended for 30 days without pay."

[Officer 1] "It depends upon the instance."

[Officer 2] "No. It depends upon whether or not I tell the truth or lie and my family is put out and inconvenienced as a result of some indiscretion or action as a result of you."

[Officer 1] "It depends upon the incident. Are you going to tell on your partner because he didn't wear his hat?"

[Officer 2] "...well, we don't have to wear a hat...."

[Officer 1] "You say you are required to wear your vest....Are you going to tell on your partner because he didn't wear his vest?"

[Officer 2] "I'm going to hope my partner doesn't put me in that position, but if my supervisor—"

[Officer 1] "Would you tell on your partner if he didn't wear his vest that day?"

[Officer 2] "If I would voluntarily go before my supervisor and say, [he] didn't wear his vest. No."

[Officer 1] "Why?"

[Officer 2] "That's not my position...if the situation reversed, if the supervisor came before me and asked me the question, you know, I would have to decide at that particular time, but I'm going to tell you here's where it escalates.

***"...[O]nce you cross that line into felonies, ...forget it.... I don't know a cop out there [who's] going to go to prison for another cop."***

***“Where they [the public’s perception] hold you over the barrel is they constantly want to attack your level of discretion.”***

If the supervisor says, tell the truth or do 30 days without pay. Well, he didn’t wear a vest.”

The discussion suggests that for one of the participants, his assessment of the seriousness of the incident and the possible consequences (e.g., disciplinary action) of his failure to report the incident were critical factors to be considered in the decision to “tell on your partner.” Similar points of view were expressed by other participants, although one participant felt that it was not at the officer’s discretion. That participant emphasized the need for the officer who did not wear a hat or vest to be accountable for that action and not to place a fellow officer in an awkward position when questioned by a supervisor. Reactions to the minor departmental rule violation example included the following:

Where they [the public’s perception] hold you over the barrel is they constantly want to attack your level of discretion. They want to say, “Okay, you wouldn’t tell on your partner for not wearing his hat, not wearing his vest?” So what’s to say that you’re not going to tell on him for robbing a bank, taking a handful of money on a burglary call out of the open door in back? Whereas you’re susceptible to not turning [him in]...from wearing his vest or wearing his seatbelt. What’s to say you’re not susceptible for the thing? Same thing might be susceptible for not writing a traffic ticket when you blew that stop sign yesterday. It was my discretion. It’s the same thing that makes me take the driver home on a DUI [driving under the influence] rather than arrest him.

Now, as far as...we have to wear our hats if we’re in uniform...So if I make a run and a citizen drives by and sees my partner without his hat on...and I get questioned about it later on, I don’t know. He may have had on his hat. I wasn’t paying attention. Do I know for sure? Maybe I do; maybe I don’t. Is it going to affect my paycheck? That’s what he’s [the participant] thinking. If it affects your paycheck, yes [partner was not wearing hat] because now you’re affecting his livelihood. But if it’s something as minor as that [violating the policy on wearing a hat while in uniform], I don’t care about that.

If it comes down to something as stupid as a hat, and we’re sitting next to one another and the supervisor [asks], “Was [the officer] wearing his hat?” It’s up to [that officer] to say, “No, I wasn’t.” And if [that officer] doesn’t, he wants to make me lie over a hat? No, negative. I tell my supervisor the exact truth...I’m not going to lie for you nor are you willing to require me to lie for you...No [it’s not discretion]. We police ourselves in that way because...if anybody wants to make me lie for them, then that’s somebody that I certainly do not want near me...I’m going to tell the truth, and then that person is no longer a part of whatever, whether it [the incident] be minor or major. And criminal violations are way out. You don’t wait for somebody to ask you over. If it’s a criminal violation,...you take care of that [person] immediately with your supervisor and that’s taken care of.

[Participant's response to the comment made above.] That's why that term [code of silence] is insulting to a good cop. Any [officers who push] me in that line of fire [criminal violation], they brought on themselves. They asked for it.

The focus of the foregoing discussion was a situation involving the violation of a minor departmental rule or regulation. We wanted to find out the participants' perspectives on situations involving more serious (i.e., criminal) forms of police misconduct. An example of a situation involving serious police misconduct was suggested by one of the participants: "Or use the popular one. The handcuffed prisoner [officer physically abuses prisoner]. That's the most popular."

Thus, we asked the participants to provide their views on a situation involving a fellow officer whom they witnessed striking a handcuffed suspect. The consensus among the participants was that officer discretion, as a factor in the decision to report the offense, would be totally eliminated. In addition, some indicated that the individual officer's own moral code would be a crucial factor in the decision-making process. Typical comments included the following:

I'm honest. I'm not going to bull here. I'm telling you exactly the way it is because I don't care. All right. I am not going to, ...let's say, tell on my partner about things—and I understand what he's saying—things that do not pertain to my paycheck or to my life, my personal life. No, I'm not. But if there's a chance that it could come back and cause stress and strife in my personal life, without question [I'll tell]. You hit. You know. You should have done it when I wasn't

there. All right....For me, it's better for my partners [whom] I've worked with to know that yes, if you do something ridiculous, I'm going to let it be known because that keeps them in line and that keeps me in line. Okay. And then there's no question.

No. You take me right out of the discretionary loop once you do that. If somebody is in jail, and you decide to give him a good crack, you took me out of my discretion. You put me now into—you forced me into—the role that I'm already in as a police officer. Now I'm forced to police you. You put me in the line of fire....So you're accountable at that point.

The attitude has existed here [his department] a number of years where you don't burn blue. The so-called bad cops will put you in that position, and they will try to rely on your loyalty. You see me slap him. It's like okay, you don't—in front of all the guys. Because of the moral issue, do I say, "Yes, you did," or do I say, "No, I didn't see." It's up to the individual officer. You do something criminal, [and] you put me on the spot—indicted, you be a man and you handle yours. Don't force me to force you. Certain lines I don't cross. It's an individual thing....But a lot of cases we won't come forward, but when the department finds out and we're put in the line of fire, yes, you know it, we know it....But a bad cop will force you to try to remain silent. He will put you on the spot, and I don't appreciate it. I hate it.

[Y]ou are who you are and you are what you are. The badge and gun only emphasize sometimes what it is that you

***"...[A] bad cop will force you to try to remain silent. He will put you on the spot.... I hate it."***

***“...[I]f your partner does something felonious and you do not say anything about it...you are in just as much trouble as your partner....”***

are as a person. You have your own set of morals. And yes, the department has [its] set and the society has [its] set, but you yourself, when you talk about code of silence, you know what you'll be able to do and what you'll be able not to do, and it's up to you to make that decision.

To provide further illustration of the personal dilemma that an officer contends with in making the decision whether to report police misconduct, one of the officers recalled an incident that he was involved in with a partner. In his discussion of that incident, he framed his story in terms of the earlier discussion of the code of silence as a way to understand the personal challenges that an officer can face:

I had a partner when I first started working vice. On our way to one of the bomb threats, my partner happened to see his girlfriend in the car...with her boyfriend....I don't know the girlfriend. I don't know the boyfriend....I didn't know anything....I had no idea what the hell was going on. My partner says to me, "Hey, that's a friend of mine....See if you can pull them over so I can talk to her"....I pulled over. I got out. My partner got out. And he got into a physical altercation with this young lady. And so I began to get out of the car to break this up. Her boyfriend got into this altercation also. My partner's gun was drawn, and he feloniously assaulted both of them with the gun....He beat them. He pistol-whipped them....

Now, I'm standing there scratching my head going, "Oh, shit. What am I going to do?" Here this is my partner who is watching my back many times, whom

I've gone through doors with...who has gotten out and now he's put me in this situation. What the hell am I going to do?

Well, the easy way for me to do it is to shut up and sit back, and let the investigation start. And let me see what I may have to say. I was going to take that approach until my partner called me ..."you can't tell them what went on."

And I said, "Wait a minute." And I started...[comment made by another participant] [to say], "Is this going to affect my house?" Yes. Because...if your partner does something felonious and you do not say anything about it...you are in just as much trouble as your partner....

So I was going to be quiet until they asked me. I wasn't going to volunteer. That's the way a lot of officers do. They [think], "Well, I'm not going to say anything until they ask. If they ask me, well, I'll make a decision then." Which is what...[comment made by another participant]...I did that until he called me at my home and asked me....In fact, he demanded, "You can't tell them what went on. Man, I'll be—I'll lose my job."

I said, "Wait a minute. If I don't tell them, I'm going to lose all those same damn things that you're talking about. This wasn't my girlfriend....But you put me there." Which is what...[comment made by another participant] is talking about....If you think, as an officer, that you're going to do something that's going to jeopardize your partner or that you yourself could get in trouble for, you better not do it in front of me.

Noting that the participant initially felt he should wait for an investigation or until he was questioned by a supervisor rather than come forward to report the incident, we asked if that was a common approach among police officers. The perspectives the officers brought were theoretical when compared with the actual experience the first officer related. Several officers spoke of a higher standard to which police are held. For example, “We don’t have—the public doesn’t have those expectations toward those people [people in private organizations]. [When] you look at us, we are held to a higher standard....And we accept it...you have public accountability, just like politicians. You have an accountability to the public.”

One participant said his approach would have been immediately to call his supervisor:

I would handle that differently....And there’s no right or wrong, but as soon as that person committed that act, then [it’s] up to the supervisor to make that decision. My supervisor gets a call and then he makes the decision...when [an officer] hits somebody for no reason, my supervisor is called. Everybody waits right there and he can explain to [the supervisor]. Because at that point, when he pulls his gun out and pistol-whips somebody for an illegal reason, then he’s made my decision for me. I have no more discretion.

Another officer felt it was “a tough call”:

I think [that with] the questions you’re asking, we have a policy. As an obligation, you’re obligated to report this to internal affairs to come and question you with regard to that. And I think the

question is, are you protecting the code of silence by—even allowing—knowing inevitably you’re going to go ahead and break down? But are you, in a sense, I guess, enforcing the code of silence by waiting as opposed to... knocking on the door. Hey, I got something to tell you? That’s a tough call.

Another officer invoked both integrity and the higher standard to which the police are held, which favor calling and reporting the incident:

But ultimately, your integrity is going to be more important to you over your career than your loyalty to one another is going to be. And the public does hold us to a higher level....I mean, it’s [the public] certainly [having] the expectation that we are not liars and thieves.

A frank discussion of the pressures of the subculture of policing was offered by one participant:

I’d say another thing...is the subculture of police....Subculture policing helps hold that down. There’s a lot of guys [who] would say things but don’t because they’re afraid to be chastised by the people around them, the other cops....But let there be a snitch in the department...and we absolutely hate him. It’s the worst thing you want to hear about....Very few people...in that subculture say, “Hey, wait a minute. What would you have done?”...Oh, I guess I would have done the same thing. You’re danged right you’d have done the same thing. That subculture stops....How you’re treated, how you’re chastised, how you’re labeled. It’s a very big thing in policing.

***“...[A]nother thing...is the subculture of police.... [L]et there be a snitch in the department... and we absolutely hate him.”***

***“...[Y]ou are  
judged on the  
acts of that  
one [officer].  
...[N]inety-nine  
percent...  
are out there  
doing the  
right thing....”***

The discussion made apparent that a code of silence does exist in the police subculture and could place pressure on an officer's deciding whether to report an incident involving serious misconduct. The officer may consider not only what his or her own morals are, but also how fellow officers will view his or her decision. Officers who report on fellow officers may be “chastised” or “labeled”:

If you place an officer in a position where he would have to either lie for you or face alienation by coming out. We have one guy that busted...our TAC [tactical] unit, but to save himself...That [was in] 1987 and he's still on the outside. He doesn't exist. He doesn't get backup. No one hangs out with him. Far as they're concerned, he's a bastard child in the department because he came forward in the way he did. He saved himself from indictment but everyone else got indicted...That's an exception. It's not common at all. It's a one time thing.

To be isolated for something, for being labeled. It happens all the time.... Nobody wants them around. You're afraid to say anything.

...[A]s a police officer, you don't get backup...which means that because you stood on something that you felt morally right on...that's a hard pill to swallow...[U]nfortunately these same officers that sometimes you are snitching on, or you are telling on, or whatever, are the same officers [who] are going to be there at a domestic. Or who are going to be the ones that you're going to [see] when you call for help; they're going to be listening. And they're

going to put down their doughnut and come to get you. That's hard. That's hard.

Although the discussion suggested a code of silence influences their behavior, participants commented that the amount of behavior that involves covering up misconduct is very small. Estimates ranged from 1 to 5 percent. But, as one officer suggested, “[F]rom that 1 percent, you are judged on the acts of that one [officer]. It's 99 percent that are out there doing the right thing...Because it's that same one person that you will be judged by civvies.”

At the close of the discussion, the participants criticized the media for creating the public perception that the code of silence problem is an everyday occurrence in policing. Because of misrepresentation by the media, all police officers are perceived by the public to support each other when incidents of police misconduct occur by not acknowledging to the proper authorities that the incident took place:

But that [incident] got blown out of proportion [by the media]...Is the blue code of silence, Louima thing, blue code of silence, and everything else...stereotyped by the media? Whatever the media see and whatever they print, people perceive that to be true, no matter how much it is [and] no matter how minute it is...But that's how people perceive things. And everybody gets stereotyped.

The media take that one bad experience that he had and make it everyone.

All it takes is one incident. One negative. And then the media come in and

they blow it into that's what goes on every day, all day. It's like that incident in New York.

The public's perception of the existence of a code of silence poses problems for the police profession, even if the perception is exaggerated. As the participants suggested, the community will not perceive their police as professional if the code of silence or if police misconduct in general is condoned.

## Solutions

### **Agency Procedures for Dealing with Abuse of Police Authority**

We posed a number of questions regarding procedures for handling complaints: How should investigations of citizen complaints be handled (i.e., internally or by outside civilian review)? Is civilian review of police misconduct effective in addressing problems of abuse? Do such reviews affect officers' behavior?

Interest is growing in the possibility of establishing independent civilian agencies to monitor police conduct. A number of U.S. cities have some form of civilian review for citizens' complaints against police. However, controversy persists about the best mechanism for handling police misconduct. Police sometimes argue that only the police can effectively "police" the police. We asked the participants for their perceptions of the use of civilian review boards, as well as whether their own cities had established civilian boards for reviewing citizen complaints. Participants responded as follows:

We are just getting it [civilian review]... We as police officers and the unions are adamantly against it. We are very,

very much troubled by it...I feel bad for the first one, two, three, four police officers who are going to be the test pilots, if you [will]. They are going to get, I feel, very mistreated. Everybody does. There are good things, don't get me wrong, with a review board....But right now we are having a hard time incorporating.

...civilian review board, we have one; it doesn't have any power. It doesn't dictate department policy.

We have it. A lot of controversy. Lots and lots. Officers don't particularly care. The general consensus is they don't particularly care for civilians judging them and their actions, because they don't see it from—the perception is different.

They [civilians] don't know the emotional side and everything that we see and we deal with.

Who is on the bar association? Lawyers judging lawyers. Who is on the doctors' associations? Doctors judging doctors, doctors policing doctors. We are a specialty; we go to training; we deal with other people just like them. Why are we different?

But in our profession...it's civilians now and not police officers and bosses or mid-management or upper management, however you want to call it, making a decision.

Ours is not a fact-finding board so to speak. What they do is just an oversight committee that basically ensures that the investigation is thoroughly conducted and that...no indiscretions or abusive things [are] going on during the

***“Who is on the bar association? Lawyers judging lawyers. Who is on the doctors’ associations? Doctors judging doctors.... Why are we different?”***

***“...[P]articipants  
...preferred  
that the  
responsibility  
for reviewing  
police  
misconduct  
be placed in  
the police  
and not with  
civilian review  
boards.”***

investigative process....But everybody seems to be pretty happy and content ...in that the police are policing and the citizens are content with the fact that they are somewhat representing them to ensure that the police are, in fact, policing the police and didn't sweep it under the carpet.

I mean historically in [his city] civilian review boards were not a good idea. They didn't work or are not going to work because basically you've got a bunch of headhunters....We also have...[a committee]. Basically, your peers [assistant chief, captain, lieutenant, sergeant, and a police officer]. And they review the complaint, they review the evidence, and they suggest a punishment.

We asked whether they preferred internal review processes over civilian review boards and received the following responses:

I'll tell you. It should stay the way it's been. IAD [internal affairs division]—whatever you want to call it. I'll tell you what: I had no complaint with ours.... What I need is to take care of our own. And that's one place where they were doing a fine job of it. Our IAD was doing a good job.

...not only IAD, even when it comes down to just a simple supervisor's complaint. [Sometimes] your sergeant has come out and [is] supposed to be with the person and [to] stop it right there before it even gets to IAD.

In general, participants had limited experience with civilian review, but they preferred that the responsibility for reviewing

police misconduct be placed in the police and not with civilian review boards.

### **Rewarding Good Policing**

The topic of rewarding good policing was never addressed directly, but officers referred to it at various times. One suggestion was from an officer who recommended “going to people and saying, ‘Hey, you did a really good job.’ Nobody ever comes up to me and says that.” Another officer put it this way:

You'd like to see somebody come from on top of the hill to say, “Hey, I applaud this officer.” That's what I'm saying. And I know [from] being there, it was difficult for [me] and several officers that I work with because you're looking for someone to say—not so much they have to give you a little plaque with your name on it and all that. That's not what I'm talking about. Just [for them] to acknowledge.

In general, the participants felt the need for the department, particularly among individuals in upper management, to recognize the positive accomplishments of officers and not to focus entirely on the negative. Typical comments included the following:

It's difficult to do because I don't think anybody came on this job, number one, if they are financially independent and, number two, being praised. For the most part, it's a thankless job. There are a lot of things that go unnoticed. A lot of people don't recognize or realize ...it could be balanced out if people from management to citizens or whoever [could] take as much effort and attention to looking at your deficiencies and [could use] that same energy to look at some of the positive things

you do.... You know, just to tell a guy a job [is] well done motivates that guy to get up and pull himself out of bed the next morning and give...at least that same effort.

But you get hollered at every other day for something that you did [that] in their [police administration] mind is wrong.... So I think there should be an equal amount.... If you are going to get at me about what I do wrong, get at me about something I did right, too.

...in the last three or four years, I received over 40 [commendations] and letters from citizens thanking me.... The community has been very responsive in thanking me. My department has given me two in the same period of time; my partner and I won an international award for problem-oriented policing.... A year and a half later, I haven't received a letter from my department saying good job. But I've received letters from all over the nation saying good job. It's interesting to me that we often don't appreciate those next to us while we [do] appreciate someone from across the country.

We don't get recognized by upper management. I wouldn't say middle management... your direct supervisor probably knows what you are doing because you make him look good as supervisor.... But for all those attaboys that you've got, all the pats on the back, I'm saying, once you make a mistake in judgment—not a severe thing, not a criminal thing—forget about all those attaboys you ever got. Nobody will remember that.

I find that, for me, I was always asking that question in my years of community policing. But I guess for me I found the pat on the back by being asked to come here [as a participant in the focus group]... To me, that was a lift.

I agree with [comment above], [it's the] same thing. That's why I'm here, because of my commissioner, and he thinks very highly of me, which feels good.

In addition to the need for departments to provide recognition of positive police behavior, the participants feel that recognition from the community is also an important factor. While having a difficult time with a certain community in embracing the concept of community policing, one participant commented:

... But I guess that one community that I was speaking of earlier, I think if I got more thank yous and pats on the back from them, I would be more motivated to work with that particular community. But [in] the other two [communities he is assigned to], I can do something as small as [this:] Just one old lady... lives in the community, and she calls me for everything. And every time that I do something for her, she really makes me feel special.

Awareness of this universal yearning for approval and recognition can perhaps inform the improvement of policing and the changing structure of police authority in the age of community policing.

***“If you are going to get at me about what I do wrong, get at me about something I did right, too.”***

### **Conclusion**

The rank-and-file focus group discussions provided insights into some of the most difficult and sensitive issues in policing. Initially, we were concerned that the participants might be hesitant to express their attitudes and thoughts on these issues. In the end, we were satisfied that the

discussions were both candid and thoughtful, thus enabling us to view and understand these issues from the perspectives of the rank and file, who are challenged by them on a day-to-day basis. Their perspectives influenced the further development of the survey instrument and continued to affect our research.

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

We thank David Hayeslip, Bill Matthews, Colleen Cosgrove, and Stephen Mastrofski for their advice in selecting police departments for the focus group.