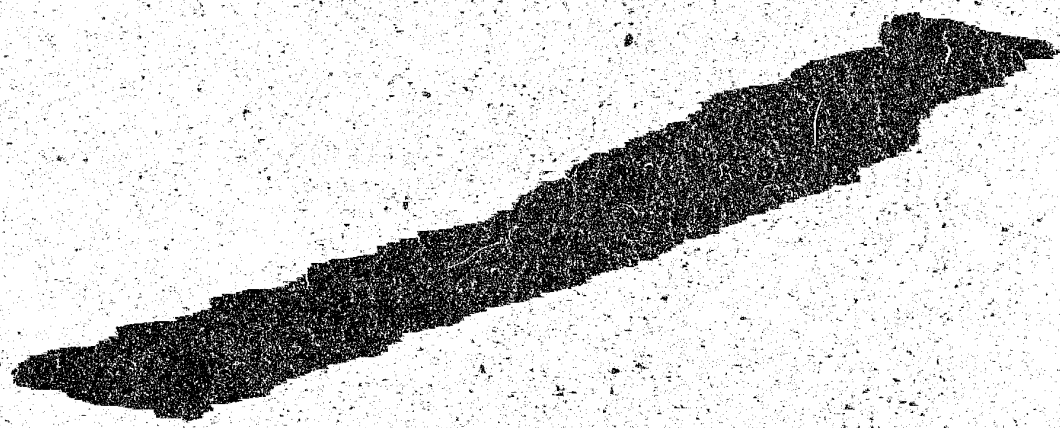

EMERGING ISSUES IN POLICE MANAGEMENT

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And it is true that the examination of the bases of morality can destroy morality and lead to disintegration. It may even be true that a civilization can remain integrated only so long as its ancient, unthinking morals are stronger than its head. When men begin to see that nothing is sure they can begin to drift toward the ethics of Hitler or Alcibiades. As Lycon says in the trial (of Socrates) no faith will bear examination, a tree cannot live if you look at its roots.

Yet freedom can live only when life is constantly examined and where there are no censors to tell men how far their investigations can go. Human life lives in this paradox and on the horns of this dilemma. Examination is life, and examination is death. It is both, and it is the tension between.

- Maxwell Anderson

INTRODUCTION

Despite increasing interest in the police by scholars, administrators and politicians, and the sense of urgency that impells this interest, there has been little comment on the place of police personnel practices within the context of the broader public service. Any solutions proposed for police problems, any reforms or restructurings, will be incomplete if the underlying public service context is ignored: if we fail to consider the external social values that serve both as sources of the original problem and of resistance to effective reform.

As a conceptual frame for this topic I will use the delineation of the broad issues facing the public service that is developed by Frederick Mosher (1968).[1]

The focus of this discussion will be control of the police. In an effort to rectify what many see as excessive, independent police power, a wide range of remedies has been proposed. Given the realities of today's police, it is my feeling that many of these remedies are either unfeasible or superficial. They often stem from an overly-enthusiastic application of the techniques of business management to problems that are inherently political in nature. The first section of this paper deals with what I regard as the limitations of the policy planning approach.

Following sections seek to review some of the basic realities that must provide the context for police reform.

These realities are (1) politicization of the police; (2) uncertainty in police responsibility; (3) representation and recruitment problems in the police; (4) elitism; and (5) unionism.

I hope to show that the entire issue of police control is related to the shifting struggles for influence by all groups in the society. Piecemeal efforts to change the police through recruitment policies and technological improvements will have a limited, although positive, effect. The long-range problem will be solved or replaced by long-range changes; it is the short-range problem of channeling police grievances and decreasing the politicization of the police with which I am primarily concerned. Police unionism could well provide the best answer for these problems. It exists as a fact in more and more urban forces. Rather than viewing it as an alarming development, police executives and the public should consider the positive functions it could serve.

I. POLICY PLANNING VS. "MUDDLING THROUGH"

Policy making in today's police has been described by the President's Crime Commission (1967) as "unarticulated improvisation," against which the commission proposes a formalized approach that "anticipates social problems and adapts to meet them before a crisis situation arises." (p. 18)

Omitted from this discussion of administrative policy making, however, are the serious issues surrounding administrative

discretion. The tensions between administration and equitable justice are as real as those created by unarticulated improvisation. The latter approach, however, is more accessible to adjustments from the political sphere.[2]

Lindblom's "Science of Muddling Through" (1959) is much like unarticulated improvisation, and he has made a strong argument for this approach.[3] Planning, or the a priori construction of new policies, requires a thoroughness in examination of environmental realities that is rarely attained.[4] This is especially true in police work, where external political and social values and realities are central, not incidental, to changes in policy. Wilson (1968) has referred to those values and realities as the "political culture"[5] in which the police function; administrative policy making must involve that culture.

But can policy planning deal successfully with police problems that are political in nature? Politics means coping with potential crises and unresolvable questions; if those questions had administrative answers, they wouldn't be political questions. Santayana once observed that no long-range problem can ever be solved because before the solution can be implemented the ground has shifted and the problem becomes irrelevant. Too much planning will only obscure the shifting realities that underlie police problems.

New interest groups and newly defined issues are more likely to be recognized through an improvised approach; administrative expertise tends to cope so well with symptoms of

grave problems that the underlying causes are only exacerbated. In many respects, this has been the case in the Black Revolution of which we are aware today. The underlying causes of black deprivation stem from a disproportion in the political sensitivity of the body politic as a whole. Improvement in police sensitivity by means of increased planning may avoid certain crises, but only at a long-range cost which the public must understand, as only they can provide solutions. Even when the administrative policy maker is aware of the political ramifications of problems, he lacks the flexibility that a less structured approach can offer.[6]

Scholars like Wilkins (1965), employing a concept of "deviance amplification," recommend a reduction of police activities in many areas to avoid the escalation of tension often caused by police action. This is necessary in many cases, but does little to solve basic problems. At issue is the application of a single standard in a pluralistic society. Real community differences are nowhere more important than in police work, as is evidenced by varying police responses in different areas.

A reduction in police does not free each person to do his own thing; it forces everyone who lives in the less policed area to accept the community's definition of morality. Therefore unless every agency that has contact with the community is prepared to follow the lead of the police and reduce their actions in order to reduce tensions, the burden of solution will merely be shifted from the police to other institutions,

i.e., schools and employers.

The Crime Commission believes that there is no conflict between administrative discretion and the rule of law and that administrative policy making is likely to be more protective of individual freedom in the long run. The merit of this assessment aside, the central issue has still been overlooked. The rule of law allows us all due process. Most citizens want something more. We want indulgence. If I smoke pot, I may be given a fair trial, the necessary appeal processes to question the judgment of the court, the legitimacy of the law and the right and fair amount of punishment. But I don't want justice, I want to smoke pot without punishment. The commission fails to see the utility, within a pluralistic society, of vague, over-generalized law that allows for indulgence that is disguised as inefficiency.

A policeman necessarily operates upon standards that are unknown or shift with different interest groups. He must respond to the unarticulated political pressures of his employers, without exceeding or even acknowledging them.[7] An example of this process: On May 15th of this year, Alameda Deputy Sheriffs shot and killed a citizen in Berkeley and injured several others. Amidst the general outcry that followed those tactics, the Alameda County Board of Supervisors announced an unexpected 2½ percent pay raise for the deputies. It is difficult not to interpret this as a reward for the use of violence.

Planning may build a degree of flexibility into agency policy through structural provisions designed to respond to

changing situations. But the very existence of these provisions and the biases that inevitably inform them jeopardize a society's ability to initiate genuine political adjustments when they are necessary.[8] As the above example shows, many of these adjustments are negative in character. But the basic method of response has the greatest potential for positive reform, given the American police structure as it exists today.

Crozier (1964) describes France's ability to change an over-intellectualized, rationalistic bureaucratic structure through the "alternation of periods of routine and crisis and the need for crisis for breaking up the daily routine order." (p. 286) Crozier's analysis indicates the utility of crisis for introducing innovation into an excessively bureaucratic system, one which has over the years dealt with the basic social needs of the French people. Crisis is not merely useful for introducing change, it is often the only means by which an agency changes at all.

Although planning is an important component in any reform of police practices we should allow for increases in political flexibility by a refusal to plan: a refusal to increase efficiency so greatly that when crisis forces a different approach there will be the means to do so without having to reformulate policy for the last five or ten years.[10]

Although the use of more social scientific and modern business management techniques to gather information for police policy making is a desirable reform, it must be recognized that

these techniques overlook, or accept as givens, or regard as obstacles to be manipulated, the political realities to which a more traditional police administrator would instinctively respond.[11,12]

II. THE PROBLEM: CONTROL OF A POLITICIZED POLICE

The decline of traditionalism within a society brings decline of that society's self-regulatory functions.[13] As these functions decline many institutions respond by becoming more sensitive and regulatory themselves, attempting to fill a sensed vacuum. Many consider the police a valuable tool for imposing regulation, which in part accounts for the increased competition for police loyalty by many interest groups.

An institution which has paralleled the police in change of function is the military. Changes within American society and international relations since World War II have changed the role of the military. Janowitz (1967) notes that the military has changed from "single-minded notions of victory or destruction of the enemy" to "pursuits which defy simple categorization except to the extent that they represent efforts to contribute to a new basis for world order." (p. 2)[14]

The police have also been forced to give up single-minded notions of the pursuit of criminals (although most thoughtful police never held such notions) to pursuits which also defy categorization and are often contradictory except as they represent society's efforts to contribute to a new basis of social

order within the country.

A basic contradiction has been built into America's police by combining the two functions of crime control and order maintenance, functions which require opposite strategies.[15] "The incompatibility of these two strategies was never resolved and American police departments today suffer from that legacy." (Wilson, 1968, p. 81) It is these incompatibilities with which social reformers must now be concerned.

At our present level of social tension, the growing concern over control of police behavior touches upon a very sensitive area of our political system: the concept of checks and controls. Although the courts attempt to check the excesses of police practices by working with the "principle of legality," i.e., ruling certain evidence inadmissable, this does not allow them to control police activity.[16] Neither can police policy decisions control individual police actions, beyond checking the obvious excesses.

Walker (1968) and Skolnick (1969) both contend that we have lost real control over our police. They disagree as to where the break in control has occurred. Walker sees the police behavior at the Democratic National Convention as reflecting a loss of control by police authorities over individual policemen; Skolnick translates the police behavior in this and other actions as a loss of responsiveness to external control by political and legal authorities. He claims that we are seeing "the emergence of the police as a self-conscious, independent

political power....Thus, difficult though it may be to articulate standards for police conduct, the present police militancy seems to have exceeded reasonable bounds." (p. 289) Masotti and Corsi's (1969) analysis of police behavior in Cleveland in July 1968 supports Skolnick's position.

One result of increasing politicization is the blending of the concepts of checks and controls. When an agency or office is important enough to the political structure, these differing concepts become identical actions. An example is a bureaucratic leader like J. Edgar Hoover, who functions simultaneously as an agency head and a political spokesman. As police chiefs become spokesmen for political constituencies they will no longer merely function as bureaucratic administrators; they will exercise control in the political sense. This outcome of the trend toward police politicization is crucial for understanding the place of police within the American structure of public agencies. It will become less and less relevant to consider police agencies merely as another type of public service bureaucracy, or to evaluate their relationship to the community in these terms.

Caiden (1967) points out that most bureaucracies are protected from politicization only by being trivial, technical and dull. Public apathy toward the daily operations of the Federal or state governments, so deplored by political moralists, is not merely the result of complacency. Most of what government does is not very interesting. Few people can become as involved in the process of budget construction as in

baseball. The high level of public interest in internal police operations, reflected in calls by leftists for extreme control of police or by rightists for an "unleasing" of police, demonstrates the weakness of past police management. When personnel problems are politicized, decisions are inevitably made with minimum consideration of internal structural limitations. Wilson (1968) describes the diminishing area of managerial flexibility as the "zone of indifference" within a "political culture."

Increasing involvement of police officers in political affairs, union and civil rights activities (on both sides of the issue) leads to conflicts both within and outside of the individual police agency. Success in one area often leads to frustration in others. As police executives become more involved in the broader political issues confronting the community they are forced to compromise, often interpreted by policemen as a "sell out." This can result in policemen openly distrusting their superiors and speaking against them politically, although these may be leaders who worked their way up through the ranks in the traditional manner.

At issue throughout the American police structure is the interaction between external pressures for diverse services and internal responses to these conflicting demands. The resultant tensions are a function of and contribute to the politicized atmosphere in which police problems and expectations seek resolution.

III. UNCERTAINTY IN POLICE RESPONSIBILITY

The concept of police responsibility is vague and relatively unexplored. Phrases like "rule of law," "democratic society," "establishment" and "power elite" are used by different people to describe their perceptions of those to whom the police answer. It has traditionally been charged that the police are accountable only to the ruling class, although not themselves a part of that class.

> Civil government, so far as it is instituted for the security of property, is in reality instituted for the defence of the rich against the poor, or of those who have some property against those who have none at all.
> (Adam Smith, 1776)

It is more commonly said that police are directly responsible to the rule of law, a legalistic interpretation of police responsibility which is reflected in the formal training given to police recruits. Although true on the normative level, actual police practices do not support it.[17]

Police leaders frequently espouse the need for policemen to understand the exact meaning (black letter) of the law. This may be seen as one response to the vagueness of police responsibility. "Dictionary definitions" will protect the individual from the pitfalls of interpretive enforcement. The discretion available to every patrolman, however, adds multiple dimensions to his accountability and turns black letters to gray. Unlike most other civil servants, a patrolman's real responsibilities are by definition unclear and

contradictory. This type of uncertainty is unlike that with which business deals in the sense that it cannot be reduced through increased external data gathering.[18]

Lack of clarity in responsibility serves a positive function by placing a political safety valve between a society's moral ideals and the realities of daily human activity. It permits society to function without the need either for totalitarian control or a philosopher king to write the laws. It also protects decision makers from the unintentional effects of their decision by shifting blame to police misinterpretation. Uncertainty lowers efficiency, however, by impeding the translation of information into action and action into information.[19]

Uncertainty is a formidable training and motivational tool for the management of committed officers. If officers are never quite sure what authority wants them to do, they will watch their leaders closely for subtle clues. One could call this the "Becket syndrome," in reference to the classically ambiguous statement by Henry II that led his followers to slay Thomas á Becket. For an illustration of this, see the bottom of page 5.

But uncertainty operates negatively in the area of selection and recruitment. Realistic standards of selection require knowledge of the work to be performed. When there is uncertainty one must either include as varied a pool of skills as resources will allow, or have the time for staff training

as tasks change. Since recruitment takes place only at the patrolman level, personnel officers will be forced to use this low point in the hierarchy for providing a wide variety of skills even though only a small percentage of officers will ever be required to use them. The maintenance and training involved inevitably mean higher costs for the agency.[20] The disparity between formal selection criteria and job requirements, and the costs of retraining employed personnel, are major arguments for lateral entry into a police agency.

Shifts in agency orientation mean not only new skills but new personality types as well. As stated by Don Hoppe, patrol supervisor for a private protection association, "Guys who want to wear a badge and carry a gun must be weeded out."[21] Recruiting new men or training old men in new skills introduces clashes within the force.

Another negative result of uncertainty is its effect on the personality of the individual patrolman. There is considerable evidence that a person exhibiting a high degree of authoritarianism has a lower tolerance for uncertainty or ambivalence. Its presence in his work results in a frustration of expectation that inevitably affects his attitude toward superiors and external authorities. This leads to cynicism and low morale, as Wilson (1967) found in his study of the Chicago police. A survey among New York City patrolmen reported:

> All in all, there is a high level of dissatisfaction among patrolmen. Many feel strongly that they are not getting enough backing from

> the department and lack the authority they need in order to do their job as they think it should be done and as most think the community wants it done. (Opinion Research Corp., 1968 p. vii)

Police problems are strongly reflected in the morale of the individual officer. One reason for low morale is lack of effectiveness in combating crime.[22] Increased police status and working conditions may make the public more demanding of the police for results that cannot be delivered, thus lowering morale instead of raising it. This and other efforts directed at improvement of morale without careful consideration of other ramifications may have serious effects on the total society:

> The task of sustaining police morale cannot be left to the police themselves; it requires a community effort. The alternative may be a police force which, however competent, functions as an army of occupation. (Wilson 1967, p. 162.)

IV. POLICE REPRESENTATION AND THE DILEMMA OF RECRUITMENT

One of the most visible characteristics of police agencies is the lack of minority representation. Leaders both within and outside police work are concerned with this issue, many interpreting it as the most crucial problem facing the police.

Mosher (1968) makes a distinction between passive and active representation[23] which illuminates the real limitation of this type of reform unless it is accompanied by genuine changes in policing itself. The desirable balance is obtained when a combination of active and passive representation is

present. Only passive representation can be achieved through administrative decisions; active representation results from the balances and values of the community itself.[24] This is not to imply that minority recruitment within police is a futile gesture; on the contrary, it is a vital part of current police reform. But it will not in itself ensure that minorities are fairly represented. When the black community automatically regards a black policeman as a "white" man, representativeness has not been achieved.

The value of passive representation has been accepted by the Federal government from its beginnings. Less officially this concept can be found in the traditional "balancing" of political tickets, or the reserving of certain offices for particular interest groups:[25] the head of the Children's Bureau is always a woman; the Assistant Secretary of Health is the AMA's man. In commenting on the Presidential commissions dealing with crime (1967), civil disorders (1968) and violence (1969) as "blue ribbon" juries of citizens which passively represent the multiple interests of our society, Skolnick (1969b) has posed the question of whether we still live in a society where this form of representativeness can work.[26]

The usefulness of passive representation to legitimize police action rests on its "face validity."[27] Half the officers polled by the Opinion Research Corp. felt that the police should represent the community ethnically, and in the policemen's judgment this was the attitude of the community as well. But if this passive representation becomes active, cries of

discrimination and favoritism are raised and the very legitimacy of the governmental authority is challenged.

When considering the police and blacks, two questions must be asked: Do blacks think that the police represent their interests? And why does the white community accept present police forces as representing theirs?

Blacks claim that the answers to these questions are obvious: racial composition of police forces. A reliance upon face validity, however, has relevance only so long as no measure is made of results. A distortion is created when passive and active representation are confused or blended. When a segment of the community is represented merely by faces (black or white) on the police force, that segment may feel that they have influence or power, but true representativeness can only be measured by what the force does.[28] If any group begins to doubt whether or not an agency represents them this doubt spreads to the whole community. Other groups test police response to their interests. When an agency has to be made "more" representative, there is some doubt about the basic structure that allowed it ever to be unrepresentative. (Isn't "safer" less safe than "safe?")

Multiple communities demand representation by the police and express the legitimacy of their demands in very different ways: the business man in economic terms ("I pay your salary"); the working class white in terms of a common moral code (what the "good" or "respectable" people want); and the professional

and educated classes in terms of efficiency or legalism.

As society tests the police for assurances of power most groups discover that their influence is less than they had believed.[29] The current demand for more formally educated police may in part be a drive by the growing class of professionals and educated to gain influence over police action. The educated classes have always been attracted to power. Police power used to be viewed by them in a sour grapes fashion, i.e., they were not represented but it wasn't worth much anyway. This is changing to an effort to make "them" like "us."

The discovery of loss of influence by the white working class, however, is more dangerous to our society. The reasons are simple: there are so many of them; their grievances are being ignored; they are less identifiable than blacks; they lack a unifying tradition, even one stemming from common adversity; they lack political leadership; they have access to the means of violence and a history of their use.

In a rapidly changing society like ours, mere passive representation is no longer acceptable as a measure of power over a police force. Most people are powerless, but the educated are well paid to forget it. Because blacks question the representativeness of the police, working class whites will do so too. Add to this the relative lack of police efficiency and a potentially explosive situation is present. Whites, however, are still willing to accept symbolic gestures toward representativeness that blacks have come to reject as meaningless.

The current decline of passive representation as a stabilizing force is historically unique for several reasons. Although there have been many eras of American history as violent as today,[30] we now see not one but a series of movements with a much broader focus. Multiple groups demand influence on police actions and present legitimate claims for representation. Larger areas of social life are affected and communication about events is almost instantaneous.

This broad social and historical context, although difficult to define and more difficult to interpret, should be taken into account by those who seek to cure the inequalities of our legal structure through the balance of personnel in public agencies. The important issue is active representation by all segments of our pluralistic society. We are near the close of a decade that has been marked by the frustrations of large numbers of Americans: black grievances as felt by black men rather than guilty whites became an issue of general concern for the first time in our history; poverty was "discovered" and attempts to eliminate it only cast doubt on the sincerity of public officials; disenchantment with foreign policy alienated a vast cross section of the population from their government. If unreversed this trend will mean that the powerlessness felt by blacks today could extend to the majority of whites as well. Wildavsky (1968) has spoken of the creation of an "equalitarian" society where the fears and dangers of black urban dwellers in the 1940's and 1950's are extended to the full urban community.[31] If these groups follow blacks in the use of extra-legal activity,

the country would face the prospect of an urban Populist revolt.

Representation, on at least a passive level, means changes in the traditional methods of police recruitment. This is the area of police personnel practices that is currently receiving the greatest attention. The effort to recruit a higher proportion of minority members often reveals the polarity between these groups and the traditional image upon which past recruitment has been based. Innovations in this area are an attempt to adjust the present structure to meet new demands. It may be true that significant minority recruitment will mean changing the structure more than the methodology. But a measure of success has been achieved, especially in large urban departments where the pressure from minority groups has been the strongest.

As in other public service agencies, police recruitment policies are supposed to be politically neutral. Mosher (1968) has discussed the evolution of the civil service ideal in this country. Police were slow to accept the merit system for two reasons: the decentralized and localized nature of police work and the political context of police functioning.[32] Even during the strongest period of civil service reform, there were voices within law enforcement who accepted it only as a necessary evil. Among these was August Vollmer.[33]

Conventional civil service recruiting is based on a

number of premises that have been challenged by modern police experience: government employment is highly desirable; it is simple and practical; individuals will maintain a high personal motivation for promotion within the system. Current police literature is full of new recruitment approaches designed to overcome the limitations inherent in these premises.

Today's competitive labor market has resulted in spiralling costs for attracting qualified police recruits. Minority demands for passive representation within police agencies are raising these costs; despite the increased publicity police are still failing to recruit enough qualified officers.

Established recruitment procedures have tended to favor a certain type of recruit having charactoristics which are not equally distributed across the population.[34] It is difficult to find qualified black men who fit the pattern that police departments expect and feel is necessary for the kind of law enforcement they want. The incongruity between these traditional merit standards and the minority point of view is illustrated by Malcolm X's statement that any black man in America who is not an extremist is psychotic.

Police personnel officers are thus faced with the problem of finding black men who are willing to give up certain political rights; who will accept service as a passive representative; who are politically conservative or able to function in an uncongenial atmosphere. This means the examination of a higher proportion of applicants than to find qualified white recruits.

Curtis Brostron, Chief of Police in St. Louis, Missouri, outlines the recruitment measures that his department has taken:

> Our biggest concern has been with a shortage of qualified applicants and, most noticeable, of qualified Negro applicants. We have utilized ads in Negro newspapers, leaflet campaigns through groups like the Federation of Block Units, "Career Day" talks at high schools and direct contact with placement personnel at colleges -- including Lincoln University, historically a predominantly Negro school. The results have been disappointing. We are still short of qualified applicants. (1964, p. 25.)

The city of Berkeley[35] has followed a similar course. Yet this department was able to recruit only 11.4 percent minority patrolmen over a two year period, in a community with a 30 percent minority population.

Philadelphia's efforts to recruit 1000 new men, equivalent to one-seventh of the total force, with emphasis on black recruitment, are similar. The department set up instant testing centers, used personalized letters to individuals and launched an active television and leaflet campaign.[36] These innovative recruiting techniques reflect the problem that departments all over the country are having in recruiting qualified patrolmen, not merely from minority groups but from the larger community as well.

Related to the recruitment problem is the traditionally low degree of police mobility. Compared to other occupational groups there is little mobility in the police. This greatly affects the bargaining power and control that management has over employees.

Positive recruitment of minority groups has worked to increase a certain type of mobility between policing agencies. Examples of "raiding" are becoming common. In one case, three members of a family of black policemen resigned from a city force and joined the county sheriff's office with promotion.[37] Industrial security forces have also filled positions in their ranks with the few trained black policemen on the local force.

There has also been competition with other occupational groups. As minority recruitment increases in business and education, minority members captured by a police force leave it for other types of work. It has been shown that past minority representation on police forces and other government agencies is often a function of rejection by other parts of the labor market.[38] As employment barriers break down, mobility of blacks and other minorities out of police work is to be expected. When this occurs simultaneous with demands for increased minority representation, a critical recruitment problem is created.[39]

Mobility of blacks within the police is complicated by the trend toward vertical specialization. Promotion usually occurs within divisions that are organized on a functional basis, e.g., traffic or detective. Racial integration of divisions rather than entire forces may be a disruptive factor in police organizations in coming years. In 1967 the Memphis Police Department, for example, had a complement of 750 men of whom 50 were black officers. "Although there are now several

Negro lieutenants on the force, all are in the detective division and none has yet been assigned to a command of subordinate uniformed officers." (Tenn. St. Advis. Comm., 1967, p. 3.) In San Francisco the development of a separate community relations division to be headed by a black patrolman has created great dissension within the department.

The use of black officers in these new units poses special problems. The black becomes the department marginal man, forced to communicate to both the community and the rest of the department.

V. POLICE ELITISM

Increasing criticism of the police has reinforced their feeling of separation from the rest of the community. Many attempts to introduce change into the police structure fail because they challenge the inherently elitist nature of that structure. Most personnel decisions are affected by police elitism.

Mosher (1968) notes that although the term "elite" has negative connotations, it is both useful and important for understanding today's public service.[44] He defines elite as "a small group in a given society differentiated from the rest," (p. 19), but when applied to the police there is an important additional characteristic: the feeling by police that their occupation has less prestige with the general public than is deserved.[40] As an elite "pariah" they are moralistic and tend to become cynical when confronted with

ambiguous instructions. This work environment subverts any attempt to heighten morale by means of recruitment and promotional changes. Negative interpretations by police of their prestige persist despite evidence that they are not rated as low as they think they are.

Police elitism is present in the ideology that places policemen above certain laws, or in a position to interpret them independently. This is based on a view of "higher law" superseding that of the state which police enforce but do not necessarily obey.[41] Elitism tends also to suppress innovation unless it is introduced by those who are fully socialized into police work already. New ideas from outside sources are extremely suspect and are rarely adopted except in a superficial way.[42]

The group rejects any ideas which would endanger its elitist values, as would many modern reforms that are suggested by outsiders. Since the alternatives already present within the police do not represent the total alternatives available, elitism will remain a handicap to innovation.

The process of selecting and rejecting ideas through a closed perspective favors a course of technological improvement of existing means. Acceptable ideas are researched and tested internally prior to any political sounding in the broader society. This automatically places other ideas at a disadvantage.

The tendency of elitism to limit alternatives on a philosophical basis may be illustrated by the U. S. Forestry

Service, which has adhered since its inception to a philosophy of multiple use of natural resources. Data, debates and decisions are geared to this principle of multiple use. Wilderness preserve, by definition having only one user, is given little attention. The Forestry Service has never seen itself as a protector of land for its own sake. Pressure from outside conservation groups is necessary to set forth this alternative.

Proponents of lateral entry in the police are partly motivated by the desire to decrease this elitist inbreeding. Recruit training is another area where reformers pin their hopes. Evidence indicates, however, that training bears little relation to the realities of police work. What McNamara (1967) calls the "cultural discontinuity" between training and practice is likely to prevent changes in training from influencing a policeman's basic orientation. The real socialization and education of police recruits comes from older officers.

Present promotion and salary standards also tend to perpetuate rather than reduce police elitism because they are based on internal standards. Policemen see promotions as being awarded either for seniority; for limited and specialized aspects of police work (shooting someone); or for success in the internal politics of the agency. A patrolman might refer to external criteria (e.g., responding to social needs) as "good police work" but be cynically aware of what it takes to get ahead in his department.

Wilson (1968) has referred to the hopes of some police executives that police problems will be solved by recruiting more "good men," with "good" being defined as reflecting a middle class bias. This will not, in his judgment, meet the problem. Although the call for representativeness within the police is increasing, so is the strength of its elitist structure. The qualities of the recruit will have little relation to the qualities of the established police officer he will become.

VI. THE GROWTH OF UNIONISM WITHIN THE POLICE

Many misunderstandings within the police structure are caused by the traditional view of responsibility, authority and bureaucratic power to which police executives adhere. In practical terms this means that as you rise in the hierarchy your view of the situation broadens, your authority and accountability increase, and therefore your judgment becomes final except as it is subject to the judgment of those above you.

In police work these ideas are clearly open to question. This structure makes the patrolman much less accountable than his superiors, whereas he is the person who actually enforces the law and exercises discretion in the field. The traditional structure may protect police leaders from criticism,[43] but as a method of relating responsibility, authority and promotion to agency goals it is a failure.

Participatory management and decentralization of decision making have been accepted on such questions as police tactics in a field situation. In personnel, however, they have as yet been considered unthinkable. The unquestioned right of the vertical chain of command to make personnel decisions has in reality severely limited the executive's power to alter the police structure. He is confronted with such cumbersome methods for making changes that few innovations are attempted. He often needs the specific permission of political bodies to change shift size, hours and other management problems. This brings worker associations and their lobbies into the political arena to express their opinions.

A comparable situation exists in the Post Office, where a strong workers union deals with Congress to secure higher salary and other benefits. The structure of the department is so rigid as to preclude internal change. This benefits the workers, because the political leaders with whom they negotiate do not need to consider productivity and efficiency in the way that management does. The result is a breakdown in communications between management and workers which subverts the purposes and efficiency of the organization. Recent proposals for a radical restructuring of the Post Office are a result of this impasse.

Outside political activity poses special problems where police are concerned. A peace officer is by law always on duty. When can he act privately and exercise his citizen rights?

How can he express personal or group views which differ from the political views of the government or the elected officials in charge of his agency without speaking as a peace officer? Theory and police executives seem to say that he may never do so.

Eighty-eight percent of the New York City patrolmen questioned by the Opinion Research Corp. felt that the public was not critical of outside activity by police; 9 percent felt the public was critical; and 71 percent saw no reason for the public to be critical. We can expect political and union activity to increase so long as it does not meet strong public opposition.

Although some authorities have held that police work is a privilege that requires the sacrifice of certain rights, practice is presently leading theory in this area. The common exercise of various worker rights is establishing them as acceptable in a police context.

Police associations who are concerned with the conditions of employment and request a voice in decisions affecting employment are not new. But the active involvement of personnel in internal decision making is still unacceptable to police management.

> A majority of police administrators are of the opinion that any attempt to apply modern concepts of unionism to the administration of public police services would disclose formidable disadvantages to police employees and to public safety as well....Experience has demonstrated clearly that labor unions rely upon threats of force or even violence to obtain their objectives. (Kooken & Ayres, 1954, p. 152.)

Other arguments are forwarded against the development of police unionism, as in saying that police cannot have the multiple loyalties that would be entailed by a union oath. The key objection forwarded, however, is the implication of the right to strike: the people are sovereign; management cannot negotiate; police service is concerned with emergencies involving the public safety; and police employment itself is a privilege, not a right.

Leonard (1964) has taken a strong anti-union position. He points out that unionism is only found in police departments where administration is weak and ineffective. Although he concedes that police unionism is so far quite limited, like most police executives he considers it a positive threat in any form:

> Like an individual, a social institution may become sick. Through inadequate leadership and ill-conceived policies, it may become incapable of coping with its internal problems or with its major social responsibilities. The unionization of a police force usually can be traced to inadequacies of management. (1964, pp. 38-9).

Those who decry police unionism overlook several significant factors. One is that the informal evaluation by line officers of management decisions is often the crucial variable of success or failure, especially in the forces of small cities. Public workers are so keenly aware of their strength, in the face of unbending resistance by management to participatory decision making in many areas, that police associations have come to exploit this strength while neglecting their responsibilities. When no union rights are recognized by

management, police associations are not compelled to show the reciprocal cooperation that true unionism entails.

The threat of police strike is foremost in the public mind when confronted with any form of police unionism. Police are involved in emergency services which are by definition utilized in a nonroutine fashion. But police rarely prevent emergencies, they only deal with them afterwards. The fear of massive social breakdown is an unwarrented overreation. We do have ample evidence that if all social controls are removed, at the very least the parking laws will be violated. Crimes against property may rise as well. But as long as all law enforcement agencies do not strike the community will survive.

Against these fears must be placed the long-range benefits that police unionism will bring to police agencies. As presently structured there is a good deal of misunderstanding among managers, workers and consumers in the police field. Open recognition and attempts to cope with these differences can only lead to an improvement in relations.

The alternative has been the growth of police worker asscciations with distinct local and political entanglements. These associations inevitably become involved in political problems as well as worker problems. This emergence of police associations into the political arena is clearly less desirable than would be an open relationship between police management and line workers.

Growing police unionism, in combination with the strong anti-union policies of police management, is reminiscent of some of this country's past struggles in labor organization. Industrial unionism also had to combat fears that worker organizations would destroy the system through unreasonable demands. These fears have led police managers to overlook the positive benefits, beyond the existence of an independent voice, that unionism could bring to police operations. Most observers and police administrators are aware that the image and reality of police work are increasingly disjointed. The formation of genuine police associations involved in collective bargaining about the conditions of employment, personnel policy and other issues will give management better understanding of the problems their agency faces, and will go far in ensuring the cooperation of police workers in agency decisions. One key component in labor negotiations is fact finding; this alone would do a great service to a police agency. Past experience in using the NLRB, labor laws and the courts to decide which issues are properly subject to collective bargaining have served well in adjusting worker/management relations in industry during the last half century. Police should experiment with these procedures.

Evidence of unrest among police personnel is present almost everywhere. Unrest always continues until legitimate outlets are found. At present, this unrest is being defined and interpreted only by antagonistic political interest groups, who often accuse police of being racist and reactionary.

Genuine resolution of police worker problems will come when management recognizes that in addition to independent power, unions bring independent discipline and a responsibility for meeting organizational goals.

FOOTNOTES

[1] Mosher sees these issues as comprising seven basic areas of concern, which we may translate into police terms as follows: policy-politics and police administration; police responsibility; representation and representativeness within the police; police mobility; police participation in decision making; police elitism; and the rights of police as public servants. We are dealing with these issues here in a somewhat revised order.

[2] Friedman (1967) discusses this issue in several contexts. Aristotle's definition of laws as a body of rules binding upon the magistrates as well as the people, and by extension upon the police as well, is opposed to the principle of administrative discretion. The balance between justice, equality and utility directs improvisation. As we limit improvisation through administrative policy making, we inevitably affect the other factors. See especially Chap. 17.

[3] Lindblom also describes this approach as the method of successive limited comparison, and demonstrates that rather than "no policy" it clearly has a philosophical basis and is more realistic than opponents realize. See also Yenezkel Dror's article "Governmental Decision Making: Muddling Through - 'Science or Inertia'" and Lindblom's reply, "Contexts for Change and Strategy: A Reply" in Public Administration Review, XXIV, #3, Sept. 1964.

Shulman (1968) has delineated the issues:

> We now come to the question of policy choices. Anyone who has had anything to do with any government knows what a conventional fiction it is to speak of governments making policy decisions as though this were a detached and rational process; more often than not, decisions tend to build up like coral reefs from the accretion of small unobserved deposits. And if in addition we take due account of the complexity of forces in the world largely outside the control of even the superpowers, and the contradictory considerations and domestic compromises under which any government has to operate, we are even less likely to approach the subject of policy alternatives in the expectation that detached reason will govern the course of events. (p. 392)

[4] Before allowing widespread acceptance of PPBS in police agencies, police executives should give attention to the arguments of writers like Wildavsky, Gross and Mosher in Public Administration Review, XXIX, #2, March/April 1969. Gross comments in this context:

> PPB was initiated, as with many other managerial techniques, 'in a burst of grandiose claims of

> "breakthroughs" and exaggerated application to irrolevant situations.' It has been pioneered by many technical specialists who -- with little understanding, less interest, and no experience in general management -- tend to propagate the 'fallacy of management (or administration) as technical gadgetry.' (p. 115)

Schlesinger's (1968) "System Analysis and the Political Process" brings home the lack of political awareness of those whom Wildavsky has described as "the pitifully small band of refugees from the Pentagon who have come to light the way. But these defense intellectuals do not know much about the policy area in which they are working." (pp. 193-4)

5 The effect of the political culture on police is the major thrust of Wilson's study, The Varieties of Police Behavior, 1968. A particular police style (watchman, service or legalistic) and its type of discretion is dependent on the community, its history, and the personality of the chief. This enforcement style governs the personnel system, which must interact with the political culture within which they operate. An officer trained in the legalistic style, for example, will find a position within a watchman style force to be very frustrating. He would expect officers to exercise discretion in one way, whereas they will have been trained in another approach. Pomeroy (1964) provides a realistic discussion of this phenomenon. The difficulty arises when this frustration is not accepted as a component of the work but is treated as a malfunction to be corrected via training, selection and promotion of good, i.e. "right-thinking" policemen.

6

> My general thesis is that premature or too rapid expansion of the bureaucracy when the political system lags behind tends to inhibit the development of effective politics. (Riggs, 1963, p. 126)

7 A good illustration of this phenomenon is the demotion of Deputy Inspector Goldberg in New York City. In this case, a state statute was amended administratively, without an articulated order being given at any point in the hierarchy. When Goldberg tried to enforce the state gambling laws against the churches, he discovered the amendment. (Logue and Block, 1963)

8 Jan Drewnowski writes of the confusion that results from unexamined valuation systems:

> The valuation system is hidden behind a maze of intermediate targets and sometimes even behind a smoke-screen of meaningless slogans. The crucial questions: "What is sacrificed for the sake of what?" and "What are the gains or losses of one group of population as against those of another group?" cannot be properly answered. The real meaning of the plan is not clear to the population

> that is supposed to approve it through its representatives and often even to the plan-makers themselves. The knowledge of the valuation system implied in the plan is an essential pre-requisite of a democratic system. It makes possible the popular control of the bureaucracy. It tears apart the veils of irrelevant figures and meaningless slogans to reveal the real nature of development. (1969, pp. 39-41)

Or, as Mailer puts it:

> They (hippies) were yet to learn that society is built on many people hurting many people, it is just who does the hurting that is forever in dispute. (1968, p. 140)

[10] The practice of recantation was historically used by the church and is still found in Marxist countries like China and the USSR, where changes in policy have forced administrators to recant the error of their past policies publically in order to change direction. The administrator illustrates how they have subverted the leader's teachings (either Mao or Lenin or J. Edgar Hoover) who had always directed one to follow the new path. This is a painful and expensive process and by avoiding it we save energy for more creative activities. By not forcing a detailed administrative policy administrators are more subject to changes in direction, and can pay attention to the future rather than assessing past mistakes.

[11] A very well-stated analysis of the use of social scientific and management skills may be found in Farmer and Richman's analyses (1965, 1966).

[12] See Goldstein (1963).

[13] See Eisenstadt's (1963) discussion of this issue, especially Section Three.

[14] See Janowitz's study of the military structure in The Professional Soldier (1960); and The New Military (1967), especially pp. 26-7 and the article by Kurt Lang, pp. 39 ff.

[15] T. S. Smith (1967) offers a discussion of the implications that a constabulary or military type of structure bring to the police. There is the inherent contradiction of police existing to preserve an order that their existence presupposes. A constabulary pattern assumes the existence of consensus regarding the legitimate application of coercion. Growing out of Smith's analysis is the need for a "national guard" with a police function, and the observation that community political leaders should not regard it as a police or personal failure to call out

the national guard but rather a natural way to limit strain on the police.

Also see Wilson (1968) for a discussion of these same issues, esp. pp. 81-2, and footnote 26 for a historical reference to its evolution; also McNamara (1967), pp. 178-183.

16 See Packer (1968), especially pp. 282-6 and 364-6.

17 See McNamara's (1967) discussion, especially pp. 207-215.

18 See Goldstein (1963).

19 The problem in providing information to police executives is that they will insist in acting on it.

20 An example of this approach carried to an extreme can be found in an article by Robert Mills (1969) which suggests a selection technique which may only have potential in the exceptional case. It is unfeasible unless you have a list of applicants as long as the San Francisco Fire Dept. (see footnote 39), a condition that doesn't exist in police work. Costs for administering on any scale would become prohibitive. The critical questions unasked by Mills are what criteria do you measure applicants against, and what are the improvements over existing methods of selection or promotion in relation to those criteria.

21 See "Fear of Crime Means Jobs for Private Guards," New York Times, July 20, 1969.

22 See Kooken and Ayres (1954) for further discussion of this point.

23 See Mosher (1968), pp. 11-14, for a complete definition of active vs. passive representation.

24 This quotation from Friedman (1969) illustrates the great belief in representation:

> In an open, plural society, with many groups fairly represented in the police stations and the courts and, above them, among the political authorities, these irrational currents can cancel each other. But if the hates and fears of the community become magnified, flow in only one direction, and affect virtually every officer in almost every choice he makes, the process loses its balance and function. The evidence uncovered is no longer complete, events receive unfair court presentation, the jury itself moves with the tide. The legal system does not transcend the passions of the time. Law becomes underlaw. (Emphasis added) (p. 25.)

[25] Nixon's decision to discontinue the tradition of always having a Jew on the Supreme Court could indicate that this type of representation is diminishing, or the Jews are so thoroughly a part of the mainstream that it is no longer necessary in their case.

[26] Clark Kerr once defined the university as a collection of departments and schools connected with a common parking problem. Society may be made up of institutions without the need for the consensus upon which these blue ribbon juries are based. The legitimacy of decisions made by the best laymen are questioned by specialists in each subfield. The belief in a common social reality is severely under question.

[27] The problem of race and police and representation is an interesting one when analysing the Masotti and Corsi (1969) study of Cleveland, where Mayor Stokes was criticized for ordering police out of the riot area. Little is made of the fact that he ordered only white police out, and there were more police, although black, than on a normal night.

Within the South a form of representativeness has been established by the frequent use of black policemen to patrol black areas. The flaw in this "separate but equal" system is that blacks are rarely allowed to arrest whites although whites may arrest blacks.

[28] See Riggs (1968). The basic theme of this article is closely related to the present study. "The key problems of legitimacy are not bureaucratic problems as such, but problems of the relation between a bureaucracy and its political context." (p. 350) See especially pp. 358-9.

[29] Kaufman (1969) discusses this growing feeling of alienation. See p. 4.

[30] See Graham and Gurr, The History of Violence in America (1969).

[31] See Wilson's (1968) discussion of two decision rules affecting police deployment strategies, crime minimization and crime equalization. (pp. 61-2). The ability of the police to minimize crime is quite questionable, and crime equalization may cause a total political re-evaluation of the amount of violence and freedom we will tolerate as a people.

[32] Merit systems have traditionally followed a rational approach to setting pay standards where efficiency and pay models from private industry are unavailable. Attempts to develop an overall pay scheme for government workers have always raised a host of problems. Personnel decisions for particular worker groups are inevitably affected by political pressures. Although these

pressures may endanger the total pay scheme, the total pay scheme usually serves as a means of keeping political pressures within certain limits. If you raise pay for one group, you must raise for all or justify the exception. This is naturally resisted by other worker groups. But with a highly politicized police force, and community fears that support it, the system is distorted.

In the absence of tangible standards for setting government salaries, the next best criterion is the prevailing rate concept. But for the police this means the prevailing rate that is paid by other government policing units. As Leonard has noted: "(L)ocal independent police forces are costly, ineffective and a barrier to uniformity and standardization of administration in the United States." (p. 19)

The financial importance of personnel policies is underscored by the fact that 86 percent of the police dollar in this country is spent on salaries. A decision by police will affect other agencies, such as firemen and parole officers, not only in direct salary terms, but also indirectly.

As conditions and demands for police services increase, it is only natural that other agencies with commonalities in recruitment and training would resist the upgrading of police salaries unless it is applied across the board.

[33] See Vollmer (1936), p. 226.

[34] A study of records on applications for position of patrolman during 1959 in Detroit by the Detroit Commission on Community Relations (1962) found that there was a total applicant population of 1566 in that year. 1132 were white (72.3 percent); 434 were black (27.7 percent). Police department selection produced as its end product an eligible register made up of 71 whites and 2 blacks. At each successive major phase of the selection process, black applicants in the remaining group decreased. The percentage of white and black applicants in the initial group were 72 percent and 28 percent after the preliminary screening, 77 percent and 23 percent after the written examination, 90 percent and 10 percent after the physical and agility tests, 91 percent and 9 percent after the background investigation and 97 percent and 3 percent after the oral board examination. While blacks comprises 27.7 percent of the total applicants, they were reduced to 2.7 percent of those declared eligible. Coincidentally, this is the approximate percentage of blacks on the entire police force.

[35] See the report by Danielson, Berkeley personnel director, to the California State Legislature: "Employment of Minority Group Persons in Law Enforcement Agencies," Nov. 1965.

[36] One of the symbols used in this campaign was Ian Fleming's James Bond, who has been the subject of so many books and movies. It seems strange that no one asked the special

characteristic of Bond that makes him appropriate as a police symbol. The key trait of a "double-0" agent is that he has a license to kill without home approval.

37 See Michigan State University (1967), A National Survey of Police and Community Relations, pp. 270-5.

38 See Alex (1969).

39 The Civil Service Department published the results of an intensive effort by the San Francisco Fire Department to integrate, as of July 31, 1969. Despite special classes and recruitment efforts, the list of 350 men eligible to be appointed as firemen contained only three blacks and 14 Latin Americans. It also included 39 patrolmen from the Police Department, which frequently loses young men to the Fire Department. The department now has just four blacks, 35 Latins and one Oriental among its 1756 firemen, and 47 immediate vacancies. Earl Gage Jr., community relations director and the city's only black fireman until 1966, said the list "didn't meet our goal, but signified progress."

A total of 2243 men applied to take the rigorous written, oral and athletic tests required of would-be firemen, along with a medical examination and background check. Of these applicants, 1331 took the written test, the first of the series. The men taking the written included 69 Latins, 17 Orientals and 101 blacks, many recruited by the commission's special program. The results of the written test showed that 662 men passed, including 20 Latins, four blacks and one Oriental.

The highest black on the eligible list was number 239. As the list is good for no more than four years, and in that time they expect 160 vacancies in the department, Gage suggested a quota system of one black for every white. This plan has been severely criticized by the chief.

40 Data from the Opinion Research Corp. indicate that 56 percent of the police interviewed felt that the public had at least a fair amount of respect for police, while 43 percent felt the public had little or no respect. Forty-six percent felt that the police are at the bottom of a list of public servants that included teachers, correctional workers and garbagemen, and 78 percent of the respondents felt misunderstood.

Also see McNamara (1967) for a discussion of police perception of their declining prestige.

41 The police approach on this issue upsets both logicians and civil libertarians. It contains contradictions and is often used to excuse simple criminal activity. Yet it is no more contradictory than other aspects of police work, and may be a reasonable price for some rest from crusaders crying either about "constant vigilence" or "liberty."

[42] For a more formal discussion see Hoffman and Archibald's (1968) study.

[43] An illustration of the use of patrolman actions to protect executives: dispatch logs and patrolman memo books and daily reports are not designed to ensure that the problem will be solved, but to protect the department against a charge that it "did nothing." (Wilson, 1968, p. 70)

[44]

> We have in an increasing number of individual agencies an elite corps which is unique to and may be completely unrecognized outside of, the agency concerned. One of the greatest problems of American democracy is the nature of the membership, the control, and the coordination of these multifarious elites. (Mosher, 1968, p. 21)

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