

REVIEW ESSAYS

POLICY-MAKING AND POLICE TAKING Controlling Behavior on the Beat

City Police. By Jonathan Rubinstein. New York: Farrar, Strauss & Giroux, 1973. 462 pp. \$10.00

The Knapp Commission Report on Police Corruption. New York: George Braziller, 1973. 283 pp. \$8.95, cloth, \$3.95, paper.

Police Unionism. By Hervey A. Juris and Peter Feuille. Toronto, London, and Lexington, Mass.: Lexington Books/D. C. Heath & Company, 1973. 228 pp. \$12.50.

The Police and the Public. By Albert J. Reiss, Jr. New Haven and London: Yale University Press, 1971. 228 pp. \$7.95, cloth, \$2.45, paper.

The Police Academy: An Inside View. By Richard N. Harris. New York, London, Sydney and Toronto: John Wiley & Sons, Inc., 1973. 197 pp. \$9.50.

The recently published report of the Knapp Commission's investigation of police corruption in New York City paints a bleak portrait of the problem, a sketch which many suspect is broadly descriptive of the difficulties of many police departments. The commission found that corrupt practices of many forms are widely practiced and deeply rooted in the day-to-day operation of the department. Their report further suggests that the problem of police corruption in New York City is not a new one; the first recorded complaints about the police in that city were lodged in

the very first year of its existence. The widespread and recurring nature of corruption and the wearisome similarity of complaints about it suggest that the problem is a fundamental one. Corrupt police practices are something more than an episodic occurrence sparked by the unfortunate meeting of opportunistic minds. Rather, they are a natural outgrowth of the nature of police work, the organization of police activity, and the social and political environment within which police officers must operate. Corruption is, in short, a structural problem, and one which will prove most difficult to alleviate. These recent reports speak in their own way to this thesis.

The Knapp Commission itself breaks with the usual official and quasi-official rhetoric about police corruption. The standard explanation which is advanced when policemen are discovered to be on the take is the "rotten-apple" theory of corruption: every big barrel is sure to have a few, but we can bob for them if we have the public behind us. As the commission points out, this is a politically advantageous position. It dodges the question of whether outbreaks of corruption are merely symptomatic of more fundamental illnesses, and it papers over the prospect that the "honest 99%" simply have not been tripped up yet. The official backup story (for few believe the first one anymore) is that the rotten-apple theory must be put forth—any other explanation would undermine public confidence, threaten department morale, and compromise the ability of the police to operate effectively. The *real* effect of rotten-apple rhetoric, the commission argues, is to forestall unpleasant but meaningful reform.

The Knapp tack was to focus upon the police task: what is it that officers do that makes them crooked? Their undercover investigation reveals that corrupt police practices abound in what I would classify as two sets of activities: economic and moral regulation. In a number of areas of life, there are businessmen trying to make a living who see that the police can make it difficult (but probably not impossible) for them to do so. In each case, it is in their personal interest to ensure that the police do not restrict their activity, and it is not clear that it is in the society's interest to insist that they do. This lays the groundwork for corrupt arrangements.

Activity which can be classified as moral regulation includes that directed at the control of most familiar "crimes without victims": drug use, pornography, prostitution, gambling. Additional targets include store owners who break the (Sunday) Sabbath, those who purvey to under-age drinkers, and fortune tellers. They have a few common characteristics, among them that they are involved in the violation of norms which are

either antiquated, subcultural, or at least open to debate. Our ambivalence about these norms may be reflected in the often low conviction rate and light punishment afforded many of those who stumble over them into the arms of the law, as well as proposals that most of these laws be removed from the criminal code. Faced with only selective public concern, policemen involved in regulating these highly profitable and widely demanded services find it only too easy to reconcile society's normative ambiguity in personally satisfying ways.

The same is true in situations demanding the regulation of "normal" economic activity. One of the few general-purpose government agencies in day-to-day contact with the citizenry at the street level, the police are called upon to perform a host of seemingly mundane official functions. They inspect cabaret toilets and judge their owners' rectitude at license-renewal time, note public health hazards, check business licenses, call tow-trucks, register guns, and keep an eye on tinkers and peddlers. Given antiquated, complex, and often contradictory municipal codes, these duties give individual policemen enormous leverage over routine economic activities. As the commission reports, after organized vice,

the next largest source [of corruption] is legitimate business seeking to ease its way through the maze of City ordinances and regulations. Major offenders are construction contractors and sub-contractors, liquor licenses, and managers of businesses like trucking firms and parking lots, which are likely to park large numbers of vehicles illegally. If the police were completely honest, it is likely that members of these groups would seek to corrupt them, since most seem to feel that paying off the police is easier and cheaper than obeying the laws or paying fines and answering summonses when they do violate the laws.

The difficulty with corruption in these two segments of city life is not simply that laws are being evaded, but that corruption has more general consequences for police organizations. As bad as drug and traffic problems are, the latter may be worse, for it undermines the effectiveness of the police in many areas. In corrupt departments, it is more difficult for administrators to superintend the force, for the code of secrecy and fellow-complicity strikes deep. Visitors, observers, and outside critics of all kinds must be excluded, for corruption becomes a dirty little secret which may be revealed at any time. Promotion, transfers, and day-to-day duty assignments become economic rather than task-oriented decisions. Honest policemen either go along with the boys and lightly graze the most fertile fields (the Knapp Commission calls them "grass eaters" in contrast to the more aggressive "meat eaters"), or they gravitate into planning, training, and other organizational niches where they can cause little trouble. Cor-

rupt officers hang out with one another and with civilians who routinely perform common criminal tasks. This not only facilitates schemes to subvert law enforcement and protect criminals from the courts; it often ends with uniformed patrolmen looting liquor stores on city time. It is then that Knapp-like commissions are typically called into being.

The problem facing honest or reforming police administrators is how to exercise some control over the corruption process. In practice, the problem is probably insoluble. At best, some do better than others, and the four academic research reports considered here may shed some light on these variations in performance. Given a set of eager young cadets coming in the front door (*recruitment*, about which we still need a good book), there are three processes by which police management can gain leverage over their men and shape their on-street behavior: *training*, *supervision*, and the distribution of *rewards and punishments*. Corruption (and brutality and sleeping on the job, for these are all controlling-behavior-on-the-beat problems) is difficult to root out, because none of these methods works very effectively.

Richard Harris' *Police Academy* is a participant-observation study of a moderate-sized (53) police academy class located in fictional Rurban County, an urbanizing rural area facing big-city problems. As a study of how police administrators can use training programs to inculcate values which will provide internalized constraints upon street-level behavior, it illustrates what we already knew about schools in general—they cannot do it on their own. Some of what Harris reports is familiar. Rookies see their academic training as discontinuous with everyday police work, a hurdle they must leap to get on with their chosen job. They continually press their instructors to tell them “what it's *really* like,” they absorb as little as possible of most of the abstract curriculum, and they are openly contemptuous of the “sociology” which comes their way as human relations. They really like their “week on the street” and learning how to shoot. They learn to distrust a host of antagonists: politicians and the press let them down when the going gets tough; blacks threaten their values and their personal safety; and students are incomprehensible. Lawyers and judges exhibit a special failure to support the police, for they appear to be concerned primarily about the rights of the accused. What is striking about Harris' analysis is the revelation that a major protagonist, one which must be treated with the same care and distrusted with the same intensity as the rest, is the department itself.

Harris characterizes police departments as "defensive bureaucracies," organizations designed to protect themselves from external complaints. One of the first things that rookies learn is that the burden of this defensiveness falls upon them. Rules and regulations, forms, and official formulas impinge upon them at every turn. The department checks to make sure they are sick when they take leave; it periodically weighs their mace cans to detect unreported discharges; it deploys undercover investigators to assess their honesty; and it supports a community relations division which undermines their effectiveness. The top brass, like politicians, will not stand up for them when the heat is on. The department is one of the many obstacles that must be negotiated in the day-to-day business of police work. As Harris suggests, this attitude further reinforces developing tendencies among the rookies—the cult of secrecy, the planned evasion of department regulations, membership in various "defensive" organizations aimed as much at protecting their members from their employer as at insulating them from outside agitation. Given the general failure of the value inculcation part of the rookie program, the rapid socialization of young officers into the police occupational subculture takes on added significance. Not only are many of the values of that subculture opposed to those desired by reformers, but its social and behavioral components greatly inhibit the ability of police administrators to monitor and control the on-street activity of the rank-and-file.

The limits of this supervisory power are one of the many messages contained in Albert Reiss' *Police and the Public*. The book is based upon a large-scale observational study of police behavior in Boston, Chicago, and Washington, D.C. Some 5,000 mobilizations of the police (responses to events) resulting in 11,000 police-citizen encounters were recorded by observers riding with uniformed patrolmen in selected high-crime areas of these cities. The book, like many other reports of beat life, testifies to the enormous amount of discretion enjoyed by police officers in the daily conduct of their business. Reiss' work is unique, in that it gives us some empirical estimates of the frequency with which various behavioral options are chosen and the circumstances which appear to structure these decisions.

Reiss argues that the key to police discretion is the organization of the police task. Police officers work alone or in small units and are thus difficult for supervisors to observe. Changes in communication technology have increasingly centralized the job of allocating tasks to individual patrolmen: the dispatch of a radio car in response to citizen complaints over the telephone is the predominant activity of the administrative

structure. Central dispatching undoubtedly reduces police discretion over what areas of life they will regulate (only fourteen percent of the observed mobilizations were initiated by the officers themselves), but once that action is taken, there is little that the command structure can do to monitor the events that transpire. Police on the beat see their role as one of restoring order and negotiating private settlements of disputes. Since little of that activity results in arrests or prosecutions (the modal daily tour of duty did not produce a single apprehension), other agencies empowered to superintend police behavior are also limited in their ability to do so effectively.

The result is that policemen do many things that their superiors probably would not like. They informally dispose of serious offenses—observers judged that arrests were not made in 43% of potential felony cases. About 40% of the officers studied engaged at least once in a serious violation of department regulations—drinking or sleeping on duty, recording false information, neglecting their tasks, or gambling. During the tours of duty observed, one-third of the officers did not pay for their meals. A separate survey of small businessmen in the sample precincts revealed that 31% gave discounts or other considerations to police officers. Finally, the observations revealed substantial antagonism between the police and the citizenry. The officers behaved hostilely, derisively, or in an authoritarian manner in 11% of all police-citizen encounters. While events and citizen dispositions toward the police went a long way toward explaining most of the latter behavior, Reiss suggests that the observed illegal or corrupt activity of patrolmen was sensitive primarily to variations in departmental organization.

Their rate of infraction seems to be a function of two major factors within the department: the quality of supervision of line officers and the transfer policies of the department. City rates and precinct rates are generally lower where supervision is effective. . . . Rule infraction is lowest where command is most centralized and where supervision is exercised by men in the field. Job assignments and transfer within police departments generally are organized so that officers with the least training and experience are assigned the highest crime-rate precincts. Officers with the poorest records of performance likewise are transferred to these areas.

It is difficult to push Reiss' data much further, for he was primarily interested in on-street interactions between uniformed patrolmen and complaining citizens. As the Knapp Commission points out, the uniformed patrol enjoys many fewer opportunities for regular, systematic, large-scale corruption than plainclothesmen engaged in anti-vice activities. The nature

of their work makes detectives even more difficult to supervise, and the objects of their attention are even more ready and able to buy immunity from law enforcement. Reiss' comment upon the importance of transfer and performance evaluation procedures does highlight the fourth major tool with which administrators attempt to shape on-the-beat behavior of officers on both types of duty assignments: departmental incentive systems.

Jonathan Rubinstein's *City Police* focuses substantial attention upon punishment-and-reward systems and their consequences for corruption and for the police organization. The book is a participant-observation study of uniformed patrol work in Philadelphia and is plainly the best of its kind yet written. Some of it focuses upon the micro-sociology of police work—how police officers watch people on the street and how they use their bodies as tools to control and detain suspects. More of it concentrates upon the day-to-day rhythm of the patrol—gathering at muster, receiving orders, moving through the streets, listening to the radio, eating, sleeping, and surviving. In the process, Rubinstein illustrates that: (1) the attempt to control vice and regulate licensed economic activity using the police inevitably leads to corruption, (2) department reward systems pervert what limited positive gains such enforcement activities might afford, and (3) even honest police administrators can only limit, not eradicate, corrupt police practices.

All these are incentive problems. When corrupt officers occupy even middle-management positions, police work can be enormously lucrative. Nonparticipants can be transferred out of profitable districts, and new men can be tested before they are let in on the game. Organized protection of illicit activity, protection which generates regular payoffs ("steady notes") rather than occasional opportunities, can exist only with command participation. Honest and vigorous administration can only restrict corruption, Rubinstein argues, for it remains in the interest of *corruptors* to extend benefits to the police. This is no accident: politicians who make the laws also need leverage over entrepreneurs in order to extract contributors. Given the organization of police work, much of this effort remains invisible.

For patrolmen, the insistence by honest administrators that they actively pursue vice cases and produce arrests has discomfiting consequences. They cannot do so legally. People do not gamble, drink illegally, or sell drugs under the watchful eye of their district officer. In order to produce vice pinches, officers must lean on the most vulnerable targets

available and make degrading and illegal arrests. The apparently widespread tendency of drug addicts to drop their holdings in plain view reflects these organizational pressures. These productivity norms, which reflect public pressures that "something be done" about vice, reward outcomes (arrests), not professional behavior. The latter, in fact, must be concealed from the public. The process only serves to subvert the law enforcement process and encourage petty corruption.

The patrolman is obliged to violate the law, degrade people, lie, and even shame himself in his own eyes in order to make arrests he knows are meaningless and he suspects produce money for others. . . . This is one reason why policemen deeply resent admonitions to be honest. They know that the editorials in newspapers are irrelevant to their situation. . . . They know that the only way a policeman can be honest in the exacting sense required by his oath of office is to resign. The policeman does not want to quit, so he makes little compromises, which bring him a few dollars and more importantly solidify his relationships with his colleagues, and he continues to do his job. He cannot prevent what he disapproves, nor can he explain to anyone without jeopardizing his career (and his life in some places), so he turns his face to the wind and does what he must.

The excellent Juris and Feuille volume reminds us that these superior-subordinate tensions and the struggle of police administrators to maintain control of the on-street behavior of their men does not take place within a political and social vacuum. Management and labor-relations experts, they are concerned with the rise of militant police unionism during the 1960s and the impact of unionism on police professionalism, internal departmental decision-making, and police-community relationships. *Police Unionism* reports their on-the-spot analysis of these problems in 22 cities. While success has been mixed, militant police organizations have had a traditional trade-union goal: to enhance their bargaining position vis-à-vis management—the city and department administrators. The law-and-order political climate of the nation and the fragmented, multiarena nature of the political game on the management side of the table has made it profitable for unions to expand the scope of the issues in dispute beyond those found in private-sector conflicts. For public employees like the police, "working conditions" are of great political significance. While they are not uniformly successful, the thrust of union effort has been to interfere with administrators' attempts to impose professional standards, limit management's ability to exercise their traditional prerogatives, and isolate police departments from external community pressures. Unions in this sample of cities often opposed educational incentive programs and the

lateral transfer of personnel across departments. They sought to limit management's power to reduce them in rank or salary and to shift them from plainclothes to the uniformed divisions. They opposed civilianization and favored strict seniority as the basis for promotion. They did not like minority recruitment programs, rules requiring them to live in the city, civilian review, and restrictions upon their use of firearms. While Juris and Feuille did not speak directly to the corruption issue, they make it clear that supervisory arrangements and department incentive systems are currently the object of hot debate. If these indeed constitute two of the four major mechanisms by which reform administrators can hope to impose workable standards of honesty upon their men, the resolution of these conflicts is of even greater significance for the police system.

What all these reports add up to is a fairly bleak prognosis for the future. The Knapp Commission advances a number of specific recommendations designed to alleviate the most blatant of corrupt practices. I suspect that those which focus upon crucial control processes—recruitment, socialization, supervision, and the incentive system—would be most effective. They are aimed directly at the structural bases of corruption. Perhaps the most immediate solution would be the formal or administrative relegalization of most of the activities which invite corruption in the first place. The revocation of these rules, which constitute a license to extort on the part of the police, would remove the pressure which converts the corruptor into a willing partner in much of this activity. This would not alleviate low-level, *quid pro quo* arrangements (considerations in exchange for better service), but that is the form of corruption which the system is most able to tolerate. Limited steps in this direction were taken in New York City following the Knapp Commission's revelations. The difficulty is that there is rarely any follow-up research probing the consequences of such reform efforts. With a few exceptions, academics have devoted little continuing attention to the problem of official corruption. Most such research is the effort of Knapp-like bodies which arise in response to public furor. The *aftermath* of such scandals needs to be probed more closely in order to evaluate the behavioral consequences of anti-corruption activities. And in order to do so effectively, we need to develop systematic theories of corruption as well.

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