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THE POLICE AS VICTIMS OF THEIR OWN MISCONCEPTIONS

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Now, *here*, you see, it takes all the running *you* can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that.

—The Red Queen to Alice in
Through the Looking-Glass.

And so it would seem in the realm of police science as well. The problems facing the police, as we enter this new decade, are coming at a far greater rate than there is time to solve them. This is hardly news to anyone, for we all are well aware that the twentieth century has shown itself to be a period of great upheaval, a period in which the very fiber of urban life has undergone a profound and fundamental change. The introduction of high speed communications systems and the mobility provided by the automobile and airplane, as well as other technological wonders, have totally altered the character and style of our living among one another, bringing us from a simplistic family oriented society to an ultrasophisticated industrial state. This impact has not been overlooked in so far as patterns of criminal behavior are concerned. But what of the police?

The police, on the other hand, as social entity are what educators would probably call "late bloomers." The foundations of the police system (as we know it) stem from the Industrial Revolution of the 1700's in England. The Industrial Revolution drew human resources from the country to the cities and as the cities expanded they experienced a corresponding growth in strife and disorder. The problems which arose from the lawlessness bred by the poverty and other social ills of the time finally culminated in the formation of the metropolitan police force in London in 1829. The American police system is also the product of major urban unrest, most notably the period from 1830 through the 1850's,¹ but has

been influenced in its development by the American proclivity for innovating (which has the added distinctive flavor of vigilantism and lynching). The police have evolved through the watch-and-ward systems to the present day-and-night full time police force, and the fruits of modern technology have been made available to the police profession. However, the problems which brought the police into existence are problems which continue to plague the cities as they enter the seventh decade of the twentieth century: criminal violence, mass demonstrations, and the attempted disruption of the orderly process of government. These problems have adapted themselves to the pace and technology of the times, thus bringing forth more and greater problems than the Sir Robert Peel's "Bobbies" could have ever imagined. The police have adapted as well, but it should be remembered that the traditional pattern for the police has been to *react* rather than to act. That is, the police have followed the "true and proven" course of action until the criminal element came up with something new. Then the police have reacted to the new problem by seeking a method to counter it. This is as it should be in a democratic state, but it has left those engaged in law enforcement continuously at least one step behind.

Of the numerous difficulties facing the police, this article wishes to address itself to one particular category of problems: misconceptions about the police and their role which have either been initiated or accepted by the police themselves. They are problems which often times are easy to overlook, especially when there is the hope that if overlooked long enough, they will go away. Unfortunately, they will not, and the limitations they have placed upon law enforcement agencies

America: Historical and Comparative Perspectives, A Staff Report to the National Commission on the Causes and Prevention of Violence, 41 (1969), I, 41.

¹ HUGH D. GRAHAM AND TED R. GURR, *1 Violence in*

are serious indeed. True professionalism of the police depends on the bringing to light of these misconceptions and the initiating of logical programs to counter them.

MAKING PEOPLE BE GOOD

It has been noted that "communities often appear to want the police to 'make the people good'.² In many instances, being "bad" may indeed be the same as doing something unlawful, as in the case of a noisy neighbor who may be guilty of disturbing the peace. But, a great many of the calls responded to by the police involve situations in which one party wants the police to make another party be good, although there may be no violation of law or ordinance present.

Of particular significance in this regard is the matter of police intervention in matrimonial disputes. The emotional vigor with which such arguments are pursued can lead to disastrous results; often a marital partner will call the police to prevent such a disaster, but most often the police are called simply to bring the weight of the criminal law to bear against husband or wife in order to make the wayward spouse "be good." By intervening in such matters, a great many police officers have themselves been assaulted. The sad part of it is the police can actually do little more than contribute to the problem. Perhaps this is why most officers have a strong dislike for family disturbance calls. At any rate, the police have generally accepted their role of maintaining the public order and continue to step in where angels fear to tread because "someone has to." This is perhaps as it should be; however, after a few years on the beat it becomes easier and easier for an officer to become a mediator in petty squabbles or an arbiter of social questions. In short, he finds himself trying to make others be good. Of course, trying to make others be good is not only a thankless task but one which is foredoomed to failure. The failure of the police in making others be good may then lead to disgust on the part of many citizens, who view the police as simply being remiss in their duties. The officer, on the other hand, often views his lack of success in making people be good as being the consequence of an apathetic and disinterested public. The cognitive dissonance which results contributes to citizen alienation, and this alienation may general-

ize into a broader negative orientation. This is a phenomenon referred to by the psychologists as "higher order learning," the process whereby a stimulus evokes a response which in turn elicits further responses.

What can be done? The fact must be clearly established that the police are not charged with the responsibility for making people be good. They should be trained to recognize those problems which might appropriately be referred to another agency—the church, the school, an attorney, etc., and to make the proper referral. In this manner they can contribute to the maintenance of public order and at the same time render a better quality service without themselves becoming embroiled in affairs outside of their realm of competence.

CONFUSION OF IDENTITY

The question of police officers being charged with the responsibility for making others be good is in actuality a part of an even broader and much more serious misconception. For want of a better term, the writer has dubbed this "confusion of identity." It is the confusion of the symbol for that which it represents.

The police, as an integral aspect of the *criminal justice system*, are charged with the responsibility for locating those persons whom they have good cause to believe have violated or who are in the process of violating the law and for remanding these persons to the courts for disposition. In a broad sense, the police (along with their colleagues in the remainder of the criminal justice system) *represent* the law. This is where the confusion comes in. Many police officers, while they do not consider themselves to *be* the law *per se*, subconsciously come to believe that theirs is a special or unique relationship with the law. It is supported in the popular jargon: "If you don't do thus-and-so, I'll call the law on you!"—examples of this type are numerous. One element that gives weight to the development of this type of attitude on the part of the police lies in the highly selective nature of his enforcement. This was aptly pointed out in the report of the President's Commission on Law Enforcement and the Administration of Justice which noted that "law enforcement policy is made by the policeman. For policemen cannot and do not arrest all the offenders they encounter."³ It is only a short step from knowing that the dispensa-

² A. C. Germann, *Community Policing: An Assessment*, 60 *JOURNAL OF CRIMINAL LAW, CRIMINOLOGY AND POLICE SCIENCE*, 90 (1969).

³ *The Challenge of Crime in a Free Society, A Report by the President's Commission on Law Enforcement and the Administration of Justice*, 10 (1967).

tion of police authority is largely a matter of personal discretion to the subconscious and unexpressed attitude on the part of the individual officer that the selective expression of enforcement authority makes him the law, for without its expression through him, it would not be. If a person's perception of himself, conscious or subconscious, is incorrect, then his perception of his relationship among others will also be defective. The degree to which this may be the case with a police officer will also tend to the degree to which he is out of harmony with his civilian environment. All of this plays a role in the complex interpersonal relationships which the police enjoy. Should their perceptual conceptualization of themselves be significantly at variance with the general public, then it may be safe to assume that the normal defensive reactions of the personality (rationalization, projection, identification, etc.) will make themselves manifest to provide the illusion of psychological harmony, and will reinforce the error of the individual's reasoning. Thus the gulf between the officer and the citizen widens. How does this relate to day-to-day practice? In many cities an observer may walk down rows of metered parking places or restricted parking zones and see the private autos of the on-duty police officers parked in violation. The observer may notice a decal indicating the owner of the car to be in some type of law enforcement association, but very rarely will the observer see a parking ticket. Whether this may be considered a "professional courtesy" or just the unwillingness of individual policemen to have to cope with hard feelings within the work environment is a moot point. The point remains the officers who parked with intent to violate parking ordinances surely did not view their act as criminal, unlawful, or immoral. A citizen observer will certainly feel differently.

This confusion of identity has led to another problem: the police attitude towards the other elements of the criminal justice system. When a police officer brings an especially difficult or what to him seems to be a significant case to a conclusion, the file transmitted to the prosecuting attorney represents a great deal of work and emotional effort. For the prosecuting attorney to issue a *Nolle Prose* or for a court of competent jurisdiction to acquit an accused, is taken as a personal affront by many police officers. It tells them in effect that their work was not good enough, or that their case was not important enough. A suc-

cession of such incidents may lead to an attitude that the courts discriminate against police officers. Or, the officers may come to view the courts as hampering their authority by failing to give their blessings (by not locking the offender up and throwing the key away). Many police officers have come to feel that one of the greatest impediments in their fight against crime is the judiciary. The foibles of the human mind are such that, given the variables present, this is an almost predictable reaction. In reality, the police are one of the first elements of the criminal justice system. They are responsible for the correct and proper performance of their designated duties, and there ends their responsibility. A district attorney may release a suspect and still be within the bounds of propriety in his role. There can be no questioning the right of a court to acquit an accused within the context of due process of the law. The police must come to realize that theirs is a difficult and demanding job, but that they do not have the last word. We refer to nations in which the police have the last word as Police States.

GENERAL DECLINE IN THE RESPECT OF AUTHORITY

It is often held that one of the most significant changes of this century is the great decline in the respect for authority in general and a decline in respect for the police in particular. This line of thinking, while providing a pat answer to some police problems, fails to conform to the guidelines of objective reality. Crime and violence have been a traditional part of the American scene.⁴ Crime and violence both require a certain amount of disregard for authority in general and for the police in particular. What has happened is that with mass urbanization and the decline of the neighborhood and small business the role of the family has weakened considerably. This has placed an increasing burden upon the police to do what was formerly accomplished by the family or by social pressure within the community. Thus, rather than a general decline in the respect for the authority of the police, there has actually been an increase in the respect for the authority of the police. It is this increased attention the police have been receiving that they have perceived as being negative to them. At the same time, the general population is no longer willing to accept a poor product. They are demanding the use of reason, intelligence, and propriety on the part of those charged with the en-

⁴ Graham and Gurr, *Op. Cit.*, 35.

forcement of the law. This positive-critical attitude of people towards the police has resulted in many instances of police officials reacting with contempt and anger. Much of the lack of advancement in the state of the art of police science may be laid at the door step of overly sensitive or hostile police officers.

In the same vein, many law enforcement officers have made the assumption that the prestige of the police is declining, and base this assumption on the idea that the role of the police officer is no longer as commanding as it once was. Inherent in this assumption is the notion that the social prestige of the police was higher at some point in the past. There is no objective evidence that the police in the United States *ever* enjoyed high social prestige. If anything, the opposite seems to be true. The writer believes that if some energetic researcher were to pursue the matter, he might find that the social prestige of the police has been slowly on the rise, especially since the postwar era. At any rate, it would behoove us to bear in mind that the police, in general, have never been so well trained, as highly educated, or better equipped than they are right now. It is true that the police are no longer as commanding as they once were, but this is because responsible public administrators as well as other members of the criminal justice system have become increasingly aware of the fact that it is not the role of the police to "command" but rather to enforce within the framework of a democratic society subject to the rule of law. There can be no doubt that the police have lost some ground. It is the result of a combination of two factors. On the one hand, the police are being forced to rely more on their own investigative skill and less on how much they can squeeze out of a suspect. Secondly, the police seem a little slow in keeping up with advances in technology. This latter indictment must be mitigated, however, by the guilt of niggardly and parsimonious municipal budget officers who try to force the police to operate on a minimal budget. But some of the blame indeed belongs squarely on the shoulders of police administrators. It deserves mentioning in passing that nothing is in quite so sad a shape as our present system of police management and administration.

"There are a lot of deadheads and not-too-bright people in police management positions, and substantial change will only come over the dead bodies of some current neanderthal encumbents."⁵ The

foregoing is a harsh but unfortunately not incorrect statement. The presence of these people points to another misconception often held within police circles. That is that the chief administrator of a police department ought to have been a policeman, and that best of all he should have come up through the ranks of the local department. There is some reason to question this doctrine. The fact of the matter is that a police chief (except in the smaller departments) is an administrator. He is responsible for budgetary matters, for the dissemination of information to the public; he must oversee personnel and public relations activities, and assure the best resource utilization of his department. That he had given traffic tickets in the past, or worked accidents, or had investigated homicides and burglaries may have added to his skills while he was employed at that level, but they have nothing to do with the science of management. He should have operational subordinates capable of overseeing the normal uniformed and plainclothes activities. In times of great social unrest such as these, the need is greatest for enlightened leadership; for persons with highly developed skills in the social and behavioral sciences, and for persons with legal backgrounds. The sight of a police chief dressed in a flashy blue uniform with lots of gold braid and stars is no longer amusing—it is appalling.

The complaint of incompetent police leadership is not a new issue. Citing a 1921 source, the President's Commission on Law Enforcement and the Administration of Justice, noted that the absence of well trained and intelligent leadership seemed to be the prime cause of the uneven development of American police organization.⁶ That is a most generous and polite statement. A great many chiefs of police have utterly no qualities to recommend them for their posts. Their jobs are in numerous cases nothing other than a reward for long service. The notion that the chief must be a policeman embodies a mysterious assumption that being a policeman gives a person almost divine insight into the guts of human behavior. Although a policeman may indeed see a lot more guts than the average person, there is no osmotic process whereby the underlying social and psychological phenomena which regulate society sinks into the individual officer's head. It is easy to see that many years of experience on the street as a working police officer may actually impede a person from being a good administrator by

⁶ The President's Commission on Law Enforcement and the Administration of Justice, *Task Force Report: The Police*, 44 (1967).

⁵ Germann, *Op. Cit.*, 94.

limiting the number and scope of response patterns. A good number of chiefs of police became policemen at a time when there was little or no formal training. The new rookie was simply put on patrol with a more experienced officer and drew his training from his beat. This being the case, it would be fair to assume that a great many of these chiefs have less formal training in police science than the newest rookies undergoing a course of basic training. The street experience of these chiefs may well lead their thinking along predetermined lines—non-progressive lines which will continue to hold the police back. However, the misconception persists: a police chief must be an officer up through the ranks.

THE POLICE IMAGE

One of the most interesting and fruitful areas for misconception is the question of "police image." Despite outward appearances, the police are traditionally sensitive. Naturally, they are people and like to be liked. Their job is at best a most difficult one, and frequently involves the taking of negative actions against people (arrests, tickets, etc.) who consider themselves to either be wholly in the right, or at least undeserving of the police action taken against them. Their clientele often become angry, and bellicose and abusive to the police, accusing them of everything from brutality to imbecility. Only a very strange person could enjoy such treatment, and most policemen resent being railed and criticized for simply doing their job. Training academies and roll call sessions contain a plethora of lectures on police image and the need for improving it. The emphasis is on changing the non-police population rather than themselves, and therein lies the misconception. The public simply responds to what it is presented. Stickers that enjoin citizens to support their local police, and little league baseball teams sponsored by police units are commendable efforts, but they are nonetheless paths which lead nowhere. To change the image, the police themselves must change.

The first and most noticeable item in the projection of any image is the object being seen. In our case it is the uniformed police officer. The organization of police along para-military lines is traditional, but certainly should not be exempt from questioning. There is no doubt that the police should be recognizable as such, but why should they look like a private army, complete with military ranks and terminology? This image projects the right of the police to exercise the lawful force of

the state, and this projection is often done in a far from subtle manner. Many police officers seem to enjoy displaying some of the tools of the profession—guns, bullets, handcuffs, mace, slappers, clubs, and other such items. Should there be any wonder that when people see these instruments they become uneasy and inwardly anxious? Every officer has heard this public display of hardware turned against the police by using the "cops" as the boogey-man. It is nothing more than a reciprocation of the physical image which has been projected. We must not lose sight of this, because it is axiomatic that people cannot respect and admire a group when they have reason (rational or otherwise) to fear. Consequently, many people shun the police—just to be on the safe side. The most tragic result of this is that many young men who are thus attracted to the police as a profession look forward to being the figure who commands fear, and even some of the largest departments are woefully inadequate in filtering out those candidates whose personality structure is a direct threat to the integrity of the police departments they wish to join. Thus, in approaching the area of misconceptions surrounding the police image, let us look inward instead of outward for some of our answers.

THE MYTH OF PREVENTIVE PATROL

As the growth of the nation has intensified, so have the efforts of the police. Just prior to the turn of the century they developed specialized detective forces, began to use mounted officers in crowd control, and increased their general mobility through the use of bicycles.⁷ In the 1920's the police became mechanized through the wide spread use of the automobile.⁸ One of the most significant steps in the police service was the introduction of one-way radios in police cars, first in Berkeley, California (in 1929), and then throughout the nation.⁹ This was followed ten years later by the introduction of two-way radios in police cars.¹⁰

The police, thus equipped, were able to move off of the sidewalks and onto the streets. They were given the advantages of mobility, command control, and flexibility. However, these benefits were at least partially offset by the loss of personal contact with the citizenry and perhaps even played a significant role in the diminution of the concept

⁷ BLAKE MCKELVEY, *THE URBANIZATION OF AMERICA*, 93 (1963).

⁸ BLAKE MCKELVEY, *THE EMERGENCE OF METROPOLITAN AMERICA*, 51 (1968).

⁹ *Ibid.*

¹⁰ *Ibid.*, 105.

of the neighborhood, one of the most tragic marks of our age. In addition, taking the police off of the sidewalks altered the basic approach to the modus operandi of the police. Previously when a police officer was on foot patrol, his area was somewhat small in scope. He could, with a little effort, keep himself appraised of what was going on in the neighborhood. For a would-be offender to attempt a crime on the officer's beat, it was necessary to run the risk of getting caught, and that risk was in many cases very considerable. The police officer in a car, however, was charged with responsibility for a wide area and could only observe a minute portion of it at any one time. External auditory and olfactory cues are next to non-existence, save in the most extreme of cases, such as explosions or gun shots nearby. Thus innovation and technology took the police officer from a position in which he could maintain order as well as enforce the law and placed him in the position of an agent available for call in the event of his need—after that need had developed. Few people made the observation that the transition also reduced the probability of an offender getting caught in the act. The police left the scene in their cars. The offenders remained—and availed themselves of getaway cars.

The desire to prevent crime is commendable. Unfortunately, it is much like being patriotic or standing for virtue: how does one go about it, and by what objective criteria may success be measured? To go out on patrol and prevent crime is sufficiently open-ended and ill defined that only a very unusual supervisor would direct his personnel to do such a thing. But they are not in the least reluctant to use such a philosophy as the basis for requesting additional manpower. What in fact happens when the patrolmen leave roll call and get in their cars, is that they go to their patrol districts in order to make themselves readily available for call within a specific geographic area. Since the officer spends a great deal of his time "in service" (not on some type of radio call) he fills in his time by performing a number of valuable services, such as checking commercial establishments for signs of unlawful entry (*detection* of crime, or *prevention*?), and driving around the streets alert for things which could jeopardize public safety, such as fires, traffic offenders, etc. But the fact remains that he essentially waits for offenders to commit their offenses, for these acts to be discovered and reported, and for himself to be assigned by radio to investigate these acts or to search for the offenders.

However, the attitude has remained that the

police, although on radio patrol, continue to exert a strong influence "on the sidewalk." Unfortunately, the actions of the criminal subculture tend to refute this. A robber or thief can commit an offense, get to his car, and depart the scene before a victim has time to call the police and for an officer to be dispatched to the scene. Implicit in this line of reasoning is the willingness of an offender to gamble on the probability that a patrol officer will not observe his activities by chance alone. The probabilities are in favor of the offender, and when coupled with a need for money the outcome is predictable. Many police administrators seem to imply in their statements that if more officers could be added to radio patrol, the probability of an offender either being observed in the act or being caught in flight would increase. A straight line projection of this philosophy would undoubtedly prove it to be correct—however, a sufficient number of officers may well be the number required to restore neighborhood foot beats. It would be nice to have more human and physical resources, but this cry for manpower has all too often been used as justification for inadequate police service when the question ought to be asked "What in fact are the police doing—and what ought they be doing?" Many of the tasks assumed by the police can hardly be considered legitimate aspects of law enforcement. Aggressive preventive patrol efforts have come under question as a legitimate police method, citing minority group alienation and general citizen antagonism which results.¹¹

The role of the police is not easy; it never has been, and probably never will be, considering the nature of their adversary. There is no reason why the police, collectively speaking, should make their own jobs more difficult. Traditional police methods obviously have not had the results which both the police and the public would like to have seen. This does not call for an intensification of these old methods, but rather a review of them to see where they have failed. There is a desperate need to throw out the dead wood and to take cognizance of the demands of modern urban society. Police agencies can no longer continue to work in a self-contained vacuum. The streets will not be made safe, nor will the average citizen be secure in his home and possessions until the police awaken to the need of coordinating their efforts very closely with other municipal agencies and institutions.

The individual citizen, be he adult or juvenile,

¹¹ Task Force Report: The Police, Loc. Cit., 23.

has many associations with his government—as a student, voter, taxpayer, or visitor to the city’s recreation facilities. Many citizens also come into contact with the police. How can all of these relationships be improved? If the police departments would examine the misconceptions which hamper their effectiveness they would, in effect, be investigating their role as it should be. This investigation should ideally lead to a realization that the police must draw upon the resources of other municipal as well as private agencies for the mutual benefit of all. Perhaps new and unanticipated avenues of problem solving would present themselves. For example, to what extent should park and recreation people concern themselves with the goings-on in the youth division of the police department? Perhaps the two agencies, acting in concert, could provide alternatives to juveniles who would otherwise be handled as incipient police characters. The

police should certainly examine the role of the police department with the school system to see if there exists areas of mutual concern. The role of the police is such that less than total involvement in the community will preclude them from effective resource utilization. However, no amount of resource will permit the existence of a first class, responsive police department so long as the police continue to accept and to generate misconceptions concerning their role and the means of accomplishing it.

“There’s the King’s Messenger. He’s in prison now, being punished: and the trial doesn’t even begin till next Wednesday: and of course the crime comes last of all.”

“Suppose he never commits the crime?” said Alice. “That would be all the better, wouldn’t it?” the Queen said, as she bound the plaster around her finger with a bit of ribbon.

—*Alice in Wonderland*