

The Thin Blue Line Or Thick Blue Wall? The Uses of Police Discretionary Authority

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ABSTRACT

A routine traffic stop turns into a “sticky wicket” when charges are made that customary professional courtesies were not-extended between two officers from neighboring jurisdictions. Police professionalism issues, coupled with preferential treatment expectations and “thin-blue line” implications are embedded in the case study. As this routine occurrence takes on a momentum of its own, complaints are filed, investigations are conducted, public “whistle-blowing” is revealed, and the chief of police is presented with conflicting opinions that were printed in the Courier—a regional newspaper. In the final analysis the issue of discretionary use of authority comes into the dynamics of the case study.

Keywords: Professionalism, Discretionary Authority, Trust, Preferential Treatment, Racial Profiling, Discipline, Media Relations, and Organizational Culture

Recommended Courses: Introduction to Law Enforcement; Law Enforcement Management; Ethics in Society; Public Management, and Human Resource Management

INTRODUCTION

 In a cold and blustery night in early December, Officer Mathew Greenway was patrolling the streets of the City of Ashawa when he encountered a late model, green, Dodge minivan driving slowly down Blue Coral Street. The head lights on the minivan were very dim and clearly not legal for roadway operation. Officer Greenway turned on the flashing lights and pulled the vehicle over. As he approached the van he saw two adults, a male and female, and two small children in the vehicle, and following departmental protocol, approached the driver’s door and asked the male driver for his driver’s license, car registration, and proof of insurance—all customarily required questions.

The driver informed Officer Greenway that he did not have his driver’s license with him, but advised that he was Sergeant Ralph Williams with the Lakeview Metropolitan Police Department. [This point is essential in the case discussion, since it is disputed whether he actually displayed his police credentials and the two officers contradict each other on this point]. Following procedure, Officer Greenway asked for and received Sergeant Williams’s full name, date of birth and using his radio, asked the dispatch center to run a driver’s license and vehicle registration check on Williams. After a few minutes had elapsed, the dispatcher advised that Williams had a valid driver’s license and the vehicle was registered to him with an address listed at the Lakeview Metropolitan Police Department—a common practice among officers for security purposes.

Satisfied that everything was on the “up-and-up,” Officer Greenway again directed his attention to Sergeant Williams and his family, and inquired about the car’s mechanical problem. Sergeant Williams said his alternator was going bad and asked Officer Greenway if he would follow him home in case the car stopped running. Officer Greenway agreed, advised the dispatch center and he followed the slow moving Dodge van for a dozen or so blocks, eventually turning into a quiet residential street. About halfway down the block the minivan pulled over next to the curb and the lights went off. Officer Greenway assumed the family had arrived at their residence, pulled around the vehicle and resumed his routine patrol duties.

ROUTINE PATROL STOP RECEIVES A COMPLAINT FROM FELLOW OFFICER

The next week, the chief of police of the Lakeview Metropolitan Police Department, Chief Randall Douglas, received a letter from Sergeant Williams in which he complained that he was treated unprofessionally by Officer Greenway. Sergeant Williams made it clear that he was not filing an official complaint at this time; rather, he wished to merely register his perceived poor treatment at the hands of Officer Greenway and wanted this to be brought to the attention of higher authority.

Sergeant Williams felt it was unnecessary for Officer Greenway to have verified the status of his driver's license which produced a humiliating and intimidating experience for a fellow police officer. Additionally, he felt Officer Greenway demonstrated a lack of concern for his family as his minivan stalled a few blocks from his house and Officer Greenway merely drove away rather than checking on him, thereby requiring his family to walk the final couple of blocks to their home. Armed with a professional complaint, Chief Douglas assured Sergeant Williams that he would review the situation and provide him with a quick response.

THE TRAFFIC INCIDENT IS INVESTIGATED AND THE “WHISTLE IS BLOWN”

Realizing that no problem is either too large or too small for a chief to resolve, he directed his Patrol Commander to investigate the incident and get back to him. The commander interviewed Officer Greenway, reviewed the dispatch records, the radio broadcast tapes, and the in-car video tape. The investigation demonstrated, in the opinion of the patrol commander, that Officer Greenway acted properly in the conduct of the stop, although a disagreement remained over whether Sergeant Williams actually presented his police credentials and the video evidence was inconclusive. During the interview, Officer Greenway stated that he had never met Sergeant Williams before, nor did he know where he lived. The vehicle registration only displayed the address of the Lakeview Metropolitan Police Department and did not indicate Sergeant Williams's home address. Based upon the reports of his subordinates, Chief Douglas contacted Sergeant Williams and told him he was sorry for his unfortunate night, but found no fault with his officer's actions.

Chief Douglas had dealt with several complaints from officers in neighboring towns and cities, but was a consummate professional himself. He understood the expectation that officer to officer courtesy was part of their professional code of conduct and one that all prided themselves in delivering. But everything had not been resolved about the complaint. Several months later, *The Lakeview Courier*, the cities' newspaper, ran an above the fold article detailing the incident that had taken place in December and revealed the poor relations between the Metropolitan and Ashawa' Police Departments. The story sensationalized how poorly the police sergeant from Lakeview had been treated by the Ashawa police officer. When asked for a comment, Sergeant Williams advised the newspaper that it was a private matter and he was dismayed that anyone would bring this to the *Courier's* attention.

It was not known how this story was actually leaked to the press, as the tipster was reported to have provided the information on an anonymous basis, but it was rumored that the story was leaked to the press by an Ashawa Police Department officer for no known reason. Op-ed pieces over the next several days showed that some readers felt that Sergeant Williams was mistreated, but a majority of the opinions registered, felt he had no basis for his complaint. After several days had elapsed, the debate heated up once more when the *Courier* once again interviewed Sergeant Williams who acknowledged that he was still upset with his perceived treatment and with the many op-ed pieces that indicated that he had been given preferential treatment, and had expected, due to his status as a police sergeant—courtesies that an ordinary citizen would not have received at the hands of an officer making a traffic stop for improper or poorly operating equipment. Sergeant Williams, however, added fuel to the opinion fire when he contended that if he had been a white officer he would have been treated differently. This was the first indication in the newspaper that Sergeant Williams was African-American. He ended his interview with the statement that he "...was not asking for special treatment, just professional treatment and for the welfare of his family." He further explained, "...it wasn't if I was going 100 mph!"

A CONTINUING SAGA: THE PLOT THICKENS

Chief Douglas had led in turbulent times before and was no stranger to the adversity and problems associated with managing and leading police officers. “Perhaps,” he thought, “this problem had been put to rest, when the *Courier* ran another front page, headline grabbing story of another Ashawa Police Department officer’s encounter with another Lakeview Metropolitan Police Department officer.

Taking the paper into both hands, he folded down the paper and read a story in which five months earlier, Officer Brandon Smith of the Ashawa department had stopped a vehicle on the interstate highway that intersected the city and that the car was clocked at doing 97 mph—42 mph over the posted speed limit of 55 mph. The vehicle was driven by Officer Julian Davidson of the Lakeview police department and the story further indicated that Officer Davidson may have been intoxicated at the time. Rather than testing the officer or issuing a citation for speeding, the Metropolitan Police Department patrol commander was contacted and he came to the scene and took control of his officer. Official records and radio broadcasts did not detail or indicate alcohol as a factor, nor the actual speed of the vehicle that had been stopped. Records indicated that Officer Davidson was the driver of the vehicle that was stopped for traveling at a high rate of speed. After initial contact with Officer Davidson, Officer Smith felt he had “an attitude” and rather than take enforcement action he would instead turn him over the Metropolitan Police Department’s supervisor for intra-departmental discipline and final disposition.

This article further ignited a firestorm of op-ed pieces from the public as well as numerous postings on the *Courier’s* web-site blogs. Over the course of the next several days, the *Courier* highlighted the public outcry and showcased the fact, at least in its editorials, that Officer Davidson was a white officer who had been given “preferential treatment,” whereas Sergeant Williams was an African-American Officer, who was mistreated—indeed insinuating racism among the ranks of the Ashawa police department.

With these two incidents firmly implanted in the minds of the two citizen populations, the *Courier* continued to print on a daily basis other op-ed pieces on whether or not police officers give other officers preferential treatment when enforcing the law. The *Courier* continued to rail against the decision that was made to release Officer Davidson to his superiors rather than arrest him for what they now called a “drunken driving” incident, and failure to give him a citation for speeding.

In rebuttal, the Lakeview and Ashawa police departments countered that Officer Davidson was punished by a two day suspension and loss of other privileges as a result of his behavior. However, the editors of the *Courier* and the majority of the citizens who wrote letters to the editor and others who submitted entries on the *Courier’s* blog felt that the “. . .punishment did not sufficiently fit the crime.”

PROFESSIONAL LAW ENFORCEMENT OPINION IS SOUGHT

Escalating the matter even further, the *Courier* requested an opinion from the state’s police academy regarding the ethics associated with the preferential treatment and “reciprocal courtesies that police officers are mutually expected to receive from each other.” Senior officials at the academy advised that preferential treatment of any kind was unethical, but more importantly, a police officer should never place another police officer in the position to have to make that decision. Area chiefs of police were also interviewed by the *Courier* and most of them stated that they had no policy directly related to preferential treatment, and thought their officers would not abuse their discretionary authority by overlooking other officer’s violations. Several chiefs of police pointed out, however, that the law was never meant to be enforced to the “letter of the law,” and discretionary authority in the enforcement of the law was an important aspect of the criminal justice system, otherwise, they argued, the system would quickly become overloaded and overwhelmed with every little violation. One chief opined, that “Officers give warnings without taking enforcement action for a multitude of reasons every day, for everyone, not just police officers.”

The *Courier* interviewed Chief Douglas regarding the actions of his officers. He noted that as a veteran officer with nearly thirty years of experience tucked under his belt and badge, he had frequently given people breaks in the conduct of his duties. Although he was disappointed with the decision made by his officer, he didn’t feel it was proper to second guess his officer and he had every confidence in the hundreds of decisions his officer make on a daily basis. For Chief Douglas, this case had been thoroughly exhausted and, as far as he was concerned, finished.

For the *Courier*, the “media firestorm” was not over, and it continued unabated for an additional month. The topic of preferential treatment and police ethical decision making had become a topic *de jure* and began to take more of the command’s staff’s time for the area police departments. The Ashawa command staff spent several hours each week, debating the various aspects of officer discretion, and deliberating on whether or not they could in some way codify the uses of discretionary authority within their policies, and questioning the ethical decision making of the officers. It was eventually decided that the department would issue an ethics expectation to the officers, to be delivered to each unit’s roll call by the chief. Rather than easing fears among the line officers on the newly promulgated expectations they had received from their supervisors, the mandates handed down from command levels to the officers created schisms between officers and their commanders, not just within the named departments that were the targets of the media investigation, but for most of the police departments in the regional area. The perplexing and complicated issues of limiting police officer discretionary authority, reducing animosity between departments for enforcement actions taken against other officers, and the ill will they might encounter from officers they might ticket in the future could, especially when backup assistance from a Neighboring agency is requested, present a life and death situation. In brief, trust relationships between the police command staffs and their respective officers had been questioned and strained.

THE OP-ED PAGES SPEAK “TRUTH TO POWER”

Now, after nearly a full year of media scrutiny and debates on police discretionary authority, the *Courier* published its final article on the topic. The area chiefs of police were once again interviewed and they detailed what steps had been taken to ensure that officer discretion was not being abused and that fair and equitable treatment was being given to all citizens. In particular, the chiefs of the Lakeview and Ashawa departments were interviewed and they noted that all officers were fully briefed on the uses of discretionary authority and advised of other departmental expectations regarding courteous and caring police-citizen engagements. They emphasized the fair enforcement of the law, no police profiling, and that public was to be kept safe. Also, buried within this issue of the *Courier* was yet another story detailing how Sergeant Williams had been stopped in another traffic incident in the City of Ashawa two weeks after his encounter with Officer Greenway. According to the article, this time Ashawa’s Officer John Harris clocked Sergeant Williams on radar going 40 mph in a 30 mph zone and was advised of his excessive speed and given a verbal warning. The *Courier* was made aware of this traffic stop by an anonymous tipster! Sergeant Williams explained, when asked why he didn’t reveal this incident to the *Courier* in his earlier interviews, that it simply was not relevant to his mistreatment. The Ashawa Police Department’s Public Information Officer added, however, when asked about the contact, that Officer Harris had made eleven traffic stops that day, issued two citations and gave warnings on the other nine traffic stops. Interestingly, along with burying the story inside the paper, the *Courier* made no mention of preferential treatment or racial profiling for this newly revealed interaction between Ashawa police and Sergeant Williams.

QUESTIONS AND INSTRUCTIONS

1. Why do you believe that these several incidents, which in all likelihood could have been resolved on an inter-departmental level, escalated to the point that it portrayed the law enforcement agencies of Ashawa and Lakeview in an unfavorable light? Please explain.
2. It is often stated, that one of the major powers invested in the positions that bureaucrats and police officers hold, is the use of discretionary authority. Can you identify instances in which bureaucrats might use discretionary authority in carrying out or executing their charges? Please elaborate.
3. Please contact several police agencies in your area, preferably one at the municipal level and another at either the county or state level, and ask them about their respective policies on the use of discretionary authority versus the notion of preferential treatment for police officers who are either stopped, arrested, or the subject of formal investigation? Explain their responses to your classmates.
4. In the case title, reference is made to “The Thin Blue Line.” What does that title mean in the language of police work? Please explain. What would you say “The Thick Blue Wall” means in police parlance? Please explain
5. If you were to develop a formal police policy on the uses of discretionary authority, what elements would it entail? Elaborate.

Case: The Thin Blue Line Or Thick Blue Wall?

Name: _____

Case Log and Administrative Journal Entry

This case analysis and learning assessment may be submitted for either instructor or peer assessment

Case Analysis:

Major case concepts and theories identified:

What is the relevance of the concepts, theories, ideas and techniques presented in the case to that of public or private management?

Facts — what do we know *for sure* about the case? Please list.

Who is involved in the case (people, departments, agencies, units, etc.)? Were the problems of an “intra/interagency” nature? Be specific.

Are there any rules, laws, regulations or standard operating procedures identified in the case study that might limit decision-making? If so, what are they?

Are there any clues presented in the case as to the major actor’s interests, needs, motivations and personalities? If so, please list them.

Learning Assessment:

What do the administrative theories presented in this case mean to you as an administrator or manager?

How can this learning be put to use outside the classroom? Are there any problems you envision during the implementation phase?

Several possible courses of action were identified during the class discussion. Which action was considered to be most practical by the group? Which was deemed most feasible? Based on your personal experience, did the group reach a conclusion that was desirable, feasible, and practical?

Please explain why or why not.

Did the group reach a decision that would solve the problem on a short-term or long-term basis?
Please explain.

What could you have done to receive more learning value from this case?

AUTHOR INFORMATION

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