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Enhancing Police Integrity



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ENHANCING POLICE INTEGRITY

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In memory of Carl B. Klockars

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We are very grateful to the National Institute of Justice (NIJ) for providing substantial funding for the project (Grant Number 97-IJ-CX-0025). This book is based on the Final Report we submitted to the NIJ in 2001.

We would like to take this opportunity to join Carl's family in expressing deepest regret that Carl passed away before the book was completed and went to the publisher. Although the manuscript was in its final stages at the time of Carl's untimely death, we have missed the special, unique touch that Carl brought to the table.

PREFACE

A series of events in the 1990s drew public attention to police misconduct. The events ranged from the corruption investigation into the NYPD by the Mollen Commission, the revealing testimony of Mark Fuhrman in the O.J. Simpson trial, to the questionable deaths at Ruby Ridge and Waco. And then, there was the Rodney King incident. The 68-second excerpt from the videotape recording of the Rodney King beating on March 3, 1991 was broadcast around the world. This high-profile beating by the LAPD officers started the chain of events that included a state criminal trial, a federal criminal trial, and a civil trial, as well as the establishment of the Christopher Commission to conduct a comprehensive investigation into the excessive use of force by the LAPD, the resignation of the former LAPD Police Chief Darrel Gates, and the riots that left 54 people dead and millions of dollars in damage.

In a Gallup Poll conducted shortly after the Rodney King incident,¹ more than two-thirds of the respondents in a nation-wide sample thought that incidents like this happened *frequently* across the country. Yet, this perception is quite contradictory to the results of the 1999 Bureau of Justice nationwide survey of more than 80,000 respondents about police-citizen contacts.² The BJS survey found that the respondents who had contact with the police reported that the police used force *rarely*, in less than 1 percent of all encounters and excessive force in only 0.76 percent of all the encounters.

In a study measuring the level of confidence/trust in various professionals to do the right thing,³ policing was the profession that suffered from the largest drop in confidence between 1980 and 1995. Whereas in 1980 police officers were in the middle of the scale (ranking 5th of 12) and closely following pharmacists, clergy, firefighters, and teachers, in 1995 they were at the bottom of that scale (ranking 10th of 12), right before lawyers and politicians. Does this decline signal a crisis in public confidence in the police?

The traditional emphasis on police misconduct—be it police corruption, use of excessive force, police testilying, or sleeping on duty—and the issues of its control (or the lack thereof) traditionally dominated the public and police administrators' views. Such an approach was mostly individualistic, focusing on a few individual police officers—"rotten apples"—and their misconduct. Investigations conducted

¹ Gallup Poll Monthly (1991). *Americans Say Police Brutality Frequent*, No. 306: 53–56.

² Langan P. A., Greenfeld, L. A., Smith, S. K., Durose M. R., & D. J. Levin (2001). *Contacts between Police and the Public: Findings from the 1999 National Survey*. Retrieved on April 8, 2006 from <http://www.ojp.usdoj.gov/bjs/pub/pdf/cpp99.pdf#search='police%20citizen%20contact%20survey%20langan'>.

³ See Vicchio, S. J. (1997). Ethics and Police Integrity: Some Definitions and Questions for Study. In Gaffigan, S.J., & McDonald, P.P. (Eds.). *Police Integrity: Public Service with Honor*. Washington, D.C.: U.S. Department of Justice, p. 13.

by various independent commissions⁴ and social-science studies⁵ over a two-decade period from the early 1970s to the early 1990s shifted the focus from the individualistic approach to the organizational approach by incorporating factors both internal and external to a police agency that potentially contribute to the extent and nature of police misconduct within the agency.

However, trying to measure the extent of police misconduct is quite challenging; participants in a corrupt transaction, police officers and citizens alike, have no reasons to report it to the police or describe their experience to the researchers. On the contrary, they have incentives not to do it. Witnesses at the scene may lack credibility (e.g., people with criminal records) or may adhere to the code of silence (e.g., fellow police officers) and thus be quite unlikely to come forward.

Two prior projects experienced a range of challenges when attempting to ask police officers about the extent and nature of police misconduct. Fabrizio⁶ surveyed experienced police officers attending the FBI's National Police Academy and, under the veil of confidentiality, asked them to describe incidents of police corruption in their agencies. *None* of the respondents provided an answer to this question. Several other studies tackled the challenge of measuring police corruption by asking police officers about the frequency of corruption in their agencies. These challenges are illustrated by the Department of Justice study of police behavior.⁷ The original grant to the Ohio Governor's Office of Criminal Justice Services was expanded to include the Illinois Criminal Justice Information Authority and the Pennsylvania Commission on Crime and Delinquency. Because the Fraternal Order of Police in Pennsylvania put a strong pressure and encouraged police officers not to participate, the study was dropped in Pennsylvania before it even began.⁸ Similarly, the Fraternal Order of Police in Chicago decided not to endorse the Illinois project in Chicago, forcing the researchers in Illinois to exclude the Chicago Police Department—which represents approximately one-quarter of the full-time municipal police force in Illinois—from the project.⁹

⁴ See, e.g., [Knapp Commission] Commission to Investigate Allegations of Police Corruption and the City's Anti-Corruption Procedures (1972). *Knapp Commission Report on Police Corruption*. New York: George Braziller; Pennsylvania Crime Commission (1974). *Report on Police Corruption and the Quality of Law Enforcement in Philadelphia*. Saint Davids, PA: Pennsylvania Crime Commission; [Christopher Commission] Independent Commission on the Los Angeles Police Department (1991). *Report of the Independent Commission on the Los Angeles Police Department*. Los Angeles: Independent Commission on the Los Angeles Police Department; [Mollen Commission] New York City Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department (1994). *Commission Report*. New York: Mollen Commission.

⁵ See, e.g., Sherman, L. (1978). *Scandal and Reform*. Berkeley, CA: University of California Press.

⁶ Fabrizio, L.E. (1990). *The FBI National Academy: A Study of the Change in Attitudes of Those Who Attend*. Chicago, IL: Office of International Criminal Justice, University of Chicago.

⁷ Martin, C. (1994). *Illinois Municipal Officers' Perceptions of Police Ethics*. Chicago, IL: Illinois Criminal Justice Information Authority, Statistical Analysis Center.

⁸ Id.

⁹ Id.

The events in the 1990s not only eroded the level of public confidence in the police, but also prompted the Office of Community Oriented Policing Services (COPS) and the National Institute of Justice (NIJ)—the research arm of the U.S. Department of Justice—to hold a national symposium to address this emerging problem. While struggling with the title of the COPS/NIJ conference, the organizers were debating whether to use the term “officer discretion,” “police accountability,” or “police integrity.” The traditional approach—to select the title that would either discuss police misconduct, ethics, or use of discretion—would center the discussion about various forms of misconduct and the ways of controlling or limiting it. A natural tendency would be to end up talking about events that signal the *lack* of integrity. As Hickman and colleagues put it, “[a]ll too often we infer integrity from its demonstrated absence. That is to say, research that focuses on corruption infers ideas about integrity absent its measurement.”¹⁰ At the end, the COPS/NIJ team decided to use the term *police integrity* as the guiding theme for the conference. Such a choice has far reaching consequences, as the organizers put it while discussing the significance of the event,¹¹

The focus on “police integrity” opened a whole new domain. Although previous research, study, and experimentation had focused on critical issues such as corruption and excessive use of force, these approaches, had, in fact, revolved around single dimension. As a result, the solutions were constricted in that they were derived out of a need to control unwanted behaviors of individuals. In comparison, police integrity guided the focus on the broader domain of developing a healthy organization that would serve to reinforce and maintain the good character and constructive motivations of many of the individuals joining the ranks of law enforcement.

Another advantage of using the term integrity over discretion or ethics is that integrity can be a feature of individuals, as well as small groups (e.g., patrol districts, shifts) or, for that matter, the entire police organizations. Consequently, we can discuss the level of police integrity of a particular police officer, within a specific patrol district, or within the whole police agency. Finally, compared to the problems associated with the empirical study of police misconduct directly,¹² studying police integrity is prone to far fewer problems.

In July of 1996, under the auspices of the National Institute of Justice and the Office of Community Oriented Policing Services, some 200 police leaders, politicians, lawyers, and researchers attended a three-day National Symposium

¹⁰ Hickman, M., Piquero, A. R., & J. R. Greene (Eds.) (2004). *Police Integrity and Ethics*. Belmont, CA: Wadsworth/Thomson Learning, p. 1.1.

¹¹ Greenberg, S. F. (1997). Executive Summary. In Gaffigan, S.J., & P.P. McDonald (Eds.). *Police Integrity: Public Service with Honor*. Washington, D.C.: U.S. Department of Justice. Retrieved on April 08, 2006 from <http://www.ncjrs.org/pdffiles/163811.pdf>, p. v.

¹² See, e.g., Fabrizio, *supra* note 6; Knowles, J.J. (1996). *The Ohio Police Behavior Study*. Columbia, OH: Office of Criminal Justice Services.

on Police Integrity in Washington, D.C.¹³ Two convictions united everyone in attendance. The first was the unquestioned belief that integrity is a good thing. The second was that police agencies should have more of it. Or, to put it in the rhetoric of the Symposium (as well as the title of this book), integrity should be “enhanced.”

All 200 attendees of vastly different backgrounds and experience agreed unanimously that police integrity was a good thing that should be enhanced. The strategy of choice for nearly all of those who tried to produce a definition was to conjure a vision of the exemplary police officer and proceed to list the virtues, values, and character traits that distinguished the imagined model officer. Among the virtues of the officer of integrity explicitly announced at the Symposium were allegiance, courage, honor, honesty, prudence, trust, effacement of self-interest, intellectual honesty, justice, morality, principled behavior, responsibility, and dedication to mission.¹⁴ In summarizing the findings of the symposium, Moore wrote that “[w]hat we mean by integrity and professionalism is law-abiding character, technical confidence, neutrality, distance—in Steve Vicchio’s wonderful phrase, ‘the effacement of personal interest’—and probably some notion of courtesy and client responsiveness.”¹⁵ Similarly, in the introduction to their co-edited book on police integrity, Hickman and colleagues wrote that “police integrity refers to the underlying values and ethical attachment of the police and how those values and ethics affect police behavior.”¹⁶ While summarizing the police-related presentations at the *Second Global Forum against Corruption and Safeguarding Integrity*, Fijnaut and Huberts emphasize that public integrity “denotes the quality of acting in accordance with the moral values, norms and rules accepted by the body politic and the public.”¹⁷

There are, however, some problems with such an approach to defining integrity. The most serious is that it fails to do so. While it describes the virtues of an exemplary individual, it is quite possible to have officers of integrity who do not have all of the virtues of the model individual. In fact, if we want all police officers to be persons of integrity and believe that we will have honest police agencies as a result of doing so, the virtues we may practically and realistically expect from police employees must be rather ordinary.

The second problem is that the list of virtues “essential” to the police officer of integrity is actually limitless. The fact is that *any* virtue—charity, compassion, decency, faith, loyalty, passion, patience, and perspective, to add but a few to the list mentioned at the Symposium—is at least arguably as crucial to the integrity of

¹³ Gaffigan, S.J., & McDonald, P.P. (Eds.) (1997). *Police Integrity: Public Service with Honor*. Washington, D.C.: U.S. Department of Justice. Retrieved on April 08, 2006 from <http://www.ncjrs.org/pdffiles/163811.pdf>.

¹⁴ See, e.g., Vicchio, *supra* note 3.

¹⁵ Moore, Mark (1997). Epilogue. In Gaffigan, S.J., & McDonald, P.P. (Eds.). *Police Integrity: Public Service with Honor*. Washington, D.C.: U.S. Department of Justice. Retrieved on April 08, 2006 from <http://www.ncjrs.org/pdffiles/163811.pdf>, p. 63.

¹⁶ Hickman, Piquero, & Greene, *supra* note 10, p. 1.1.

¹⁷ Fijnaut, C. & L. Huberts (Eds.) (2002). *Corruption, Integrity and Law Enforcement*. The Hague, the Netherlands: Kluwer Law International, p. 4.

a professional police officer as any other and this approach gives us no guidance whatsoever in prioritizing this litany.

Thirdly, the concept of integrity that inspired those at the Symposium was exclusively an *individualistic* understanding, one that locates both the causes of integrity and the cure for lapses in integrity in the character of individual police officers. This vision of integrity leads those who would enhance it to recruiting and selecting officers of ever greater virtue, screening out those who are lacking in the necessary virtues, and improving the moral education of those already employed.

The topic of police integrity quickly became a hot topic of several conferences (the 1999 NIJ/NYU Seminar on Police Integrity and Democracies; the 1999 *Strengthening Police-Community Relationships* conference; the 2000 biannual conference *Policing in Central and Eastern Europe: Ethics, Integrity, and Human Right*;¹⁸ the 1998 *Sixth International Conference on Ethics: Integrity at the Public-Private Interface*¹⁹). Police integrity is also one of the topics explored by bi-annual conferences devoted to corruption in general, such as the *Global Forum against Corruption and Safeguarding Integrity* and the Transparency International's *International Anti-Corruption Conference*. There are also a few publications completely devoted to the topic, such as the U.S. Department of Justice *Principles for Promoting Police Integrity*²⁰ and the co-edited book *Police Integrity and Ethics*.²¹ However, the understanding as to what issues to include into the study of police integrity varied substantially across conference organizers, presenters, and authors. The general tendency is to design the one-fits-all set of anti-corruption mechanisms or integrity-enhancing mechanisms. A set of common techniques appears to be emerging²² and there is awareness that those need to be adjusted to the local conditions.²³

Nevertheless, even the basic debate regarding what constitutes police integrity has not been resolved. Sam Walker, a leading expert on police accountability, points out that “[t]he issue of police integrity is extremely important and has received an increasing amount of public attention among policy

¹⁸ Pagon, M. (Ed.) (2000). *Policing in Central and Eastern Europe: Ethics, Integrity, and Human Rights*. Ljubljana, Slovenia: College of Police and Security Studies.

¹⁹ Huberts, L.W. J. C. & J. H. J. van den Heuvel (Eds.) (1999). *Integrity at the Public-Private Interface*. Maastricht, the Netherlands: Shaker Publishing B.V.

²⁰ U.S. Department of Justice (2001). *Principles for Promoting Police Integrity; Examples of Promising Police Practices and Policies*. Washington, D.C.: U.S. Department of Justice. Retrieved on April 8, 2006 from <http://www.ncjrs.gov/pdffiles1/ojp/186189.pdf>.

²¹ Hickman, Piquero, & Greene, *supra* note 10.

²² See, e.g., U.S. Department of Justice, *supra* note 20; Transparency International (2006). *National Integrity Systems*. Retrieved on April 8, 2006 from http://legacy.transparency.org/activities/nat_integ_systems/country_studies.html.

²³ See, e.g., Pope, J. (2000). *Confronting Corruption. The Elements of a National Integrity System (TI Source book 2000)*. Berlin: Transparency International. Retrieved on April 8, 2006 from <http://www.transparency.org>; Transparency International (2001). *The National Integrity System. Concept and Practice. A Report by Transparency International (TI) for the Global Forum II on Fighting Corruption and Safeguarding Integrity*. Berlin: Transparency International; Huberts, L. (2000). Anticorruption Strategies: The Hong Kong Model in International Context. *Public Integrity*, 2: 211–228.

makers and the general public. Unfortunately, the academic literature has not adequately addressed this very important subject.”²⁴ Despite attempts to define it,²⁵ a clear, testable, and measurable definition proved to be elusive. Consider the definition of integrity proposed by the HM Inspectorate of Constabulary:²⁶

[I]ntegrity in its broadest sense ... encompasses fairness, behaviour, probity and equal treatment, as well as a range of operational and management issues. It is not about corruption in a narrow sense but how public confidence is secured and maintained. In policing, integrity means exercising powers and using discretion to the highest standards of competence, fairness and honesty ... in practical terms integrity can be described as the minimum standards the public has a right to expect.

This broad definition requires that we label even some completely legitimate behavior as behavior of low or no integrity if it does not fit the “highest standards of competence, fairness and honesty.” Occasionally being a few minutes late, not responding to the call for service promptly, accepting a free cup of coffee, or using lies in the undercover work may all be viewed as violations of this standard. Hickman and colleagues²⁷ also recognize the lack of a succinct, testable definition and argue that “. . .like some public policy questions—such as pornography—we may find it (integrity) difficult to define, but know it when we see it, or fail to see it as the case may be.” Whereas not solving the problem entirely, Carter²⁸ and Goldsmith²⁹ refine the definition by allowing for a more dynamic perspective. In particular, rather than viewing police integrity as a state that has or has not been achieved, they view it as a process³⁰ or “a journey rather than a destination.”³¹

At this point, if we do not have a good, precise definition of police integrity, we obviously cannot design effective ways of measuring it. Consequently, the existing research on the topic does not explore police integrity in general—as a tendency to resist all temptations of one’s office—but instead examines specific forms of police misconduct, its causes, and control mechanisms, accountability mechanisms, or integrity-building mechanisms. However, the idea that police misconduct (and, for that matter, lack of police integrity) is solely a shortcoming of an individual police officer is no longer central to policing; the contemporary focus is on the

²⁴ Hickman, Piquero, & Greene, *supra* note 10, p. vii.

²⁵ See, e.g., Vicchio, *supra* note 3; Hickman, Piquero, & Greene, *supra* note 10; HM Inspectorate of Constabulary (1999). *Police Integrity: England, Wales and Northern Ireland: Securing and Maintaining Public Confidence*. London: HMIC.

²⁶ HM Inspectorate of Constabulary, *supra* note 25, pp. 7–8.

²⁷ Hickman, Piquero, & Greene, *supra* note 10, p. 1.1.

²⁸ Carter, S. (1997). *Integrity*. New York: Harper Perennial.

²⁹ Goldsmith, A. (2004). The Pursuit of Police Integrity: Leadership and Governance Dimensions. In Amir, M. & S. Einstein (Eds.). *Police Corruption: Challenges for Developed Countries—Comparative Issues and Commissions of Inquiry*. Huntsville, TX: Office of International Criminal Justice, p. 230.

³⁰ Id. p. 230.

³¹ Carter, *supra* note 28, p. 20.

factors that contribute or explain why police officers engage in misconduct from an organizational or cultural perspective.³²

The opposites of police integrity—various forms of police misconduct and the related causes or correlates—have been studied for a long time. Indeed, sociological studies,³³ independent commission reports,³⁴ and court cases³⁵ clearly demonstrate that police officers engage in various forms of police misconduct, ranging from police corruption, use of excessive force, racial profiling, to sexual misconduct and perjury, and thus clearly show their lack of police integrity. The body of research exploring each of these forms of police misconduct has grown substantially over the course of the last several decades, with the use of excessive force and police corruption being studied the most. The research on police use of force, for

³² See, e.g., Chan, J. (1997). *Changing Police Culture*. Melbourne: Cambridge University Press; [Christopher Commission], *supra* note 4; [Knapp Commission], *supra* note 4; Kutnjak Ivković, S. (2005). *Fallen Blue Knights: Controlling Police Corruption*. New York: Oxford University Press; [Mollen Commission], *supra* note 4; Mastrofski, S. D., Ritti, R. R., & D. Hoffmaster (1991). *Organizational Determinants of Police Discretion: The Case of Drinking-Driving*. In Klockars, C. B. & S. D. Mastrofski (Eds.). *Thinking about Police: Contemporary Readings*. 2nd ed., New York: McGraw-Hill, Inc; Worden, R. E. (1995). *The 'Causes' of Police Brutality: Theory and Fovidence on Police Use of Force*. In Geller, W. A. & H. Toch (Eds.). *An Justice for All: Understanding and Controlling Police Abuse of Force*. Washington, D.C.: Police Executive Research Forum; But see also Los Angeles Police Department, Board of Inquiry into the Rampart Area Corruption Incident, (2000). *Public Report*. Retrieved on April 8, 2006 from http://www.lapdonline.org/pdf_files/pc/boi_pub.pdf for the substantially stronger emphasis on individual flawed officer perspective.

³³ For a summary, see Adams, K. (1995). Measuring the Prevalence of Police Abuse of Force. In Geller, W. A. & H. Toch (Eds.). *And Justice for All: Understanding and Controlling Police Abuse of Force*. Washington, D.C.: Police Executive Research Forum; Garner, J. H., Maxwell, C. D., & C. Heraux (2004). Patterns of Police Use of Force as a Measure of Police Integrity. In Hickman, M., Piquero, A. R., & J. R. Greene (Eds.) (2004). *Police Integrity and Ethics*. Belmont, CA: Wadsworth/Thomson Learning; Terrill, W. & S. D. Mastrofski (2004). Toward a Better Understanding of Police Use of Nonlethal Force. In Hickman, M., Piquero, A. R., & J. R. Greene (Eds.) (2004). *Police Integrity and Ethics*. Belmont, CA: Wadsworth/Thomson Learning; Worden, R. E. & Catlin, S. E. (2002). The use and abuse of force by police. In Lersch, K. M. (Ed.), *Policing and Misconduct*. Upper Saddle River, NJ: Prentice Hall; Kutnjak Ivkovich, S. (2003). To serve and collect: Measuring police corruption. *Journal of Criminal Law and Criminology*, 93, 593–649.

³⁴ See, e.g., [Knapp Commission], *supra* note 4; [Mollen Commission], *supra* note 4; Chevigny, P. G. (1999). Police Accountability in Hemispheric Perspective. In Mendes, E., Zuckergerg, J., Lecorre, S., Gabriel, A., & J. A. Clark (Eds.). *Democratic Policing and Accountability: Global Perspectives*. Brookfield, UK: Ashgate.

³⁵ See, e.g., Kraska, P. B. & Kappeler, V. E. (1999). To serve and pursue: Exploring police sexual violence against women. In Kappeler, V. E. (Ed.), *The police and society*. Prospect Heights, IL: Waveland Press; Harris, D. A. (1997). 'Driving while black' and all other traffic offenses: The Supreme Court and pretextual traffic stops. *Journal of Criminal Law and Criminology*, 87, 544–582; Davis, R. C., Ortiz, C. W., Henderson, N. J., & J. Miller (2004). Turning Necessity into Virtue: Pittsburgh's Experience with a Federal Consent Decree. In Hickman, M., Piquero, A. R., & J. R. Greene (Eds.) (2004). *Police Integrity and Ethics*. Belmont, CA: Wadsworth/Thomson Learning.

example, has explored its prevalence,³⁶ the amount of force used,³⁷ and causes for or predictors of the use of force.³⁸ The methodological approaches used to explore these issues vary across the studies.³⁹ It is beyond the scope of this book to review the state of research on police misconduct or any of its forms.

Rather, we consider the recent scholarly writings *explicitly* connecting police misconduct (or any of its specific forms) with police integrity. In their 2004 publication, Garner and colleagues related the police use of force and police integrity by assessing whether the patterns exist of inequitable police use of force across gender and racial groups. They reported that the average amount of force used by the police during a typical arrest is about equal across racial categories and thus interpreted these findings to be supportive of the idea of police agencies of integrity. On the other hand, their finding that the quantity of force used against male suspects was larger than against female suspects, even upon controlling for the incident-related factors, suggests the potential lack of police integrity across these police agencies.⁴⁰

³⁶ See, e.g., Bayley, D. H. & H. Mendelsohn (1969). *Minorities and the Police: Confrontation in America*. New York: Free Press; Chevigny, P. (1969). *Police Power: Police Abuses in New York City*. New York: Pantheon Books; Croft, E. B. & J. Austin (1987). *Police Use of Force in Rochester and Syracuse, New York 1984 and 1985. Report to the New York State Commission on Criminal Justice and the Use of Force (Vol. III, May: 1 128)*. Albany, NY: New York State Commission on Criminal Justice and the Use of Force; Dugan, J. R. & D. R. Breda (1991). Complaints About Police Officers: A Comparison Among Types and Agencies. *Journal of Criminal Justice*, 19 (2): 165–171; Fyfe, J. J. (1988). *The Metro-Dade Police-Citizen Violence Reduction Project, Final Report, Executive Summary*. Washington, D.C.: Police Foundation; Garner, J. H., Schade, T., Hepburn, J., & J. Buchanan (1995). Measuring the Continuum of Force Used By and Against the Police. *Criminal Justice Review*, 20: 146-168; Klinger, D. A. (1995). The Micro-Structure of Nonlethal Force: Baseline Data from an Observational Study. *Criminal Justice Review*, 20: 169–186; Langan, Greenfield, Smith, Durose & Levin, *supra* note 2; Lundstrom, R. & C. Mullan (1987). The Use of Force: One Department's Experience. *FBI Law Enforcement Bulletin*: 6–9; Reiss, A. J., Jr. (1968). Police Brutality—Answers to Key Questions. *Trans-action*, 5: 10–19; Reiss, A. J., Jr. (1971). *The Police and the Public*. New Haven, CT: Yale University Press; Smith, S. K. (2004). Citizen Behavior and Police Use of Force: An Examination of National Survey Data. In Hickman, M., Piquero, A. R., & J. R. Greene (Eds.) (2004). *Police Integrity and Ethics*. Belmont, CA: Wadsworth/Thomson Learning; Terrill, W. (2001). *Police Coercion: Application of the Force Continuum*. New York: LBF Publishing, LLC.

³⁷ Garner, Schade, Hepburn, & Buchanan, *supra* note 36; Klinger, *supra* note 36; Langan, Greenfield, Smith, Durose, & Levin, *supra* note 2; McLaughlin, V. (1992). *Police and the Use of Force: The Savannah Study*. Westport, CT: Praeger; Pate, A. & L. Fridell (1993). *Police Use of Force: Official Reports, Citizen Complaints, and Legal Consequences. Vol. 1*. Washington, D.C.: Police Foundation; Smith, *supra* note 36; Terrill, *supra* note 36.

³⁸ Bayley, D. H. (1986). The Tactical Choices of Police Patrol Officers. *Journal of Criminal Justice*, 14: 329–348; Chevigny, *supra* note 36; Fyfe, *supra* note 36; Garner, Schade, Hepburn, & Buchanan, *supra* note 36; Reiss, *supra* note 36; Terrill, W. & S. D. Mastrofski (2002). Situational and Officer Based Determinants of Police Coercion. *Justice Quarterly*, 19(2); Worden, *supra* note 32.

³⁹ For a summary, see, e.g., Adams, *supra* note 33; Garner, Schade, Hepburn, & Buchanan, *supra* note 36; Terrill, & Mastrofski, *supra* note 33; Worden, & Catlin, *supra* note 33.

⁴⁰ Garner, Maxwell, & Heraux, *supra* note 33, p. 6.119.

In 1989, the International Association of Chiefs of Police published a brochure aimed at providing guidance to police administrators on how to build integrity and reduce drug-related corruption in their agencies. Relying on a systematic, but non-scientific approach, the team interviewed police officers and reviewed documents in six major city police agencies.⁴¹ Because the view of integrity advanced therein is individualistic—“the term ‘**personal integrity**’ is defined as ‘sincere devotion to honesty, justice, and goodness,’⁴² the recommendations focus on the applicant selection process and the reinforcement of values. However, these recommendations, as well as a host of others, classified under the title “safeguarding against corruption through department controls,” discuss police corruption and police integrity from the organizational perspective as well (i.e., how police agencies can help create and maintain this personal integrity among their employees). Finally, the brochure proposes a three-step system to strengthen integrity and safeguard against corruption that centers on the applicant selection process, programs to reinforce values, and initiatives to identify and address corruption.⁴³

Recent integrity-related research in the area of police drug use and drug-related corruption⁴⁴ connects its prevalence with rationales of police officers who use drugs⁴⁵ and control mechanisms.⁴⁶ Specifically, Lersch and Mieczkowski report that, in the agency in which random drug screening is performed (“the Eastern City” police agency), positive drug screen results were very infrequent.⁴⁷ Still, a few police officers did use drugs and test positive, despite the explicit warning by the agency of the drug screening and its consequences. Consequently, Lersch and Mieczkowski recommend a list of techniques agencies may use to prevent the occurrence of drug use and drug-related corruption, particularly in the agencies in which no random screening is conducted.⁴⁸

Several other studies also examined how individual factors can be used to predict future misconduct and identify problem officers before they engage in police misconduct. The first approach is to expand upon the idea that it is possible to identify negative behavioral patterns before such behavior escalates. While the idea of early warning systems, based on the concept of risk management, developed in the

⁴¹ International Association of Chiefs of Police (1989). *Building Integrity and Reducing Drug Corruption in Police Departments*. Washington, D.C.: U.S. Department of Justice, p. 2.

⁴² *Id.* p. 10.

⁴³ *Id.* p. 95.

⁴⁴ See, e.g., Lersch, K. M. & T. Mieczkowski (2004). *Armed and Dangerous: Exploring Police Drug Use and Drug Related Corruption*. In Hickman, M., Piquero, A. R., & J. R. Greene (Eds.) (2004). *Police Integrity and Ethics*. Belmont, CA: Wadsworth/Thomson Learning.

⁴⁵ Kraska, P. B. & Kappeler, V. E. (1988). Police On-Duty Drug Use: A Theoretical Perspective and Descriptive Examination. *American Journal of Police*, 7(1): 1–28.

⁴⁶ Lersch, & Mieczkowski, *supra* note 44.

⁴⁷ *Id.*

⁴⁸ *Id.*

1970s,⁴⁹ their widespread use was launched only in the 1990s,⁵⁰ resulting from the endorsement of the 1981 U.S. Commission on Civil Rights and the 1996 COPS/NIJ Conference on Police Integrity, as well as several consent decrees negotiated by the U.S. Department of Justice.⁵¹ In the case study of the early warning systems and their effects in three police agencies, Walker and colleagues conclude that “[e]arly warning systems appear to have a dramatic effect on reducing citizen complaints and other indicators of problematic police performance among those officers subject to intervention.”⁵²

Two other studies relied on the same concept—risk management—to detect how various factors can be used to predict future police misconduct. On a large sample of police officers from the Philadelphia Police Department, Hickman and colleagues isolate the risk factors, both individual and organizational, that could predict future officer complaints and discipline.⁵³ Rather than relying on the information available about the police officer only after he begins the job (as early warning systems do), Hickman and colleagues expanded the time period to incorporate the information from the application and the academy training stages as well. The results of their study suggest that such readily available information can serve as a management tool if linked together in the early warning system. Timm, on the other hand, explores the accuracy of various factors traditionally used to predict breach of Federal security clearances (e.g., personal conduct, sexual behavior, financial considerations).⁵⁴ His reviews the accuracy of these predictors and suggests how they can be used by local police agencies in their selection and retention decisions.

The establishment of early warning systems or early intervention systems⁵⁵ was one of the principles and practices recommended by the 2001 U.S. Department of Justice publication *Principles of Promoting Police Integrity*⁵⁶ and the Commission

⁴⁹ Walker, S. & G. P. Alpert (2004). Early Intervention Systems: The New Paradigm. In Hickman, M., Piquero, A. R., & J. R. Greene (Eds.) (2004). *Police Integrity and Ethics*. Belmont, CA: Wadsworth/Thomson Learning, p. 2.22.

⁵⁰ Walker, S. (2001). *Police Accountability: The Role of Citizen Oversight*. Belmont, CA: Wadsworth/Thomson Learning; Walker, S., Alpert, G. P., & D. J. Kenney (2001). *Early Warning Systems: Responding to the Problem Police Officer*. Research in Brief. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice: Washington, DC: Government Printing Office. Retrieved on April 8, 2006 from http://marcpi.jhu.edu/marcpi/Ethics/ethics_toolkit/early_warning_system.pdf#search='walker%20alpert%20early%20warning'.

⁵¹ See, e.g., *United States v. City of Pittsburgh*, 1997. Consent Decree. Retrieved on April 8, 2006 from <http://www.usdoj.gov/crt/split/documents/pittssa.htm>.

⁵² Walker, Alpert, & Kenney, *supra* note 50.

⁵³ Hickman, Piquero, & Greene, *supra* note 10.

⁵⁴ Timm, H. W. (2004). The Search for Integrity: Findings and Tools for Investigating and Adjudicating Federal Security Clearance Cases Applicable to Law Enforcement Selection and Retention. In Hickman, M., Piquero, A. R., & J. R. Greene (Eds.) (2004). *Police Integrity and Ethics*. Belmont, CA: Wadsworth/Thomson Learning.

⁵⁵ Walker, S. (2005). *The New World of Police Accountability*. Thousand Oaks, CA: Sage Publications, p. vii.

⁵⁶ U.S. Department of Justice, *supra* note 20.

on Accreditation for Law Enforcement Agencies⁵⁷ now requires it of all large agencies. In 2001, the Department of Justice put together a publication that lists the “best practices” for promoting integrity. Their focus is on the use of force, complaint and misconduct investigations, training, recruitment, hiring, and retention, as well as general principles on promoting accountability and effective management (early warning systems are described under this category). The second part of the publication contains examples of promising police practices and policies and the research projects on these topics currently funded by the U.S. Department of Justice (our project on police integrity is one of the five research projects listed). The concept of integrity as used in that publication is all-encompassing, incorporating principles and practices which “build trust, enhance police accountability, and reduce police misconduct.”⁵⁸ Consequently, the discussion about police integrity should also incorporate discussion about police accountability.

Researchers have studied several other mechanisms with potential to support and maintain integrity and accountability. In particular, Walker started with the first nationwide survey of the existing civilian review boards⁵⁹ and then engaged in a systematic exploration of the most promising models.⁶⁰ To illustrate its complexity and true nature, Walker decided to use the term “citizen oversight” instead of the traditional term “civilian review.”⁶¹ He analyzes the conditions that lead toward the establishment and operation of the successful citizen oversights and finds that the more successful citizen oversight agencies look beyond the traditional investigation of complaints and “take a *proactive view of their role* and actively *seek out the underlying causes of police misconduct or problems with the complaint process.*”⁶²

However, the story of successful citizen oversight agencies and effective early intervention systems are just pieces in the more complex puzzle of police accountability. Accountability has two sides: first, police agencies are accountable for the services they deliver (e.g., crime prevention, apprehension of suspects), and, second, police officers and police agencies are accountable for the legality of their actions in the provision of their services (e.g., use of excessive force, acceptance of a bribe, racial discrimination). Other mechanisms that make police accountable vary from the prosecutors and courts to the mayor, media, civil rights citizen groups,

⁵⁷ [CALEA] Commission on Accreditation for Law Enforcement Agencies (2001). *Standards for Law Enforcement Agencies. Standard 35.1.15.*

⁵⁸ Reno, J. (2001). In U.S. Department of Justice. *Principles for Promoting Police Integrity; Examples of Promising Police Practices and Policies.* Washington, D.C.: U.S. Department of Justice. Retrieved on April 8, 2006 from <http://www.ncjrs.gov/pdffiles1/ojp/186189.pdf>, p. 1.

⁵⁹ Walker, S. (1995). *Citizen Review Resource Manual.* Washington, D.C.: Police Executive Research Forum.

⁶⁰ Walker, *supra* note 50. See also Goldsmith, A. (Ed.) (1991). *Complaints Against the Police; The Trend to External Review.* Oxford: Clarendon Press; Goldsmith, A. (1999). *Better Policing, More Human Rights: Lessons from Civilian Oversight.* In Mendes, E., Zuckergerg, J., Lecorre, S., Gabriel, A., & J. A. Clark (Eds.). *Democratic Policing and Accountability: Global Perspectives.* Brookfield, UK: Ashgate.

⁶¹ Walker, *supra* note 50, p. xii.

⁶² Walker, *supra* note 50.

voters, and independent commissions.⁶³ As a consequence of this strong push for the increased police accountability and integrity, the Violent Crime Control and Law Enforcement Act of 1994 authorizes the Attorney General “to obtain, through civil action, appropriate equitable and declaratory relief in cases in which police pattern and practice deprived persons of their constitutional rights and privileges.”⁶⁴ Consequently, the U.S. Department of Justice is now collecting data on the use of force.⁶⁵ As a consequence of the “pattern and practice” lawsuits, several consent decrees (starting from the first consent decree with the Pittsburgh Police Department in 1997) pressured a small number of police agencies and inspired quite a few others to start implementing the early warning systems and collecting data on traffic stops.⁶⁶

Following the 1997 COPS/NIJ sponsored symposium and the recommendations made by the participants, the NIJ decided to award grants for research on police integrity and both COPS and NIJ were to “consider ways to initiate case studies of departments that have an excellent track record pertaining to police integrity.”⁶⁷ Our project fits both dimensions: it is an empirical study of police integrity and a case-study of three police agencies of high integrity.

Our study, “Enhancing Police Integrity,” was among the first to be funded. While we started the project as early as 1997, it took us several years to collect the data and to analyze them. The final product—this manuscript—speaks about the concepts as important today as they were yesterday and will be tomorrow. The issues of integrity, accountability, training, discipline, and police culture are timeless. We present a picture of the police agencies of high integrity and their practices as they were at the time of their study. Using multiple methods, we explore how they addressed integrity-related challenges and how they maintained their high integrity. Compared to the existing research in the field, our study advances the literature along several key dimensions.

First, it defines police integrity. The definition is specific enough to facilitate systematic empirical testing, yet general enough to allow comparisons of police agencies across the country or around the world. Our definition of police integrity rests on the principle that integrity is a feature of both individuals and organizations,

⁶³ See, e.g., Chevigny, *supra* note 34; Comstock, A. (2002). Maintaining Government Integrity: The Perspective of the United States Office of Government Ethics. In Fijnaut, C. & L. Huberts (Eds.) (2002). *Corruption, Integrity and Law Enforcement*. The Hague, the Netherlands: Kluwer Law International; Doig, A. & J. Moran. (2002). Anti-Corruption Agencies: The Importance of Independence for the Effectiveness of National Integrity Systems. In Fijnaut, C. & L. Huberts (Eds.) (2002). *Corruption, Integrity and Law Enforcement*. The Hague, the Netherlands: Kluwer Law International; Kutnjak Ivković, *supra* note 32; Poulton, G. (2002). Independence in Investigation and Prevention: The Role of the New South Wales Government’s Independent Commission Against Corruption. In Fijnaut, C. & L. Huberts (Eds.) (2002). *Corruption, Integrity and Law Enforcement*. The Hague, the Netherlands: Kluwer Law International; Walker, *supra* note 55.

⁶⁴ 42 U.S.C 14141.

⁶⁵ See, e.g., Smith, *supra* note 36.

⁶⁶ See, e.g., Davis, Ortiz, Henderson, & Miller, *supra* note 35.

⁶⁷ Greenberg, *supra* note 11.

and thus promotes the more organizational approach toward its study. Now the shift can be made from the responsibility of individuals for misconduct to the responsibility of the organizations or its constituent elements for the lack of integrity or failure to enhance police integrity in the police agency.

Second, it develops a theoretical framework for the study of police integrity. We articulate a systematic, organizational theory of what a police agency must do to create a culture of integrity, minimize the code of silence. We also identify an “administrative technology” to encourage officers to resist temptations to corruption, abuse of force, and discourtesy to citizens. This organizational theory of police integrity is amenable to empirical testing.

Third, it provides the methodological framework to measure police integrity. The methodology can be utilized to measure the level of police integrity among individual police officers, as well as within a police agency or its smaller units. A valuable virtue of the methodology is that is unlikely to be met by the resistance characteristic of the traditional approaches toward the study of police misconduct.

Fourth, it demonstrates how to systematically measure integrity in police agencies. The tool we developed allows the researchers to determine the level of police integrity in a police agency, pinpoint specific problems, and recommend solutions to the police administrators. At the same time, this tool allows police administrators to detect the levels of integrity across different parts of their agencies without dependence on unreliable official data, anecdotal accounts, or mere “reputation” and see what needs to be done to enhance the level of police integrity. It shows a police administrator how to specifically identify agency policies that are unclear or not followed by officers. To date, this measurement device has been used successfully in thirty U.S. police agencies and has recently been used to measure police integrity in thirteen foreign nations as diverse as Pakistan, Sweden, Japan, and South Africa.⁶⁸

Finally, it presents case studies of three police agencies of high integrity. It explores the contours of police integrity within these agencies and the mechanisms they use to maintain and enhance the level of integrity. We analyze the key components of these three agencies and elaborate how they contribute toward high integrity.

The book begins with a definition of police integrity in Chapter 1 and the discussion of the five basic questions forming the general theoretical outline of this book. In Chapter 2, we describe the methodology designed to measure it and present the results of the survey of 3,235 police officers from 30 U.S. police agencies.

Based on the rank-order of the 30 agencies on our scale of police integrity, we have selected three agencies to further explore what it was that created and sustained the environments of integrity. Chapter 3 contains the profiles of integrity for these three agencies: Charlotte-Mecklenburg Police Department, North Carolina, Charleston Police Department, South Carolina, and St. Petersburg Police

⁶⁸ See Klockars, C. B., Kutnjak Ivković, S., & M. R. Haberfeld (Eds.) (2004). *The Contours of Police Integrity*. Newbury Park, CA: Sage Publication.

Department, Florida. The integrity profile for each agency is developed based upon their survey responses and a variety of additional information gathered from various public records and preliminary meetings at each site.

Based on our 18-month long field research, we proceed by describing the contours of these police cultures of integrity and by attempting to understand the dynamics that shaped and sustained them. Chapter 4 explores police culture of integrity in the Charleston Police Department, South Carolina, Chapter 5 in the Charlotte-Mecklenburg Police Department, North Carolina, and Chapter 6 in the St. Petersburg Police Department, Florida. Each of these chapters is a detailed account of the factors that contributed toward the establishment and continued existence of police integrity in these three police departments.

Although we defined police integrity as the tendency to resist temptations to abuse the rights and privileges of their occupation for any reason, our first survey almost exclusively focused on for-gain temptations. To generate a more comprehensive measure of police integrity, we designed the second questionnaire that measures the tendency to resist not only corruption, but other forms of police misconduct as well. Chapter 7 reports the results of this second survey. The analyses explore whether the police officers' answers have changed between the two surveys as a product of major events that occurred in these agencies, as well as compare the officers' predictions of the expected discipline for misconduct with the discipline that similar incidents actually did receive.

The next several chapters explore specific aspects of these police agencies. Namely, Chapter 8 focuses on recruitment, selection, and training as key components shaping the environment of integrity within a police agency. This chapter analyzes how the three profiled police agencies have made substantial, albeit different types of commitment to recruitment, selection, and training. Chapter 9 carries out an exploration of how the three police agencies process citizen complaints, from the establishment of the basic rules regulating the complain submission to the determination of the possible outcomes at the end of the complaint-initiated investigation. Chapter 10 continues with the analysis by focusing on the processes used by the three agencies to discipline police officers who violate official rules. This chapter also explores police officers' perceptions about the fairness of disciplinary outcomes. Finally, Chapter 11 depicts the contours of line-officer culture and the specific influence of fellow police officers on the integrity of one another and how and of what that influence was composed. It provides answers as to when other police officers' misconduct becomes their own business and what they plan to do about it.

In our last chapter, Chapter 12, we summarize the findings of our research along the five basic questions outlined in Chapter 1. Using these five questions as the general theoretical outline for the book, we specify not only what we think academics, policy makers, and police administrators ought to know and do about police integrity, but also what the organizational theory of police integrity advises us to learn and do once we hear the answers.

CHAPTER 1

THE IDEA OF POLICE INTEGRITY

If he does really think that there is no distinction between virtue and vice, why, Sir, when he leaves our house let us count our spoons.

Samuel Johnson, from Boswell's *Life of Samuel Johnson*

Despite the fact that it resists definition and invites serious misunderstanding, integrity is an idea worth preserving. The role that it plays better than any other word is to make possible discussions with police that in other terms would prove difficult if not impossible. However, like other extremely useful words, it runs the risk of meaning so much to so many that it ends up meaning very little to anyone. This would be most unfortunate because "integrity" also has some exceptionally valuable, but rather subtle additional powers that ought to be preserved. To save it from a fate of pleasant meaninglessness and to expose some of its considerable powers, we offer a detailed definition.

POLICE INTEGRITY IS *THE NORMATIVE INCLINATION AMONG POLICE TO RESIST TEMPTATIONS TO ABUSE THE RIGHTS AND PRIVILEGES OF THEIR OCCUPATION*

This definition has five parts to it, each of which is of consequence, methodologically as well as theoretically.

Normative

To speak of police integrity as *normative* makes three claims about it. The first denotes that it is a belief as distinct from a behavior. Since Sumner, social scientists have learned to distinguish normative beliefs of modest intensity, *folkways*, from those of high intensity, *mores*¹ and, since Allport, those beliefs social scientists don't like, *prejudices*, from those they do, "*faiths*," "*virtues*," and "*convictions*."²

Second, to describe integrity as normative also indicates that it is morally charged. It finds conduct to one degree or another to be right or wrong and specifies, in the words of George Homans, what "men should do, ought to do, are expected to

¹ William Graham Sumner, *Folkways* (Boston: Ginn, 1906).

² George W. Allport, *The Nature of Prejudice* (Cambridge: Addison-Wesley, 1954).

do, under given circumstances.”³ Because normative beliefs find behavior right and wrong, it is a common mistake, particularly among philosophers, to assume that those beliefs are the product of moral reasoning. Most norms are the product of manners, faith, taste, and custom and most people go through their lives without analyzing either the sources or implications of the vast majority of folkways, norms, and mores that govern their lives.

Third, to describe integrity as normative indicates that it also possesses a characteristic that is virtually inseparable from moral attitudes. It combines a belief with an inclination to behave in accordance with that belief. Just as a belief in honesty inclines one to avoid lying and a belief in fidelity obliges one to be faithful, integrity requires not only a belief that certain behaviors are right or wrong but also actions that are in accord with those beliefs.

The failure to coordinate beliefs and actions is sometimes called hypocrisy, but it is a term that is often used too quickly or too casually. It is not at all certain what actions integrity obliges beyond avoiding wrongful behavior. In the case of police integrity, does integrity require, in addition to the condemnation of misbehavior, support for the punishment of those who misbehave? Does it require an officer who witnesses corruption or brutality to intervene to stop it or come forward to report it? It is not difficult to imagine that the noble norm of integrity may even compete with equally noble norms in its discipline and reporting dimensions. In the decision to punish or report the misconduct of a police colleague, the norm of integrity may compete with and be tempered by humane norms that urge forgiveness, mercy, loyalty, reciprocity, tolerance, gratitude, compassion, and proportion, to name but a few. In fact, there may well be situations in which behavior that is wrong from one quite noble point of view may be right from an equally noble alternative perspective. Such situations are called moral dilemmas.⁴ Because officer support for discipline and officer reporting of police misconduct may be as important or possibly even more important to the control of police misconduct than the belief in its wrongness, this problem merits especially careful analytical attention.

Inclination to Resist

An even more general problem at the heart of the idea of integrity is that people who believe in honesty sometimes lie; people who believe in fidelity sometimes are unfaithful; and people of integrity sometimes do things they know are wrong. Attitudes, even those that are strongly held, do not always predict behavior.

While we shall eventually try to specify the major dimensions of the relationship between police attitudes of integrity and police misconduct, three are signaled in

³ George C. Homans, *The Human Group*, (New York: Harcourt Brace, 1950) p. 123.

⁴ See Carl Klockars, “The Dirty Harry Problem” in Carl B. Klockars and Stephen Mastrofski, *Thinking about Police*. 2nd Edition. (New York: McGraw Hill, 1991), pp. 413–423; Edwin J. Delattre, *Character and Cops: Ethics in Policing*. Third Edition: (Washington, D.C.: American Enterprise Institute, 1996); and John P. Crank and Michael A. Caldero, *The Corruption of the Noble Cause*. (Cincinnati, OH: Anderson, 2000).

our definition that warrant exposure at this time. The first is that not all avoidance of misconduct stems from attitudes of integrity. While integrity describes the normative inclination to resist temptations to abuse the rights and privileges of the police office, it is not the only source of that resistance. Lack of imagination, lack of opportunity, fear of discovery and public humiliation, shame, punishment, or a simple unfavorable risk/reward calculus may suffice to ensure honest behavior regardless of the sentiment of integrity. While attitudes are not always predictive of behavior, behavior is not always predictive of attitudes.

A second and allied point about the relation between attitudes of integrity and police misconduct is that attitudes of integrity assert *at least some* pressure on those who hold them to avoid wrongful behavior. Because the relation between attitudes of integrity and behavior is not perfect, and a substantial amount of compliant behavior may stem from other sources, we have chosen to refer to integrity as the *inclination* to resist rather than the actual resistance to temptations.

A third point that may be exposed here is that the direction of the causal relation between attitudes and behavior is not always clear. It may well be that requiring police to be honest may cause them to adopt beliefs in the virtues of integrity. Attitudes may cause behavior but behavior may also cause attitudes.

If nothing else, these conceptual distinctions force us to be modest in our claims for the role integrity may play in suppressing misconduct. They remind us that integrity is only one of the factors that may influence police to be honest.

Police

We emphasize “police” (rather than “police officer,” “officer,” or some similar individualistic formulation) among the crucial components of our definition of police integrity for the sole purpose of signaling that integrity may describe a characteristic of an individual, a group, an organization, an agency, an institution, or, for that matter, any collection of police. When speaking about integrity, the seduction of lapsing into talk about individuals is almost irresistible. But it must be resisted if we wish to speak, as we will, of police agencies, organizations, institutions, and cultures of integrity. Depending upon the level of integrity under discussion, the dynamics and the relevant correlates of integrity will differ. How one understands and explains the psychology of integrity of an individual police officer will most certainly differ from the understanding and explanation of the evolution of a culture of integrity in a police agency.

Temptations

**Few men have virtue to withstand the highest bidder.
George Washington: *Maxims of Washington*, “Virtue and Vice”**

While virtue may be its own reward, the rewards for vice are often though not always external to it. The “temptations” component of our definition of police integrity invites attention to the different environments in which police officers, police

agencies, and police institutions operate. It urges us to inspect those environments for the particular temptations to misconduct that they offer.

The most obvious of these temptations is *gain*, the defining reward for that type of police misbehavior called “corruption.” Societies, communities, and organizations will differ in the amount of gain and the frequency with which they offer it to officers in exchange for their abusing their office. However, we should be careful to distinguish police misconduct that is motivated by the temptation of gain from that which is not. It is a common error to assume that all forms of police misconduct are the product of a similar, singular, or even ignoble temptation.

In cases of excessive force, for example, the excessive force

...need not (and usually will not) be the product of malicious or sadistic behavior. It can spring from good intentions as well as bad, mistakes and misreading, lack of experience, overconfidence, momentary inattention, physical or mental fatigue, experimentation, inadequate or improper training, prejudice, passion, an urge to do justice or demonstrate bravery, misplaced trust, boredom, illness, a specific incompetence, or a hundred other factors that might influence an officer to behave in a particular situation in a less than expert way.⁵

The most obvious implication of the assertion that police misconduct may be inspired by a range of quite different temptations is that methods of preventing and controlling police misconduct will have to be different for different types of misconduct. Methods of controlling corruption may be of no help whatsoever in controlling police offenses in which officer gain is not a consideration.⁶

The capacity to separate temptations into different categories also suggests that the contours of integrity may be very different in different police agencies. We may assume that police who steal, accept bribes or take kickbacks also succumb to the temptations to lie in court, forge records, fabricate evidence, or make unwarranted searches or unjustified arrests – although gain provides no motive for doing so. However, it is not difficult to imagine a police organization or subculture that was highly intolerant of officer theft, soliciting bribes, taking kickbacks and other acts of corruption and at the same time was much more accepting of discourtesy, excessive force, perjury, forging records, fabricating evidence, or unwarranted or illegal searches. Police integrity need not be a uniform phenomenon. Any acceptable and practical concept of it must provide for this empirical possibility.

Abuse

A core component of the idea of police integrity is the concept of abuse. While in egregious situations of police misconduct the fact of abuse may be obvious,

⁵ Carl B. Klockars, “A Theory of Excessive Force and Its Control,” in William A. Geller and Hans Toch, *Police Violence: Understanding and Controlling Police Abuse of Force* (New Haven: Yale University Press, 1996), p. 8.

⁶ This point was made forcefully by Herman Goldstein in his groundbreaking “Policing a Free Society” (Cambridge, MA: Ballinger, 1977), p. 188.

discussions of police misbehavior are often marked by two arguments that seek to deny or excuse its abusive character. The most common is the assertion that the behavior in question is actually innocent and that those who would criticize it simply fail to understand its true nature. Certainly the best-known occasions on which this type of claim is made involve situations in which police receive discounts, holiday gifts, free food, and liquor offered as gestures of goodwill, hospitality, and gratitude. The same type of argument is also offered in defense of police exercising their legal discretion not to arrest or issue summonses to friends, neighbors, fellow police officers, the clergy, or influential citizens and public officials for minor offenses. Many police and citizens are also sympathetic to the argument that there is nothing wrong with police officers using foul, insulting, abusive, or threatening (though not racist) language in response to citizens who insult, defy, or resist them. If the popularity of fictional officers on television dramas such as *NYPD Blue* or *Homicide* is any guide, there is also some sizable portion of the public who have little objection to “street justice” in the form of moderate levels of physical violence visited on a wide variety of lowlifes who’ve “got it coming.”⁷

These direct challenges to the idea that such behavior is abusive are complemented by a second class of arguments that concede that certain behavior may be abusive but argue that it may be excused. Although such arguments may take many forms, the common theme in all is that police are “human” and cannot be expected to behave without normal human emotions in situations in which they are insulted, defied, assaulted, deceived, shocked, repulsed, disgusted, or horrified by the conduct of those they police. It is, of course, precisely because we do not want those we ask to handle such situations to react to them with normal human emotions that we create the police.

Both arguments should serve to remind us to be careful to specify exactly what behavior is offered as evidence of a lack of integrity. What one police agency defines as bribery another may classify as hospitality, generosity, or appreciation. At the same time, the mere presence of those arguments should alert us to the prospect of substantial variations not only in opinions about what constitutes integrity, but in norms about how police officers, police agencies, and citizens ought to react to lapses in it.

The Rights and Privileges of their Occupation

Policing is a highly discretionary, coercive activity that routinely takes place in private settings, out of the sight of supervisors, and before witnesses who are often regarded as unreliable. The history of virtually every police agency in the world bears testimony that it is an occupation that is rife with opportunities for misconduct

⁷ Gary Sykes, “Street Justice,” *Justice Quarterly*, Vol. 3, No. 4, Carl Klockars, “Street Justice: Some Micro-Moral Reservations” *Justice Quarterly*, Vol. 3, No. 4, December 1986, pp. 513–517.

of many types.⁸ One type, *corruption*, the abuse of police authority *for gain*,⁹ has been especially problematic. Contributing to the difficulties of controlling corruption are not only the reluctance of police officers to report corrupt activities of their fellow officers – a phenomenon sometimes identified as *The Code* or the *Blue Curtain*¹⁰ – and the reluctance of police administrators to admit the existence of corruption, but also the fact that the typical corrupt transaction benefits the parties to it and thus leaves no immediate victim-complainant to call attention to it.

For all of these reasons, official statistics on corruption are of little or no value in assessing either the extent or nature of corruption in any police agency. Whether an agency reports a large or small number of corruption incidents may bear little or no relation with the actual level of corruption in that agency. An agency with very low levels of corrupt behavior may be very aggressive in detecting it, while an agency with high levels of corruption may make little or no effort to uncover it. At best, police agency reports on corruption may be understood as a reflection of the resources the agency applies to the problem.¹¹

INTEGRITY AND CORRUPTION

The idea of integrity bears a special relation to corruption, which invites both theoretical and empirical understandings that might otherwise not be possible. Because the obstacles to the direct measurement of corruption are so great, the entire problem of measuring corruption must be rephrased if one is to make any progress towards its solution. It is in this effort that the concept of integrity proves

⁸ Histories of police that document the abiding prevalence of corruption are too numerous to list here. The most thorough scholarly explorations of the temptations to corruption in contemporary policing include G. Marx, *Surveillance* (Cambridge: Harvard University Press, 1991); M. Punch, *Conduct Unbecoming: The Social Construction of Police Deviance and Control* (London: Tavistock, 1986); P. K. Manning and L. Redlinger, “The Invitational Edges of Police Construction,” in C. Klockars and S. Mastrofski (Eds.) *Thinking about Police* (New York: McGraw Hill, 1993) pp. 398–412; L. W. Sherman, *Scandal and Reform* (Berkeley: University of California Press, 1978, and J. Rubinstein, *City Police* (New York: Ballinger, 1973).

⁹ The *for gain* dimension of corruption typically distinguishes it from other forms of police misconduct such as brutality. There is, however, debate over whether the definition of police corruption should include various forms of the use of police authority for political, organizational, or strategic gain. See C. Klockars and S. Mastrofski (Eds.) *op. cit.*; C. Klockars, *Thinking about Police* (New York: McGraw-Hill, 1983); L. Sherman, *Scandal and Reform* (Berkeley: Univ. Of California Press, 1978); H. Goldstein, *Policing a Free Society* (Cambridge: Ballinger, 1977), and H. Goldstein, *Police Corruption: Perspective on its Nature and Control* (Washington, D.C.: The Police Foundation, 1975).

¹⁰ See W. K. Muir, *Police: Streetcorner Politicians* (Chicago: University of Chicago Press, 1977 and E. Stoddard in C. Klockars (ed.) *op. cit.*

¹¹ It is for this reason that much of what is known about corruption has been learned from high-profile investigations of police agencies with serious and systemic corruption problems; see, for example, The Pennsylvania Crime Commission, *Report on Police Corruption and the Quality of Law Enforcement in Philadelphia* (1974); The Knapp Commission, *Report on Police Corruption* (New York: George Brazillier, 1972); The City of New York Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department, *Commission Report* (1994).

most useful. If we conceive of integrity as the mirror opposite of corruption – the more integrity the less corruption and vice versa – a measurement of corruption may be achieved indirectly through the measurement of integrity. The value of standing the problem of measuring corruption on its head in this way is that integrity is much more amenable to measurement than corruption.

Police themselves and those charged with discovering police corruption have, in fact, pioneered this approach of focusing interest on integrity as opposed to corruption with techniques called “integrity testing.” These are investigative efforts in which police officers’ integrity is tested without probable cause to believe the officer has committed a violation. A common form of this technique requires prospective police officers to submit to lie detector tests as part of their pre-employment interview. Another is random drug testing—a practice common particularly in undercover drug investigation units. Other common forms of integrity testing involve having undercover police officers or their agents offer police officers bribes or place them in situations in which they believe they can commit other crimes without being caught.¹²

Although random drug testing is widely accepted by police as a mechanism for controlling drug abuse by police, both police officers and police administrators are often reluctant to accept or employ integrity testing methods that entice officers to commit corrupt acts. While most police agencies accept the idea of using the polygraph in pre-employment interviews, many refuse to use it in internal investigations. Although integrity testing methods can be highly effective, the more intrusive forms of them may provoke a fear of entrapment in police officers and may undermine a relationship of trust and respect that some administrators wish to promote in their police agencies.¹³

The distinctive theoretical character of police integrity testing, a character that drives the methods of integrity testing police are inclined to use, is its *individual* focus. Police are, after all, interested in identifying individually corrupt police officers – those who take illicit drugs, accept bribes, and otherwise exploit their

¹² All three commissions investigating allegations of corruption—the Knapp Commission, the Pennsylvania Commission, and the Mollen Commission—reported that the respective police agencies rarely, if at all, used proactive techniques (Knapp, *op. cit.* p. 208; Pennsylvania, *op. cit.*, p. 483; Mollen, *op. cit.*, p. 101). However, the commissions themselves used proactive techniques extensively. One of the most common techniques was the use of “turned” police officers. These police officers were either caught when offered a bribe by a member of a commission investigative team or caught when accepting a bribe given by somebody else, and they subsequently, under the threat of prosecution, worked as undercover officers and/or later testified against other police officers (See, e.g., Knapp, *op. cit.* pp. 52, 58; Pennsylvania, *op. cit.*, pp. 483–484; Mollen, *op. cit.*, pp. 11–14).

¹³ On the general topic of integrity testing in the workplace see Katrin U. Byford, “Comment: The Quest for the Honest Worker: A Proposal for Regulation of Integrity Testing,” 49 *Southern Methodist University Law Review* (1996); Quentin Collin Faust, “Note: Integrity Tests: Do They Have Any Integrity?” 6 *Cornell Journal of Law and Public Policy* (1996); Michael B. Metzger and Dan R. Dalton, “‘Just Say No’ to Integrity Testing,” 4 *University of Florida Journal of Law and Public Policy* (1991).

police position for gain. However, if corruption is understood as an *organizational or occupational* problem and integrity as the character of a police agency and something police administrators should work to achieve, both the theory of integrity and the methods for measuring it must be transformed. Moreover, all of the components of an organizational/occupational view of integrity invite measurement. Furthermore, and most fortunately, the measurement of none of them need provoke anything like the resistance that is nearly inevitable in testing the integrity of individual police officers.

AN ORGANIZATIONAL VIEW OF INTEGRITY

Until relatively recently, at least in the United States, the administrative view of integrity was to see it as reflective of the moral virtues of individual police officers¹⁴ and to fight corruption in their agencies by carefully screening applicants for police positions, pursuing defective officers aggressively, and removing them from their police positions before their behavior spreads throughout the agency. While no one questions the value of any of these efforts, since Goldstein's pioneering work in the mid-1970s, this "bad apple" theory of police corruption has been recognized as inadequate.¹⁵

What has begun to replace it is a recognition that enhancing police integrity is an organizational and administrative responsibility that goes well beyond culling out of "bad apple" police officers. This approach appears to stress the importance of four distinct efforts, all of which are profoundly organizational in nature.

Organizational Rulemaking

The first of these dimensions is the creation and communication of organizational rules. In nations in which police are highly decentralized (e.g., the United States), police organizations differ markedly in what behavior they permit or prohibit.¹⁶ This is particularly true of marginally or *mala prohibita* corrupt behavior, such as off-duty employment, receipt of favors, gratuities, small gifts, free meals, and

¹⁴ The capacity to predict police integrity from psychological testing is extremely limited: J.E. Taller and L.D. Hinz, *Performance Prediction of Public Safety and Law Enforcement Personnel* (Springfield, Ill: C. Thomas, 1990); E.J. Delattre, *Character and Cops* (Washington, D.C.: The American Enterprise Institute, 1989); J. Malouff and N.S. Schutte, "Using Biographical Information to Hire the Best New Police Officers," (1980) *Journal of Police Science and Administration* 14: 256-67; R.E. Daley, "The Relationship of Personality Variables to Suitability for Police Work," (1980) *DAI* 44:1551-69. R. D. Morrison, "Officer Psychological Profiling" (1996), *Law and Order*, April, 1996, Pp. 93-94; S. F. Curran, "Pre-employment Psychological Evaluation of Law Enforcement Applicants", *The Police Chief*, October 1998, Pp. 88-94;

¹⁵ The analytical assault on the understanding of corruption as a problem of individually defective police officers was begun by Goldstein in *op. cit.* (1975) and continued in Goldstein, *op. cit.* (1977). It has, however, taken more than a two decades for most U.S. police agencies to begin to act upon Goldstein's pioneering analysis.

¹⁶ R.J. McCormack, *Corruption in the Subculture of Policing: An Empirical Study of Police-Officer Perceptions*. (1986) Unpublished Ph.. D. Dissertation. See also Muir, *op. cit.*

discounts. The problem of organizational rulemaking is further complicated by the fact that in many agencies, while an agency's *official* policy formally prohibits certain activities, the *agency's unofficial* policy, supported firmly but in silence by supervisors and administrators, is to permit and ignore such behaviors provided that they are limited and conducted discretely.

The obligations of rulemaking require police agencies not only to develop policies and create both formal and informal rules that specify agency expectations of integrity but also to communicate those rules and the reasons for them to their employees. In a police agency of integrity police officers ought to know the agency's integrity relevant rules, understand the agency's rationale for them, and believe in the rightness of both.

Detecting, Investigating, and Disciplining Rule Violations

The second organizational obligation in enhancing police integrity is the creation and maintenance of a whole range of activities that permit the detection, investigation, and discipline of misconduct. These include but are not limited to proactive and reactive agency internal investigations, inspections, audits, external reviews, reception of citizen complaints, integrity testing and the general deterrence of misconduct by disciplining offending police offenders. The extent to which these and other techniques are employed in police organizations varies enormously. In a police agency of integrity the occupational culture of the agency will support the discipline of officers who violate agency standards of integrity.

Circumscribing "The Code"

The third obligation of police organizations in enhancing police integrity is to circumscribe what has come to be called "The Code," "The Code of Silence," or "The Blue Curtain" – the informal prohibition in the occupational culture of policing against reporting the misconduct of fellow police officers. Two special features of The Code bear emphasis here.

First, exactly *what* behavior is covered by The Code can vary *enormously* between police agencies. In some agencies it may cover only relatively low-level corruption; in others it may cover misconduct of even the most serious degree. Secondly, The Code not only differs in what behavior it covers but *to whom* the benefit of its coverage is extended. In some police agencies The Code is largely limited to police *partners* who enjoy it *vis-a-vis* one another, a testimonial immunity that police liken to traditionally privileged relationships between husband and wife, physician and patient, or lawyer and client.

Many police administrators probably understand that circumscribing both whom and what The Code covers should be an administrative priority.¹⁷ However virtually all police administrators were line officers at some point in their careers, and thus

¹⁷ T. Barker and R. O. Wells, "Police Administrators' Attitudes toward Definition and Control of Police Deviance," *FBI Law Enforcement Bulletin*. (1982) 51 (4): 8–16.

they have at least an appreciation, if not an affection, for the bonds of collegial loyalty and fraternal support that are part of the subculture of policing. To the extent that circumscribing The Code requires the weakening of those bonds of loyalty and support, it is a task that not a few police administrators approach with ambivalence. A police agency of integrity is one in which the occupational culture is intolerant of those who abuse the rights and privileges of their office.

The Influence of Public Expectations and Agency History on Police Integrity

The fourth and final dimension of an organizational understanding of police integrity that must be given emphasis is the influence of the social and political environment in which police institutions, systems, and agencies operate.¹⁸ Even within the same country, as United States history illustrates, there are areas with long and virtually uninterrupted traditions of persistent police corruption (e.g., Chicago, New Orleans, Key West), equally long traditions of integrity (e.g., Milwaukee, Kansas City), and still others that have undergone repeated cycles of scandal and reform (e.g., New York, Philadelphia, Oakland). From such histories we may conclude two things: not only public expectations about police integrity exert vastly different pressures on police agencies in different areas, but also police agencies of integrity may effectively resist such pressures.

POLICE INTEGRITY: WHAT POLICE LEADERS SHOULD WANT
TO KNOW ABOUT THEIR AGENCIES AND WHAT THEY SHOULD
DO ABOUT IT WHEN THEY FIND OUT

The importance of this understanding of integrity is that it emphasizes the responsibility of police agencies to create within them an occupational culture of integrity. This vision may become clearer if it is expressed in terms of its practical implications for police administrators. The first thing it advises administrators to do is to learn the answers to five very basic questions about officers in their police agencies. The second is that it advises police administrators what to do, depending on the answers they receive.

The five basic questions and the general actions they oblige are summarized in Figure 1.1. They form the general theoretical outline of this book. They are not only what we think police chiefs ought to know and do about police integrity; they are also what an organizational theory of police integrity advises us to learn and

¹⁸ Although this understanding is the tacit assumption of virtually all historical studies of police, it received, to our knowledge, its first systematic exploration by A. J. Reiss, Jr. and D.J. Bordua in "Environment and Organization: A Perspective on the Police" in D. Bordua, *The Police: Six Sociological Essays* (ed.) (New York: John Wiley, 1967) and in A. J. Reiss, Jr., *The Police and the Public* (New Haven: Yale University Press, 1971). The specific application of these principles to police corruption was first advanced by Goldstein in his *Police Corruption* (1975) and later in his *Policing a Free Society* (1977).

- Question 1: DO OFFICERS IN THIS AGENCY KNOW THE RULES?**
Action Response: If they do, fine.
Where they don't, teach them.
- Question 2: HOW STRONGLY DO THEY SUPPORT THOSE RULES?**
Action Response: If they support them, fine.
Where they don't, teach them why they should.
- Question 3: THEY KNOW WHAT DISCIPLINARY THREAT THIS AGENCY MAKES FOR VIOLATION OF THOSE RULES?**
Action Response: If they do, fine.
Where they don't, teach them.
- Question 4: DO THEY THINK THE DISCIPLINE IS FAIR?**
Action Response: If they do, fine.
Where they don't, adjust discipline or correct their perceptions.
- Question 5: HOW WILLING ARE THEY TO REPORT MISCONDUCT?**
Action Response: If they are willing, fine.
Where they are not, find ways of getting them to do so.

Figure 1.1. What police chiefs should want to know about their agencies and what they should do about it when they find out

do once we hear the answers. What makes it possible for us to design a research project in which the objectives of police administrators and police researchers are identical is the assumption that we share a common aspiration to enhance police integrity.

CHAPTER 2

MEASURING POLICE INTEGRITY[†]

To measure police integrity, we designed and pretested a questionnaire that sought to answer in a systematic, standardized, quantitative manner the five questions presented at the end of the last chapter. These questions, and the action response they demand, are crucial to both an organizational/occupational-culture theory of police integrity. At the same time, they satisfy some basic informational needs of practical police administration:

1. Do officers in this agency know the rules?
2. How strongly do they support those rules?
3. Do they know what disciplinary threat this agency makes for violation of those rules?
4. Do they think the discipline is fair?
5. How willing are they to report misconduct?

The questionnaire presented police officers with eleven hypothetical case scenarios. The scenarios, displayed in Exhibit 2.1, cover a range of corrupt behavior from that which merely gives an appearance of a conflict of interest (Case 1) to incidents of bribery (Case 3) and theft (Cases 5 and 11).

Respondents were asked to evaluate each of these case scenarios by responding to seven core questions. Six questions were pairs of questions reflective of a dimension of police integrity – the normative inclination among police to resist temptations to abuse the rights and privileges of their occupation. Two questions pertained to their own and other officers' perceptions of the *seriousness* of each case; two pertained to the severity of discipline it *should* and *would* receive; and two to their own and other officers' *willingness to report* it (See Exhibit 2.2). The remaining question asked if the behavior described in the scenario was a violation of official policy in the agency.

[†] Portions of this chapter are based upon work previously reported in Carl. B. Klockars, Sanja Kutnjak Ivković, William E. Harver, and Maria R. Haberfeld, *The Measurement of Police Integrity*, (Washington, D.C.: National Institute of Justice, August 1997).

Exhibit 2.1

- Case 1.** A police officer runs his own private business in which he sells and installs security devices, such as alarms, special locks, etc. He does this work during his off-duty hours.
- Case 2.** A police officer routinely accepts free meals, cigarettes, and other items of small value from merchants on his beat. He does not solicit these gifts and is careful not to abuse the generosity of those who give gifts to him.
- Case 3.** A police officer stops a motorist for speeding. The officer agrees to accept a personal gift for half of the amount of the fine in exchange for not issuing a citation.
- Case 4.** A police officer is widely liked in the community, and on holidays local merchants and restaurant and bar owners show their appreciation for his attention by giving him gifts of food and liquor.
- Case 5.** A police officer discovers a burglary of a jewelry shop. The display cases are smashed and it is obvious that many items have been taken. While searching the shop, he takes a watch, worth about two days pay for that officer. He reports that the watch had been stolen during the burglary.
- Case 6.** A police officer has a private arrangement with a local auto body shop to refer the owners of the cars damaged in the accidents to the shop. In exchange for each referral, he receives a payment of 5% of the repair bill from the shop owner.
- Case 7.** A police officer, who happens to be a very good auto mechanic, is scheduled to work during the coming holidays. A supervisor offers to give him these days off, if he agrees to tune-up his supervisor's personal car. Evaluate the SUPERVISOR'S behavior.
- Case 8.** At 2 A.M. a police officer, who is on duty, is driving his patrol car on a deserted road. He sees a vehicle that has been driven off the road and is stuck in a ditch. He approaches the vehicle and observes that the driver is not hurt but is obviously intoxicated. He also finds that the driver is a police officer. Instead of reporting this accident and offense he transports the driver to his home.
- Case 9.** A police officer finds a bar on his beat which is still serving drinks a half hour past its legal closing time. Instead of reporting this violation, the police officer agrees to accept a couple of free drinks from the owner.
- Case 10.** Two police officers on foot patrol surprise a man who is attempting to break into an automobile. The man flees. They chase him for about two blocks before apprehending him by tackling him and wrestling him to the ground. After he is under control both officers punch him a couple of times in the stomach as punishment for fleeing and resisting.
- Case 11.** A police officer finds a wallet in a parking lot. It contains the amount of money equivalent to a full-day's pay for that officer. He reports the wallet as lost property, but keeps the money for himself.

Exhibit 2.2

Case Scenario Assessment Options

1. How serious do YOU consider this behavior to be?

Not at all serious										Very serious
	1	2	3	4	5					

2. How serious do MOST POLICE OFFICERS IN YOUR AGENCY consider this behavior to be?

Not at all serious										Very serious
	1	2	3	4	5					

3. Would this behavior be regarded as a violation of official policy in your agency?

Definitely not										Definitely yes
	1	2	3	4	5					

4. If an officer in your agency engaged in this behavior and was discovered doing so, what if any discipline do YOU think SHOULD follow?

- | | |
|----------------------|-------------------------------------|
| 1. NONE | 4. PERIOD OF SUSPENSION WITHOUT PAY |
| 2. VERBAL REPRIMAND | 5. DEMOTION IN RANK |
| 3. WRITTEN REPRIMAND | 6. DISMISSAL |

5. If an officer in your agency engaged in this behavior and was discovered doing so, what if any discipline do YOU think WOULD follow?

- | | |
|----------------------|-------------------------------------|
| 1. NONE | 4. PERIOD OF SUSPENSION WITHOUT PAY |
| 2. VERBAL REPRIMAND | 5. DEMOTION IN RANK |
| 3. WRITTEN REPRIMAND | 6. DISMISSAL |

6. Do you think YOU would report a fellow police officer who engaged in this behavior?

Definitely not										Definitely yes
	1	2	3	4	5					

7. Do you think MOST POLICE OFFICERS IN YOUR AGENCY would report a fellow police officer who engaged in this behavior?

Definitely not										Definitely yes
	1	2	3	4	5					

In designing the scenarios we sought to describe incidents that were not only plausible and common forms of police misconduct,¹⁹ but ones that were uncomplicated by details that might introduce ambiguity into either the interpretation of the behavior or the motive of the officer depicted in the scenario. In designing some scenarios we drew from previously published work that had employed a case scenario approach. For other scenarios we drew upon our own experience. Respondents were asked to assume that the key officer depicted in each scenario had been a police officer for five years, had a satisfactory work record, and had no history of previous discipline.

THE SAMPLE OF U.S. POLICE OFFICERS

Our sample consisted of 3,235 officers from thirty U.S. police agencies. Although these agencies were drawn from many different parts of the U.S. and the sample is quite large, it is a convenience sample that over-represents certain types of police agencies. The nature and characteristics of the sample of officers from those agencies are summarized in Table 2.1.

Table 2.1. Characteristics of the Police Agency Sample

Agency Type	% of National Sample	Sample Size	% Supervisory	% Patrol/Traffic	Mean Length of Service
All Agencies	100%	3,235	19.8%	63.1%	10.30 yrs.
Very Large (500+Sworn)	59.9%	1,937	14.8%	64.2%	9.18 yrs
Large (201–500 Sworn)	19.7%	638	23.2%	60.3%	12.05 yrs.
Medium (76–200 Sworn)	9.0%	292	29.9%	59.0%	12.49 yrs.
Small (25–75 Sworn)	8.5%	275	30.8%	66.1%	11.70 yrs.
Very Small (< 25 Sworn)	2.9%	93	35.9%	64.8%	11.29 yrs.

¹⁹ To provide our respondents with descriptions of various types of police corruption, we relied on the typology of police corruption developed by Barker and his colleagues (see Thomas Barker and Julian Roebuck, *An Empirical Typology of Police Corruption* (Springfield, Ill: Charles C. Thomas, 1973); Tom Barker and Robert O. Wells, "Police Administrators' Attitudes Toward the Definition and Control of Police Deviance," 51 *FBI Law Enforcement Bulletin* (1982)).

We are aware of some systematic biases that may be reflected in our sample. It includes, for example, no state police agencies, only one sheriff's agency, and only one county police agency. Thus, it over-represents municipal police agencies. While our sample also over-represents police agencies from the Northeastern United States, it does contain agencies from the South, Southeast, and Southwest, but none from West Coast, Northwestern, or Midwestern cities.

In each agency we relied upon the efforts of a liaison officer to distribute the questionnaires and collect those that had been completed. In some agencies this was done by distributing the questionnaires to all agency personnel through the agency's internal mail system and having officers return the questionnaires directly to the liaison officer. In other agencies the questionnaires were distributed to unit or division supervisors and they assumed responsibility for distributing and collecting them within their respective units or divisions. In still others, an officer assumed direct responsibility for distributing and collecting the surveys and did so personally, visiting shifts, and, in some cases, standing by while officers completed the surveys.

In Table 2.2 we report some of the characteristics of our sample of U.S. police officers for each of the thirty agencies surveyed. In order to prevent identification of specific agencies we have given only an approximate number of sworn employees. It is for this reason that we can provide only approximate individual agency response rates.

A second systematic bias probably exists in the U.S. sample. Not all agencies we approached to participate in the study accepted our invitation. Seven agencies we approached turned down our request. Some rejections came straight from the office of the chief of the agency; others were based on objections from the local police union. In one instance we completed a survey of an agency, but before the questionnaires could be returned to us a union official came into the office of the liaison that had collected them and demanded that they be destroyed immediately and before his eyes. Our assumption is that many if not all of these agencies refused to participate because they believed they had something to hide. Fear of revealing something untoward was a serious concern to these agencies despite the fact that we assured them we would keep their participation confidential, assured all individual respondents of anonymity, and asked only about opinions and nothing about actual conduct or misconduct.

This is not to say that our sample does not include some seriously troubled police agencies. We were fortunate to have friends and former students of considerable influence in a number of such agencies. Some were senior officers who knew how to influence what might otherwise have been a highly resistant chief. Others were high ranking union officials who eliminated both potential and actual resistance from that quarter. In one such case a highly influential union contact granted us entree to an agency to which their powerful union had previously flatly denied us access.

It is also the case that we approached some agencies knowing that they were quite receptive to research. Most of them had strong reputations not only as very

Table 2.2. Agency-Specific Characteristics of the Sample of Thirty U.S. Police Agencies

AGENCY Number	AGENCY SIZE (Sworn Officers)	SAMPLE SIZE (Sworn Officers)	Response Rate	% Supervisors	% Patrol	Mean Length of Service
1	315	171	54%	36.1%	53.7%	10.87
2	510	371	73%	15.4%	58.5%	13.86
3	445	387	87%	18.4%	58.1%	14.24
4	130	60	46%	18.3%	65.0%	11.06
5	1210	758	63%	12.6%	69.7%	9.42
6	150	110	73%	27.3%	61.8%	12.48
7	30	27	90%	35.6%	65.4%	15.23
8	35	24	69%	39.1%	62.5%	9.71
9	40	20	50%	40.0%	61.1%	13.08
10	15	14	93%	53.8%	61.5%	15.54
11	10	6	60%	16.7%	100.0%	14.00
12	20	16	80%	37.5%	75.0%	14.16
13	15	11	73%	9.10%	90.9%	6.94
14	65	47	72%	38.3%	63.0%	10.97
15	70	37	53%	18.9%	70.3%	13.64
16	30	15	50%	40.0%	60.0%	17.14
17	20	5	25%	100.0%	25.0%	19.40
18	985	458	46%	17.7%	57.8%	11.82
19	25	20	80%	45.0%	75.0%	11.50

20	105	20	19%	45.0%	50.0%	14.39
21	120	55	46%	22.2%	48.1%	13.42
22	150	68	45%	30.9%	60.3%	13.45
23	850	350	41%	15.5%	65.9%	11.70
24	100	39	39%	38.5%	68.4%	11.83
25	385	80	21%	19.2%	84.0%	9.55
26	45	7	16%	28.6%	57.1%	15.71
27	35	22	63%	36.4%	95.5%	11.31
28	25	13	52%	0.0%	15.4%	5.67
29	25	8	32%	50.0%	62.5%	9.50
30	30	16	53%	37.5%	50.0%	10.31

good police agencies, but, as part of that reputation, quite honest ones as well. The combined effect of these systematic biases is that our sample may, to a degree, disproportionately represent police agencies that are not only receptive to research but believe that the survey will not reveal anything that might embarrass them.

VALIDITY OF OFFICER RESPONSES

Before reporting the results of the survey we must give some consideration to the question of whether our police officers answered the survey questions honestly. While we asked officers only about their attitudes and not about their actual behavior or that of other police officers and assured them that their responses would be confidential, police respondents are naturally suspicious of such promises. To further allay officer fears that their identity might be discovered we asked only the most minimal background facts about them: rank, length of service, assignment, and whether or not they were a supervisor. We did not ask standard questions about age, race, gender, or ethnicity for fear that our police respondents might consider that disclosing that information in combination with their rank, assignment, and length of service would make it possible to identify them.

In addition, we asked all of our police respondents two questions about validity at the end of the survey. The first was “Do you think MOST POLICE OFFICERS would give their honest opinion in filling out this questionnaire?” The second was “Did you?” To the first question 84.4% of our police respondents (N = 2,679 of 3,175) reported that they thought most officers would answer the questions honestly and 97.8% of our police respondents (N = 3,107 of 3,176) reported that they themselves had done so. We took our respondents at their word. When analyzing the results of the survey, we discarded the responses of the 2.2% of police officers (N = 69) who reported that they had not answered honestly.

Each question was designed to give officers who might consider manipulating their responses to create a favorable impression an opportunity to be candid. For example, while officers might be inclined to report that they thought certain types of misconduct were more serious than they actually thought them to be, we believe that they would be unlikely to report that misconduct should be punished more severely than they thought appropriate for fear that their reports might be used against them. A substantial degree of such manipulation should be evident in differences in correlation coefficients between the answers to questions about seriousness, discipline, and willingness to report. In fact, as Table 2.3 illustrates, the correlations between all six questions are extraordinarily high. The more serious police officers regarded a behavior, the more severely they thought it should and would be punished, and the more willing they were to report it. One could, in fact, predict with great accuracy the rank or mean answer to any one of the six questions by knowing the rank or mean answer to any other one of them. This finding lends support to our contention that all of the core six questions on the survey – the two on seriousness, the two on discipline, and the two on willingness to report – all tap the same phenomenon – the degree of police intolerance for misconduct.

Table 2.3. Spearman Correlation Coefficients – U.S. Police Officer Rank Ordering of Own and Others’ Views of Seriousness, Punishment Should and Would Receive and Own and Others’ Willingness to Report

	OWN View of Seriousness	OTHERS’ View of Seriousness	Punishment SHOULD Receive	Punishment WOULD Receive	OWN Willingness to Report	OTHERS’ Willingness to Report
OWN View of Seriousness						
OTHERS’ View of Seriousness	1.00 p < .001					
Punishment SHOULD Receive	.973 p < .001	.973 p < .001				
Punishment WOULD Receive	.973 p < .001	.973 p < .001	1.00 p < .001			
OWN Willingness to Report	.973 p < .001	.973 p < .001	.982 p < .001	.982 p < .001		
OTHERS’ Willingness to Report	.980 p < .001	.980 p < .001	.989 p < .001	.989 p < .001	.998 p < .001	

SURVEY RESULTS

The general results of the survey of 3,235 police officers from thirty U.S. police officers are displayed in Table 2.4 below. While measuring the inclination of a nation's police to resist temptations to abuse the rights and privileges of their occupation may prove useful for academic, historical or cross-cultural studies of police, the ability to measure the culture of integrity of an individual police agency is more relevant to police administrators who are responsible for them and citizens who are policed by them. National averages, especially in countries with decentralized police, mask great disparities between the individual agencies. To assist in beginning to unmask those differences we devised a system that would permit us to compare and rank the responses of officers in each agency with those of officers from the other agencies in the national sample. To determine an agency's summary ranking on the question that asked about officers' own perceptions of the seriousness of the behavior described in each case, the mean score of each agency's responses for each of the eleven cases was rank ordered. The agency received three (3) points if it scored among the top ten agencies on any question, two (2) points if it scored among the middle ten, and one (1) point if it scored among the bottom ten. These scores were then summed for all eleven cases. Using this scaling system agency scores could range on questions of officers' own perceptions of seriousness from eleven (11), for an agency that scored in the lowest third of agencies on all eleven questions, to thirty three (33), for an agency that scored among the highest third of agencies on all eleven questions.²⁰

The summary scores we developed formed the basis on which the agencies were placed in rank order from 1 to 30. This permitted us to say that an agency ranked "nth out of 30" in their officers' own perceptions of offense seriousness. Exactly the same procedure was used to calculate a summary score and ranking for each agency's responses about most officers' perceptions of seriousness, discipline should receive, discipline would receive, own willingness to report, and other officers' willingness to report.

Table 2.5 below displays the summary rankings for all 30 agencies in our sample. The three agencies identified by name on Table 2.5, Charleston, SC, Charlotte – Mecklenburg, NC, and St. Petersburg, FL all agreed, after this survey was completed, to participate in a comprehensive study of integrity in their agencies. As part of their participation in the subsequent research, these three departments consented to having their early survey results attributed to them. In subsequent

²⁰ An alternative summary ranking system could be based upon the full range of 30-point rankings for each of the 11 scenarios. This would create a scale that could range from 330 for an agency that scored the lowest of all thirty agencies on all six questions for all eleven scenarios to 990 for an agency that scored the highest of all thirty agencies on all six questions for all eleven scenarios. Such a scoring system however would magnify small and largely meaningless differences in mean scores, creating a false sense of precision. The ranking system we developed intentionally seeks to blunt any false sense of precision by allowing agencies to score, in a sense, only "high," "middle," or "low" on any given question.

Table 2.4. Police Officer Perceptions of Offense Seriousness, Punishment, and Willingness to Report

Case Number & Description	Seriousness						Discipline						Willingness to Report					
	Own View		Most Officers		Should Receive		Would Receive		Own View		Most Officers							
	Mean	Rank	Mean	Rank	Mean	Rank	Mean	Rank	Mean	Rank	Mean	Rank	Mean	Rank				
Case 1- Off-Duty Security System Business	1.46	1	1.48	1	1.34	1	None	1	1.51	1	None	1	1.37	1	1.46	1		
Case 2- Free Meals, Discounts on Beat	2.60	2	2.31	2	2.13	2	Verbal Reprimand	2	2.37	2	Verbal Reprimand	2	1.94	2	1.82	2		
Case 3- Bribe from Speeding Motorist	4.92	10	4.81	10	4.92	9	Dismissal	9	4.86	9	Dismissal	9	4.19	9	3.92	9		
Case 4- Holiday Gifts from Merchants	2.84	3	2.64	3	2.53	3	Verbal Reprimand	3	2.82	3	Written Reprimand	3	2.36	4	2.28	3.5		
Case 5- Crime Scene Theft of Watch	4.95	11	4.88	11	5.66	11	Dismissal	11	5.57	11	Dismissal	11	4.54	11	4.34	11		
Case 6- Auto Repair Shop 5% Kickback	4.50	7	4.26	7	4.40	8	Suspend w/o pay	8	4.46	8	Suspend w/o pay	8	3.95	8	3.71	8		
Case 7- Supervisor: Holiday for Tune-Up	4.18	6	3.96	6	3.59	5	Written Reprimand	5	3.43	5	Written Reprimand	5	3.45	6	3.29	6		
Case 8- Cover-Up of Police DUI Accident	3.03	4	2.86	4	2.81	4	Suspend w/o pay	4	3.21	4	Suspend w/o pay	4	2.34	3	2.28	3.5		
Case 9- Drinks to Ignore Late Bar Close	4.54	8	4.28	8	4.02	7	Suspend w/o pay	7	4.08	7	Suspend w/o pay	7	3.73	7	3.47	7		
Case 10- Excessive Force on Car Thief	4.05	5	3.70	5	3.76	6	Suspend w/o pay	6	4.00	6	Suspend w/o pay	6	3.39	5	3.07	5		
Case 11- Theft from Found Wallet	4.85	9	4.69	9	5.09	10	Dismissal	10	5.03	10	Dismissal	10	4.23	10	3.96	10		

Table 2.5. Seriousness, Discipline, and Willingness to Report Scores Rank Ordered by Total Agency Integrity Score

Agency	Own Opinion of Seriousness	Others' Opinion of Seriousness	Discipline SHOULD Receive	Discipline WOULD Receive	Own Willingness to Report	Others' Willingness to Report	TOTAL Rank	Integrity Score
Charleston	3	3	3	3	3	3	1	18
3	3	3	3	3	3	3	1	18
4	3	3	3	3	3	3	1	18
6	3	3	3	3	3	3	1	18
10	3	3	3	3	3	3	1	18
17	3	3	3	3	3	3	1	18
30	3	3	3	3	3	3	1	18
St. Petersburg	3	2	3	3	3	3	8	17
18	2	2	3	3	3	3	9	16
7	3	2	2	2	3	3	10	15
11	3	3	2	2	2	2	11	14
12	3	3	3	1	2	2	11	14
Charlotte-Mecklenburg	2	2	2	3	2	2	13	13
19	3	2	2	2	2	2	13	13
20	3	2	2	2	2	2	13	13
29	2	3	2	1	2	2	16	12
26	3	2	2	2	1	1	17	11
27	2	2	2	1	2	2	17	11
24	2	2	1	1	2	2	19	10

chapters we shall say a great deal more about the specific results of each of their surveys and of extensive further research we did in each of these agencies.

CONTRASTING ENVIRONMENTS OF INTEGRITY

At this point, for the purpose of showing just how great the differences were in the environments of integrity in the police agencies surveyed, we contrast the differences in the responses from one of these agencies, St. Petersburg, which ranked overall in 8th place out of 30, with Agency 23, which ranked in a five way tie for 24th place among the 30 agencies surveyed.

Both are large municipal police agencies. St. Petersburg is extremely receptive to research, is often promoted as a model of innovation, and enjoys a local and national reputation for integrity. Agency 23 has a long history of scandal and, despite various reform efforts, continues to carry a reputation as an agency with persistent corruption problems. Although a local newspaper once dubbed it as “the most corrupt police department in the country,” at least half a dozen other departments in our sample appear to have an integrity environment that is as bad or worse.

Tables 2.6 and 2.7 report the survey results from each agency. Some comment on them may help readers appreciate some differences between a police agency with an environment of integrity and one that is seriously troubled. In both agencies there was a very high correlation between the rank ordering of scores in each category. In both agencies in almost every case the mean rank order awarded a scenario for own seriousness, was the rank order awarded it for the seriousness which other officers would assign to it, the severity of discipline it should and would receive, and the likelihood that they or other officers in their agency would to report it. There was also little difference in the rank ordering of the scenarios between agencies.

While these differences in the within-agency and between-agency rank ordering of the scenarios are minimal, differences in the absolute scores between the agencies begin to reveal the wide differences between them. Although we found significant differences between the agency means in 59 of the 66 comparisons, almost all of which favored St. Petersburg, we employed a rule of thumb which was to regard mean differences of less than 0.5 as not meaningful even though a simple t-test establishes the difference as significant. Differences in agency means in excess of 0.5 are highlighted in Tables 2.8 and 2.9.

DIFFERENCES IN SERIOUSNESS

Although we have reported responses to all of the seriousness scores for both agencies, when comparing agency scores on seriousness, our preference is to use responses to the question “How serious do MOST POLICE OFFICERS IN YOUR AGENCY consider this behavior to be?” This question avoids two possible biases that may distort responses to the question that asks: “How serious do YOU consider this behavior to be?” The first bias inherent in the “YOU” version is a tendency to

Table 2.6. St. Petersburg, Florida Police: Summary of Responses

Case Number & Description	Seriousness				Discipline				Willingness to Report			
	Own View		Most Officers		Should Receive		Would Receive		Own View		Most Officers	
	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode
Case 1- Off-Duty Security System Business	1.57	1	1.51	1	1.47	1	1.70	1	1.57	1	1.52	1
Case 2- Free Meals, Discounts on Beat	3.04	2	2.53	2	2.50	2	2.77	2	2.42	2	2.07	2
Case 3- Bribe from Speeding Motorist	4.94	9.5	4.82	9	5.02	9	4.90	9	4.67	9	4.23	9
Case 4- Holiday Gifts from Merchants	3.07	3	2.73	3	2.73	3	3.07	3	2.74	4	2.49	4
Case 5- Crime Scene Theft of Watch	4.97	11	4.93	11	5.85	11	5.73	11	4.92	11	4.63	11

(Continued)

Table 2.6. (Continued)

Case Number & Description	Seriousness				Discipline				Willingness to Report				
	Own View		Most Officers		Should Receive		Would Receive		Own View		Most Officers		
	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	
Case 6- Auto Repair Shop 5% Kickback	4.58	7	4.31	7	4.41	8	Suspend w/o pay	4.45	8	4.38	8	3.92	8
Case 7- Supervisor: Holiday for Tune-Up	4.16	5	3.85	5	3.58	5	Written reprimand	3.24	4	3.68	5	3.34	5
Case 8- Cover-Up of Police DUI Accident	3.16	4	2.80	4	2.85	4	Written reprimand	3.33	5	2.67	3	2.40	3
Case 9- Drinks to Ignore Late Bar Close	4.68	8	4.32	8	4.10	7	Suspend w/o pay	4.11	6.5	4.21	7	3.79	7
Case 10- Excessive Force on Car Thief	4.45	6	4.01	6	3.97	6	Suspend w/o pay	4.11	6.5	4.02	6	3.44	6
Case 11- Theft from Found Wallet	4.94	9.5	4.83	10	5.42	10	Dismissal	5.24	10	4.74	10	4.38	10

Table 2.7. Agency 23 – Summary of Survey Responses

Case Number & Description	Seriousness				Discipline				Willingness to Report				
	Own View		Most Officers		Should Receive		Would Receive		Own View		Most Officers		
	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	Mean Rank	Mode	
Case 1- Off-Duty Security System Business	1.36	1	1.40	1	1.26	1	None	1.34	1	1.22	1	1.31	1
Case 2- Free Meals, Discounts on Beat	2.85	4	2.57	3	2.32	2	Verbal reprimand	2.52	2	1.75	2	1.79	2
Case 3- Bribe from Speeding Motorist	4.78	10	4.60	10	4.44	10	Suspend w/o pay	4.45	10	3.02	10	2.90	10
Case 4- Holiday Gifts from Merchants	2.79	3	2.61	4	2.60	4	Verbal reprimand	2.89	4	2.05	4	2.03	4
Case 5- Crime Scene Theft of Watch	4.79	11	4.62	11	4.90	11	Dismiss	4.93	11	3.36	11	3.25	11

(Continued)

Table 2.7. (Continued)

Case Number & Description	Seriousness			Discipline			Willingness to Report							
	Own View	Most Officers	Mean Rank	Should Receive	Mode	Mean Rank	Would Receive	Mode	Own View	Most Officers	Mean Rank			
	Mean Rank	Mean Rank	Mean Rank	Mean Rank	Mode	Mean Rank	Mean Rank	Mode	Mean Rank	Mean Rank	Mean Rank			
Case 6- Auto Repair Shop 5% Kickback	4.02	7	3.75	8	Suspend w/o pay	3.92	8	Suspend w/o pay	2.71	8	2.64	8		
Case 7- Supervisor: Holiday for Tune-Up	4.05	8	3.85	8	3.52	7	Suspend w/o pay	3.53	7	Suspend w/o pay	2.66	7	2.60	7
Case 8- Cover-Up of Police DUI Accident	2.68	2	2.54	2	2.58	3	None	2.84	3	None	2.03	3	1.95	3
Case 9- Drinks to Ignore Late Bar Close	3.77	6	3.44	6	3.18	6	Suspend w/o pay	3.30	5	Suspend w/o pay	2.48	5	2.35	5
Case 10- Excessive Force on Car Thief	3.49	5	3.22	5	3.16	5	Suspend w/o pay	3.47	6	Suspend w/o pay	2.53	6	2.38	6
Case 11- Theft from Found Wallet	4.55	9	4.24	9	4.13	9	Suspend w/o pay	4.26	9	Suspend w/o pay	2.95	9	2.74	9

Table 2.8. St. Petersburg, FL PD and 23 Reports of OWN Seriousness, Discipline SHOULD, and OWN Willingness to Report

	St. Pete PD (X ₁) vs Agency 23 (X ₂) OWN Seriousness			St. Pete PD (X ₁) vs Agency 23 (X ₂) Discipline SHOULD			St. Pete PD (X ₁) vs Agency 23 (X ₂) OWN Willingness to Report					
	X ₁	X ₂	X ₁ - X ₂	t-test	X ₁	X ₂	X ₁ - X ₂	t-test	X ₁	X ₂	X ₁ - X ₂	t-test
Case 1- Off Duty Security System Business	1.57	1.36	0.21	-2.82 p < .05	1.47	1.24	0.23	-3.60 p < .001	1.57	1.22	0.35	-4.78 p < .001
Case 2- Free Meals, Discounts, on beat	3.04	2.85	0.19	-1.80 p < .01	2.50	2.31	0.19	-2.48 p < .01	2.42	1.75	0.67	-6.67 p < .001
Case 3- Bribe from speeding Motorist	4.94	4.78	0.16	-3.72 p < .001	5.02	4.44	0.58	-6.28 p < .001	4.67	3.02	1.65	-16.09 p < .001
Case 4- Holiday Gifts from Merchants	3.07	2.79	0.28	-2.47 p < .01	2.73	2.59	0.14	-1.35 NS**	2.74	2.05	0.69	-6.24 p < .001
Case 5- Crime Scene Theft of Watch	4.97	4.79	0.18	-4.21 p < .001	5.85	4.90	0.95	-12.64 p < .001	4.92	3.36	1.56	-15.97 p < .001
Case 6- Auto Repair Shop 5% Kickback	4.58	4.02	0.56	-6.74 p < .001	4.41	3.74	0.67	-6.47 p < .001	4.38	2.71	1.67	-15.63 p < .001

(Continued)

Table 2.8. (Continued)

	St. Pete PD (X_1) vs Agency 23 (X_2) OWN Seriousness			St. Pete PD (X_1) vs Agency 23 (X_2) Discipline SHOULD			St. Pete PD (X_1) vs Agency 23 (X_2) OWN Willingness to Report					
	\bar{X}_1	\bar{X}_2	$X_1 - X_2$	t-test	\bar{X}_1	\bar{X}_2	$X_1 - X_2$	t-test	\bar{X}_1	\bar{X}_2	$X_1 - X_2$	t-test
Case 7- Supervisor: Holiday for Tune-Up	4.16	4.05	0.11	-1.24 NS	3.58	3.51	0.07	-0.72 NS	3.68	2.66	1.02	-8.68 p < .001
Case 8- Cover-Up of Pol. DUI and Accident	3.16	2.68	0.48	-4.32 p < .001	2.85	2.57	0.28	-2.69 p < .05	2.67	2.03	0.64	-5.66 p < .001
Case 9- Drinks to Ignore Late Bar Closing	4.68	3.77	0.91	-9.96 p < .001	4.10	3.17	0.93	-10.45 p < .001	4.21	2.48	1.73	-16.02 p < .001
Case 10- Excessive Force on Car Thief	4.45	3.49	0.96	-10.12 p < .001	3.97	3.15	0.82	-8.30 p < .001	4.02	2.53	1.49	-13.42 p < .001
Case 11- Theft from Found Wallet	4.94	4.55	0.39	-6.85 p < .001	5.42	4.13	1.29	-14.17 p < .001	4.74	2.95	1.79	-17.41 p < .001

Table 2.9. St. Petersburg, FL PD and Agency 23 Reports of MOST POLICE

	St. Pete PD (X_1) vs Agency 23 MOST POLICE Seriousness				St. Pete PD (X_1) vs Discipline WOULD				St. Pete PD (X_1) vs Agency 23 MOST POLICE Willingness to Report			
	X_1	X_2	$X_1 - X_2$	t-test	X_1	X_2	$X_1 - X_2$	t-test	X_1	X_2	$X_1 - X_2$	t-test
Case 1- Off Duty Security System Business	1.52	1.31	0.21	-1.61 NS**	1.7	1.33	0.37	-5.08 p < .001	1.52	1.31	0.21	-3.12 p < .05
Case 2- Free Meals, Discounts, on beat	2.53	2.57	-0.04	0.41 NS*	NS**	2.77	2.51	0.26	2.07	1.74	0.33	-3.83 p < .001
Case 3- Bribe from speeding Motorist	4.82	4.60	0.22	-4.25 p < .001	4.9	4.45	0.45	-5.06 p < .001	4.23	2.9	1.33	-13.89 p < .001
Case 4- Holiday Gifts from Merchants	2.73	2.61	0.12	-1.1 NS	3.07	2.88	0.19	-1.94 p < .01	2.49	2.03	0.46	-4.65 p < .001

(Continued)

Table 2.9. (Continued)

	St. Pete PD (X ₁) vs Agency 23 (X ₂) MOST POLICE Seriousness			St. Pete PD (X ₁) vs Discipline WOULD			St. Pete PD (X ₁) vs Agency 23 MOST POLICE Willingness to Report					
	X ₁	X ₂	X ₁ - X ₂	t-test	X ₁	X ₂	X ₁ - X ₂	t-test	X ₁	X ₂	X ₁ - X ₂	t-test
Case 5- Crime Scene Theft of Watch	4.93	4.62	0.31	-6.16 p < .001	5.73	4.93	0.8	-10.33 p < .001	4.63	3.25	1.38	-14.99 p < .001
Case 6- Auto Repair Shop 5% Kickback	4.31	3.75	0.56	-6.28 p < .001	4.45	3.91	0.54	-5.35 p < .001	3.92	2.64	1.28	-12.51 p < .001
Case 7- Supervisor: Holiday for Tune-Up	3.85	3.85	0.00	0.04 NS	3.24	3.52	-0.28	2.78 p < .05	3.34	2.6	0.74	-6.8 p < .001
Case 8- Cover-Up of Pol. DUI and Accident	2.80	2.54	0.26	-2.61 p < .05	3.33	2.84	0.50	-4.92 p < .001	2.40	1.95	0.45	-4.55 p < .001
Case 9- Drinks to Ignore Late Bar Closing	4.32	3.44	0.88	-9.13 p < .001	4.11	3.29	0.82	-8.92 p < .001	3.79	2.35	1.44	-13.89 p < .001

inflate one's estimates of seriousness as a matter of self-serving bias. Also, in other analyses of these data, we have found a strong tendency for supervisors to regard misconduct as more serious than line officers do.²¹ These influences are eliminated in the "MOST POLICE OFFICERS IN YOUR AGENCY" question which asks officers of all ranks to speculate on the opinion in the general culture of the agency.

Answers to "Own" seriousness and "Most Police" seriousness questions featured meaningfully significant differences in three and four of the eleven cases, respectively. All the cases in which there were meaningful significant differences, with one exception, involved behaviors that the police in both agencies (St. Petersburg and Agency 23) and in our national sample regarded to be in the middle of the seriousness scale—accepting a 5% kickback from an auto-repair shop, accepting drinks to ignore late bar closing, and use of excessive force on a car thief.

DIFFERENCES IN DISCIPLINE

Across the two agencies, there were no meaningful differences between the officers' estimates of what discipline "would" be given for having an off-duty security system business, accepting free meals, holiday gifts, accepting a bribe from a speeding motorist, or for a supervisor who offered a holiday off to a subordinate who offered to tune up his car. There were meaningful differences, however, between the estimates of the severity of punishment that "would" be given for the remaining 6 cases. In all of those cases officers believe that they would be punished substantially more severely in St. Petersburg than in Agency 23. Officers in St. Petersburg also thought that in six of the 11 cases—all among the most serious—the offenses described in the scenarios ought to be punished substantially more harshly than did the officers from Agency 23.

DIFFERENCES IN WILLINGNESS TO REPORT

Unquestionably the most dramatic differences between St. Petersburg and Agency 23 are reflected in the differences in their estimates of willingness to report the behavior described in the eleven scenarios. There are significant differences in mean scores for 10 out of 11 cases for own willingness to report and for 7 out of 11 cases for most police officers willingness to report. In 17 out of 22 cases the differences are not only significant but dramatically different, often in excess of a whole point on a five point scale. In fact, in Agency 23 only a single willingness to report score is in excess of 3.0 (Case 5 – Crime Scene Theft of Watch – Mean Score 3.25) on the five-point scale. It is clear that in Agency 23 "The Code of Silence" is so strong that the officer who takes a kickback, a bribe, steals from a found wallet

²¹ Sanja Kutnjak Ivković and Carl Klockars, "Attitudes on Police Corruption: Does Length of Service Make a Difference?" A paper presented to the Academy of Criminal Justice Sciences Annual Meeting, March 1997. 39 pp.

or a crime scene may do so without much worry that his police colleagues will expose his misconduct. By contrast, a police officer in St. Petersburg probably will not be reported for taking a free meal or a discount, accepting a holiday gift from a merchant, or for not reporting a police officer for driving under the influence, but every other offense described in the scenario runs a substantial chance of being revealed by a fellow police officer. On the eight remaining scenarios police officers rated the likelihood of most police officers in their agency reporting as 3.34 or higher in all cases and well above 4.2 in three of those eight.

CONCLUSIONS AND IMPLICATIONS

In this chapter we set out to measure the integrity environment in a sample of 3,235 police officers from 30 U.S. police agencies. We did so by asking police respondents seven specific questions about eleven brief scenarios. Ten of the eleven scenarios described situations in which one could conclude that gain or the appearance of it influenced the behavior of the officer whose behavior was described in it. In the remaining scenario officers used excessive force on a car thief after a foot pursuit. The seven questions asked officers for their opinions about seriousness, discipline, willingness to report, and whether or not the behavior described in the scenario constituted a violation of agency policy.

Analysis of this sample shows that the more serious police officers thought a behavior to be, the more severe discipline they thought it should and would receive, and the more willing they were to say they would report it. While these findings about *relative* seriousness, discipline, and willingness to report prevailed within the sample as a whole and within and between individual police agencies, differences in police opinions across agencies about *absolute* levels of seriousness, discipline, and willingness to report were dramatic. In some police agencies in our sample police officers found nearly half of the behaviors described in our sample to be of sufficient seriousness to merit dismissal. In those agencies officers also claimed that they and their police colleagues were highly likely to report all but the least serious forms of misconduct. In other agencies only theft from a crime scene was, in the opinion of a plurality of respondents, sufficient grounds to fire a police officer and not even that offence would motivate the majority of officers in such agencies to break the Code of Silence and report the misconduct of a colleague.

This range of absolute differences in the evaluations of seriousness, discipline, and willingness to report made it possible to compile composite scores for each of the thirty police agencies in the sample and rank order them from 1 through 30 in terms of their environments of integrity. This rank ordering is somewhat deceptive owing to the fact that police agencies of integrity were undoubtedly more likely to participate in the survey than those that had something to hide. Thus, even police agencies that ranked among the middle agencies surveyed would probably qualify as agencies of relatively high integrity.

The rank ordering of police agencies in our survey in terms of environments of integrity proved helpful as it assisted us in identifying three fairly large

municipal police agencies worth studying. We selected Charleston, SC, Charlotte-Mecklenburg, NC, and St. Petersburg, FL because our survey led us to believe that each employed a relatively successful combination of selection and socialization. However, as we shall soon see, while each was identifiable as an agency of integrity, the contours and textures of integrity were quite different in each agency. Our subsequent, in-depth study of these three agencies allowed us to explore how these agencies have achieved and maintained their high levels of integrity.

There is, of course, an additional reason to study these agencies directly. Despite our promises and assurances, the care we took in constructing our survey, and the analyses that support its reliability, the possibility exists that officers from these agencies that scored well on our survey lied to us. The only way we know if that is true is to go to each site and spend enough time and effort to determine whether or not what they told us squares with what we find there. Doing so took about 18 months of interview, observation, and examination of the most intimate records of each agency.

CHAPTER 3

PROFILES OF INTEGRITY

*The Charleston, SC, Charlotte-Mecklenburg, NC,
and St. Petersburg, FL, Police Departments*

In 1997, after we completed our national survey of 30 U.S. police agencies and demonstrated that the survey instrument could identify police agencies whose occupational cultures were more or less tolerant of misconduct, we petitioned the National Institute of Justice to support a new phase of our research. In this phase of the project we proposed to select three agencies from our national sample that had scored well on our survey and examine whether they were indeed agencies of integrity. If they proved to be agencies of integrity, we sought to determine what it was that created and sustained the environment of integrity in each. The National Institute of Justice funded an eighteen-month field study of three agencies from our sample: Charleston, South Carolina; Charlotte-Mecklenburg, North Carolina; and St. Petersburg, Florida.

Equally important, the three agencies that participated in the study lent their generous support to us. In fact, we selected these agencies as the subjects of the second phase of our study because they had scored well on the survey, but also because our personal relationships with the chiefs gave us confidence that we would be given the administrative cooperation and untrammelled access to agency records and personnel that our close scrutiny of these departments would require. For more than a decade, Carl Klockars had crossed professional paths and appeared on panels and attended conferences with Reuben Greenberg, the Chief of Charleston; and Darrel Stephens, the Chief of St. Petersburg. Bill Geller, who joined the project after the first survey to take charge of the Charlotte-Mecklenburg research site, had particularly good relationships with both Darrel Stephens and CMPD Chief Dennis Nowicki. Geller had worked for Darrel Stephens at the Police Executive Research Forum (PERF) for several years and had remained friends with him after both of them left PERF for other positions. Geller had known Nowicki since the early 1980s, when Nowicki was a deputy superintendent in the Chicago Police Department and Geller worked for a community-based police reform organization in the Chicago area. In the summer of 1999, Geller had the opportunity to work with members of the department, community leaders and the city manager's office as part of an executive search team employed to identify candidates to succeed Dennis Nowicki as chief of police. They selected Darrel Stephens.

Our initial impressions of each agency consisted largely of what we learned about each from a detailed examination of their responses to our survey and the

information we could collect about each from generally available public records. These data formed the basis for the “profiles of integrity” we prepared for each agency. These “integrity profiles” were written reports we delivered to each agency that summarized and analyzed their performance on our survey. As such, they formed our advance impression of the state of integrity in each agency.

By way of introduction to each agency, we should now like to present the profile of integrity we developed for each agency based upon their survey responses and add to it a variety of additional information gathered from various public records and preliminary meetings at each site. These data summarize what we knew about each agency still standing some distance from it. In subsequent chapters we augment these profiles with information about each agency we obtained only after studying its inner workings for a year and a half.

Profiles of Integrity – What the Survey Told Us

Overall, our survey of 30 U.S. police agencies placed Charleston in a six-way tie for first place, St. Petersburg in eighth place, and Charlotte-Mecklenburg in a three-way tie for thirteenth position among the 30 agencies we surveyed. As we explained in Chapter Two, we developed this ranking by dividing the mean agency responses to each scenario into three groups and assigning 3, 2 or 1 points to each agency’s score, depending upon whether its score fell in the top, middle, or bottom third of responses. Employing this system Charleston scored a perfect 18 points because its scores on every one of the six questions ranked it in the top third of the agencies surveyed. St. Petersburg earned a nearly perfect 17 points because all but one of its scores ranked in the top third. Charlotte-Mecklenburg’s total was 13 points, based on the fact that all but one of its mean scores placed it in the middle third of agencies surveyed.

AGENCY ENVIRONMENTS OF SERIOUSNESS

Officers from each of the three agencies were asked to estimate how serious they and most other officers in their agency regarded each of the eleven scenarios. When all thirty agencies were ranked from highest (#1) to lowest (#30) in terms of seriousness scores, Charleston came out in a three-way tie for 6th place of 30 agencies in terms of officers’ estimates of how serious most officers in their agency would rate the scenarios. St Petersburg came out in a three-way tie for 11th place in terms of how seriously most officers in their agency would rate them. And Charlotte-Mecklenburg came out in a three-way tie for 16th place.

Table 3.1 displays how the mean seriousness scores differ between each of the three agencies. There is no meaningful difference between the mean scores of seriousness between the agencies for eight of the eleven scenarios. Those eight cases include Case 1, the conduct of an off-duty alarm system business that officers in all three agencies regarded as not at all serious as well as all seven scenarios that officers from all agencies regarded as the most serious.

Table 3.1. Seriousness Scores: Charleston, Charlotte-Mecklenburg and St. Petersburg

Case # & Description	Charleston			Charlotte-Mecklenburg			St. Petersburg		
	Seriousness Own Opinion	Seriousness Others' Opinion	Seriousness Own Opinion	Seriousness Own Opinion	Seriousness Others' Opinion	Seriousness Own Opinion	Seriousness Others' Opinion		
Case 1 Off-Duty Alarm System Business	Rank=1 Mean=1.56 SD=1.14	Rank=1 Mean=1.36 SD=1.09	Rank=1 Mean=1.58 SD=1.00	Rank=1 Mean=1.60 SD=0.90	Rank=1 Mean=1.57 SD=1.04	Rank=1 Mean=1.51 SD=0.86			
Case 2 Free Meals and Discounts on Beat	Rank=3.5 Mean=3.59 SD=1.33	Rank=2 Mean=3.26 SD=1.12	Rank=2 Mean=1.94 SD=1.10	Rank=2 Mean=1.75 SD=0.91	Rank=2 Mean=3.04 SD=1.28	Rank=2 Mean=2.53 SD=1.12			
Case 3 Bribe from Speeding Motorist	Rank=10 Mean=4.96 SD=0.19	Rank=10 Mean=4.91 SD=0.28	Rank=10 Mean=4.94 SD=0.31	Rank=10 Mean=4.81 SD=0.46	Rank=9.5 Mean=4.94 SD=0.36	Rank=9 Mean=4.82 SD=0.50			
Case 4 Holiday Gifts from Merchants	Rank=2 Mean=3.57 SD=1.26	Rank=3 Mean=3.41 SD=1.15	Rank=3 Mean=2.39 SD=1.30	Rank=3 Mean=2.24 SD=1.17	Rank=3 Mean=3.07 SD=1.31	Rank=3 Mean=2.73 SD=1.19			
Case 5 Theft of Watch from Crime Scene	Rank=11 Mean=4.99 SD=0.11	Rank=11 Mean=4.97 SD=0.18	Rank=11 Mean=4.98 SD=0.24	Rank=11 Mean=4.92 SD=0.33	Rank=11 Mean=4.97 SD=0.32	Rank=11 Mean=4.93 SD=0.38			
Case 6 Auto Repair Shop 5% Kickback	Rank=8 Mean=4.60 SD=0.78	Rank=8 Mean=4.54 SD=0.77	Rank=7 Mean=4.44 SD=0.90	Rank=7 Mean=4.17 SD=0.96	Rank=7 Mean=4.58 SD=0.77	Rank=7 Mean=4.31 SD=0.90			

(Continued)

Table 3.1. (Continued)

Case # & Description	Charleston			Charlotte-Mecklenburg			St. Petersburg		
	Seriousness Own Opinion	Seriousness Others' Opinion	Seriousness Own Opinion	Seriousness Others' Opinion	Seriousness Own Opinion	Seriousness Others' Opinion			
Case 7 Supervisor Officers Holiday Off for Auto Tune Up	Rank=6 Mean=4.20 SD=1.01	Rank=6 Mean=4.08 SD=1.00	Rank=6 Mean=4.13 SD=1.07	Rank=6 Mean=3.90 SD=1.11	Rank=5 Mean=4.16 SD=1.01	Rank=5 Mean=3.85 SD=1.10			
Case 8 Cover Up of Officer DUI Incident	Rank=3.5 Mean=3.59 SD=1.29	Rank=4 Mean=3.44 SD=1.28	Rank=4 Mean=3.00 SD=1.39	Rank=4 Mean=2.87 SD=1.23	Rank=4 Mean=3.16 SD=1.27	Rank=4 Mean=2.80 SD=1.13			
Case 9 Free Drinks to Ignore Late Bar	Rank=7 Mean=4.59 SD=0.73	Rank=7 Mean=4.40 SD=0.85	Rank=8 Mean=4.66 SD=0.70	Rank=8 Mean=4.42 SD=0.83	Rank=8 Mean=4.68 SD=0.65	Rank=8 Mean=4.32 SD=0.86			
Case 10 Excessive Force on Car Thief	Rank=5 Mean=4.15 SD=1.11	Rank=5 Mean=3.84 SD=1.12	Rank=5 Mean=3.95 SD=1.24	Rank=5 Mean=3.55 SD=1.21	Rank=6 Mean=4.45 SD=0.87	Rank=6 Mean=4.01 SD=0.99			
Case 11 Theft from found Wallet	Rank=9 Mean=4.90 SD=0.44	Rank=9 Mean=4.83 SD=0.53	Rank=9 Mean=4.89 SD=0.41	Rank=9 Mean=4.73 SD=0.60	Rank=9.5 Mean=4.94 SD=0.39	Rank=10 Mean=4.83 SD=0.51			

Where the agencies did differ in their appraisals of seriousness were in their opinions on police officers receiving free meals, discounts, and holiday gifts and on the cover up of a DUI incident involving a police officer. Officers in Charleston reported that most officers in Charleston would find all of these types of behavior to be rather serious (3+ on a five-point scale). By contrast, both St. Petersburg and Charlotte-Mecklenburg thought that covering up a minor police DUI (no personal injury or property damage) was much less serious. Finally, in Charlotte-Mecklenburg, most officers thought that there was little or nothing wrong with accepting half-price meals, discounts, and holiday gifts.

In assessing how serious each of the scenarios would be regarded in each agency we employed the officers' responses to the question "How serious do you think *most officers in this agency* would regard this behavior?" We did so for two reasons, even though the seriousness scores in response to that question were, in almost every case, lower than those in response to the question "How serious do *you* regard this behavior to be?" The first reason was that the question asking about each officer's personal opinion about seriousness invited a self-serving bias that might well cause them to elevate their own scores to compare favorably to their colleagues.

Even more important was the fact that the "own opinion" and "most officers' opinion" questions actually represented the responses of different groups. The "own opinion" responses included the opinions of all members of supervisory ranks who participated in the survey. The "most officers" question asked about the opinion of the average police officer. Analyses of our survey show that as the rank of the officer increases their perceptions of seriousness increase as well. In fact, we determined that if we removed supervisors and administrators from the "own opinion" responses, in all three agencies, the differences between "own" and "most officer" opinions on seriousness disappeared.

AGENCY ENVIRONMENTS OF DISCIPLINE

In addition to asking our sample of officers in each agency about how serious they and other officers regarded the behavior described in the eleven scenarios, we also asked what discipline an officer who engaged in that behavior *should* receive and *would* receive. The respondents were given six (6) disciplinary options from which to choose:

1. *None*
2. *Verbal Reprimand*
3. *Written Reprimand*
4. *Period of Suspension without Pay*
5. *Demotion in Rank*
6. *Dismissal*

Two points concerning these disciplinary options are directly relevant to assessing the responses we received to the "discipline should" and "discipline would"

questions in Charleston, Charlotte-Mecklenburg, and St. Petersburg. The first, and by far the most important, is that, unlike the scale we developed to measure seriousness, the disciplinary options do not constitute an interval scale. Although they are in an increasing order of severity, one of the options, demotion in rank, is, in fact, not applicable to the majority of scenarios. With full knowledge of this limitation, we have calculated means for the disciplinary responses in each agency even though doing so violates a necessary condition for doing so. Violating this assumption is done solely in the interest of ease of presentation. The conclusions we draw from comparison of those means could also be drawn from comparison of frequency distributions or other more cumbersome methods.

A second point about these disciplinary options is that they reflect only differences in severity. The answers we received on our survey are entirely silent on questions of consistency and equality of application, issues we will examine in some detail in subsequent chapters. At this point, based largely on the survey, it is possible to speak of the environments of discipline in Charleston, Charlotte-Mecklenburg, and St. Petersburg only in terms of the *severity* of discipline that officers in each agency expect and find appropriate.

Overall, with respect to severity of discipline officers believed they *would* receive in their agency for the behavior described in the scenarios Charleston ranked in 1st place out of the thirty agencies surveyed, Charlotte-Mecklenburg ranked in a two-way tie for 11th place, and St. Petersburg in a three-way tie for 4th place. On the discipline officers thought *should* be given for the behavior described in the scenarios Charleston again ranked in 1st place out of the thirty agencies surveyed, Charlotte-Mecklenburg ranked in a four way tie for 8th place, and St. Petersburg in a three-way tie for 2nd place. These findings tend to support the impression derived from the analysis of the seriousness scores that the level of intolerance for corruption is somewhat lower in Charlotte-Mecklenburg than it is in Charleston and St. Petersburg. However, a more precise impression may be generated from Table 3.2, which displays the details of answers to the disciplinary questions from all three agencies.

First, it appears that the disciplinary environment in Charleston is uniformly more severe than in both Charlotte-Mecklenburg and St. Petersburg. These differences in severity in Charleston persist in nearly every case. Moreover, in nearly every case it is more severe in Charleston not only in terms of what officers predict would happen if they engaged in the behavior described in the scenarios, it is more severe in terms of what officers believe *should* happen to an officer who did so. As was the case with seriousness scores these inter-agency differences in officer opinions about both expected and appropriate discipline are especially sharp with respect to officers who would accept free or discounted meals and gifts or cover up a fellow police officer's DUI and accident.

Whereas differences between Charleston and the other two sites are both uniform and consistent, differences between Charlotte-Mecklenburg and St. Petersburg are limited only to opinions on the discipline appropriate and expected for receiving free meals, discounts, and holiday gifts. While officers in St. Petersburg report that in their agency minor efforts should and would be made to discipline such behavior, in

Table 3.2. Discipline Scores: Charleston, Charlotte-Mecklenburg, and St. Petersburg

Case # & Description	Charleston			Charlotte-Mecklenburg			St. Petersburg		
	Discipline SHOULD Receive	Discipline WOULD Receive	Discipline SHOULD Receive	Discipline WOULD Receive	Discipline SHOULD Receive	Discipline WOULD Receive	Discipline SHOULD Receive	Discipline WOULD Receive	
Case 1 Off-Duty Alarm System Business	Mean=1.55 SD=1.23 Mode: None	Mean=1.80 SD=1.48 Mode: None	Mean=1.42 SD=0.92 Mode: None	Mean=1.66 SD=1.13 Mode: None	Mean=1.47 SD=0.93 Mode: None	Mean=1.70 SD=1.05 Mode: None			
Case 2 Free Meals and Discounts on Beat	Mean=3.24 SD=1.26 Mode: Verbal Reprimand	Mean=3.84 SD=1.12 Mode: Suspension	Mean=1.67 SD=0.84 Mode: None	Mean=1.94 SD=0.94 Mode: None	Mean=2.50 SD=0.99 Mode: Verbal Reprimand	Mean=2.77 SD=0.95 Mode: Written Rep.			
Case 3 Bribe from Speeding Motorist	Mean=5.41 SD=0.90 Mode: Dismissal	Mean=5.61 SD=0.71 Mode: Dismissal	Mean=4.87 SD=1.16 Mode: Dismissal	Mean=4.83 SD=1.15 Mode: Dismissal	Mean=5.02 SD=1.09 Mode: Dismissal	Mean=4.90 SD=1.11 Mode: Dismissal			
Case 4 Holiday Gifts from Merchants	Mean=3.50 SD=1.37 Mode: Suspension	Mean=4.05 SD=1.19 Mode: Suspension	Mean=2.10 SD=1.15 Mode: None	Mean=2.44 SD=1.24 Mode: None	Mean=2.73 SD=1.22 Mode: Written Reprimand	Mean=3.07 SD=1.20 Mode: Written Rep.			
Case 5 Theft of Watch from Crime Scene	Mean=5.92 SD=0.35 Mode: Dismissal	Mean=5.91 SD=0.40 Mode: Dismissal	Mean=5.76 SD=0.65 Mode: Dismissal	Mean=5.72 SD=0.71 Mode: Dismissal	Mean=5.85 SD=0.55 Mode: Dismissal	Mean=5.73 SD=0.74 Mode: Dismissal			
Case 6 Auto Repair Shop Kickback	Mean=4.95 SD=1.24 Mode: Dismissal	Mean=5.15 SD=1.12 Mode: Dismissal	Mean=4.34 SD=1.27 Mode: Suspension	Mean=4.46 SD=1.22 Mode: Suspension	Mean=4.41 SD=1.15 Mode: Suspension	Mean=4.45 SD=1.13 Mode: Suspension			

(Continued)

Table 3.2. (Continued)

Case # & Description	Charleston		Charlotte-Mecklenburg		St. Petersburg	
	Discipline SHOULD Receive	Discipline WOULD Receive	Discipline SHOULD Receive	Discipline WOULD Receive	Discipline SHOULD Receive	Discipline WOULD Receive
Case 7 Supervisor Officers Holiday Off for Auto Tune Up	Mean=4.01 SD=1.38 Mode: Written Reprimand	Mean=4.13 SD=1.29 Mode: Written Reprimand	Mean=3.58 SD=1.18 Mode: Written Reprimand	Mean=3.47 SD=1.18 Mode: Suspension	Mean=3.58 SD=1.23 Mode: Written Reprimand	Mean=3.24 SD=1.28 Mode: Written Rep.
Case 8 Cover Up of Officer DUI Incident	Mean=3.71 SD=1.44 Mode: Suspension	Mean=4.28 SD=1.34 Mode: Suspension	Mean=2.86 SD=1.36 Mode: Suspension	Mean=3.36 SD=1.28 Mode: Suspension	Mean=2.85 SD=1.13 Mode:Written Reprimand	Mean=3.33 SD=1.04 Mode: Suspension
Case 9 Free Drinks to Ignore Late Bar	Mean=4.69 SD=1.14 Mode: Suspension	Mean=4.87 SD=1.00 Mode: Suspension	Mean=4.17 SD=1.08 Mode: Suspension	Mean=4.27 SD=1.08 Mode: Suspension	Mean=4.10 SD=0.98 Mode: Suspension	Mean=4.11 SD=0.98 Mode: Suspension
Case 10 Excessive Force on Car Thief	Mean=4.18 SD=1.27 Mode: Suspension	Mean=4.48 SD=1.09 Mode: Suspension	Mean=3.69 SD=1.23 Mode: Suspension	Mean=4.00 SD=1.08 Mode: Suspension	Mean=3.97 SD=0.96 Mode: Suspension	Mean=4.11 SD=0.83 Mode: Suspension
Case 11 Theft from found Wallet	Mean=5.59 SD=0.82 Mode: Dismissal	Mean=5.68 SD=0.70 Mode: Dismissal	Mean=5.19 SD=1.08 Mode: Dismissal	Mean=5.16 SD=1.10 Mode: Dismissal	Mean=5.42 SD=0.99 Mode: Dismissal	Mean=5.24 SD=1.05 Mode: Dismissal

the opinion of Charlotte-Mecklenburg officers no such efforts are either appropriate or expected. In the nine remaining scenarios there is virtually no difference in the disciplinary opinions of Charlotte-Mecklenburg and St. Petersburg officers.

As one might expect, there were some officers in each of the three police agencies who objected to one or more aspects of their department's disciplinary environment. With respect to the question of severity of discipline, there were some officers who found the discipline the agency threatened to be too severe and others who found it too lenient. To explore this question we subtracted officers' discipline "should receive" scores from discipline "would receive" scores and reported the results of that subtraction in Table 3.3. Overall, in all three agencies there is a high level of support for the severity of discipline administered in each agency, a widespread perception that, at least with respect to severity, discipline within the agency is fair. This is especially so for the most serious incidents, such as accepting a bribe or a kickback or stealing from a found wallet or crime scene.

We can, however, identify areas in which there is significant minority opinion, by which we mean that twenty percent or more of officers surveyed found the expected discipline either to be too severe or too lenient. There were, in fact, three areas: 1) Receipt of free meals and discounts; 2) Receipt of Holiday Gifts; and 3) Cover-Up of Police DUI and Accident in which nearly thirty percent or more of officers in all three agencies found the threatened discipline to be too severe. This similarity in proportion of officers finding discipline too harsh is quite similar, even though the actual severity of expected discipline in each agency is very different. For example, the majority of officers in Charleston believe the discipline they will receive for accepting free meals is a period of suspension, in St. Petersburg it would be a written warning, and in Charlotte-Mecklenburg it would be nothing. Despite these differences, in each of the three agencies roughly a third of officers—a similarly large substantial minority—find the discipline they expected for that offense to be too severe.

In Charlotte-Mecklenburg and Charleston about one officer in four found the penalty they expected for using excessive force on a car thief to be excessive, a penalty which most officers in both agencies predicted would be suspension. In only one case in one agency, St. Petersburg officers with respect to Case Seven involving a supervisor abusing his discretion, a significant minority of officers reported that they believed the discipline in their agency would be too lenient.

AGENCY ENVIRONMENTS OF WILLINGNESS TO REPORT

In each of the three agencies officers were asked two questions about willingness to report the behavior described in the eleven scenarios. One question asked officers to indicate their own willingness to report, the other asked them to estimate the willingness to report of most officers. Their answers to both of these questions are summarized in Table 3.4. As before, we used officer answers to the "most officers" question as our measure of willingness to report in the agency to avoid the influence of a self-serving bias as well as a rank bias. Overall, with respect to

Table 3.3. Opinions of Officers in Charleston, Charlotte-Mecklenburg, and St. Petersburg about the Fairness of Discipline in their Agencies: Percent Finding Discipline Too Harsh, Too Lenient, or Fair, by Case

Case	1 – Off Duty Security System Business	2 – Free Meals, Discounts on Beat	3 – Bribe from Speeding Motorist	4 – Holiday Gifts from Merchants	5 – Crime Scene Theft of Watch	6 – Auto Repair Shop 5% Kick back	7 – Supervisor: holiday for tune-up	8 – Cover-Up of Police DUI & Accident	9 – Drinks to Ignore Late Bar Closing	10 – Excessive Force on car Thief	11 – Theft from Found Wallet
Charleston											
TOO HARSH	14.6%	36.3%	15.8%	31.4%	0.6%	15.1%	18.4%	36.1%	18.5%	22.2%	7.6%
FAIR	84.1%	56.1%	81.0%	66.0%	98.1%	79.2%	74.1%	57.4%	74.5%	72.8%	91.1%
TOO LENIENT	1.3%	7.6%	3.2%	2.6%	1.3%	5.7%	7.6%	6.5%	7.0%	5.1%	1.3%
Charlotte Mecklenburg											
TOO HARSH	16.8%	28.5%	9.9%	28.0%	2.9%	14.3%	11.5%	35.2%	14.6%	24.2%	5.9%
FAIR	78.5%	63.7%	79.0%	67.2%	92.1%	79.8%	70.5%	58.3%	79.0%	70.0%	86.8%
TOO LENIENT	9.7%	7.8%	11.1%	9.8%	5.1%	5.9%	18.0%	6.5%	6.3%	5.8%	7.3%
ST. PETERSBURG											
TOO HARSH	20.1%	32.1%	7.6%	33.1%	1.7%	12.4%	7.3%	36.0%	11.0%	18.0%	5.1%
FAIR	77.3%	56.8%	79.5%	59.3%	91.1%	78.2%	67.8%	58.6%	79.1%	75.3%	81.4%
TOO LENIENT	2.6%	11.1%	12.9%	7.6%	7.2%	9.3%	24.9%	5.4%	9.9%	6.7%	13.5%

Table 3.4. Willingness to Report Scores for Charleston, Charlotte-Mecklenburg, and St. Petersburg

Case # & Description	Charleston			Charlotte-Mecklenburg			St Petersburg		
	OWN	OTHERS	Willingness to Report	OWN	OTHERS	Willingness to Report	OWN	OTHERS	Willingness to Report
	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report
Case 1 Off Duty Alarm System Business	Rank=1	Rank=1	Rank=1	Rank=1	Rank=2	Rank=1	Rank=1	Rank=1	Rank=1
	Mean=1.54	Mean=1.75	Mean=1.42	Mean=1.42	Mean=1.50	Mean=1.57	Mean=1.57	Mean=1.52	Mean=1.52
	SD=1.22	SD=1.28	SD=0.93	SD=0.93	SD=0.88	SD=1.13	SD=0.88	SD=0.88	SD=0.88
Case 2 Free Meals and Discounts on Beat	Rank=2	Rank=2	Rank=2	Rank=2	Rank=1	Rank=2	Rank=2	Rank=2	Rank=2
	Mean=2.91	Mean=2.98	Mean=1.45	Mean=1.45	Mean=1.45	Mean=2.42	Mean=2.42	Mean=2.07	Mean=2.07
	SD=1.44	SD=1.25	SD=0.88	SD=0.88	SD=0.76	SD=1.41	SD=1.07	SD=1.07	SD=1.07
Case 3 Bribe from Speeding Motorist	Rank=9	Rank=9	Rank=9	Rank=9	Rank=9	Rank=9	Rank=9	Rank=9	Rank=9
	Mean=4.46	Mean=4.43	Mean=4.23	Mean=4.23	Mean=3.89	Mean=4.67	Mean=4.23	Mean=4.23	Mean=4.23
	SD=1.06	SD=0.82	SD=1.11	SD=1.11	SD=1.06	SD=0.78	SD=0.88	SD=0.88	SD=0.88
Case 4 Holiday Gifts from Merchants	Rank=4	Rank=4	Rank=3	Rank=3	Rank=3	Rank=4	Rank=4	Rank=4	Rank=4
	Mean=3.26	Mean=3.26	Mean=1.93	Mean=1.93	Mean=1.90	Mean=2.74	Mean=2.74	Mean=2.49	Mean=2.49
	SD=1.34	SD=1.21	SD=1.23	SD=1.23	SD=1.10	SD=1.44	SD=1.19	SD=1.19	SD=1.19
Case 5 Theft of Watch from Crime Scene	Rank=11	Rank=11	Rank=11	Rank=11	Rank=11	Rank=11	Rank=11	Rank=11	Rank=11
	Mean=4.75	Mean=4.77	Mean=4.69	Mean=4.69	Mean=4.41	Mean=4.92	Mean=4.92	Mean=4.63	Mean=4.63
	SD=0.83	SD=0.53	SD=0.76	SD=0.76	SD=0.83	SD=0.43	SD=0.63	SD=0.63	SD=0.63
Case 6 Auto Repair Shop 5% Kickback	Rank=8	Rank=8	Rank=8	Rank=8	Rank=8	Rank=8	Rank=8	Rank=8	Rank=8
	Mean=4.26	Mean=4.21	Mean=3.96	Mean=3.96	Mean=3.70	Mean=4.38	Mean=4.38	Mean=3.92	Mean=3.92
	SD=1.21	SD=1.01	SD=1.25	SD=1.25	SD=1.15	SD=1.01	SD=1.03	SD=1.03	SD=1.03

(Continued)

Table 3.4. (Continued)

Case # & Description	Charleston		Charlotte-Mecklenburg		St Petersburg	
	OWN	OTHERS	OWN	OTHERS	OWN	OTHERS
	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report	Willingness to Report
Case 7 Supervisor Offers Holiday Off for Auto Tune Up	Rank=5 Mean=3.70 SD=1.39	Rank=6 Mean=3.58 SD=1.25	Rank=6 Mean=3.38 SD=1.38	Rank=6 Mean=3.22 SD=1.27	Rank=5 Mean=3.68 SD=1.35	Rank=5 Mean=3.34 SD=1.26
Case 8 Cover Up of Officer DUI Incident	Rank=3 Mean=3.06 SD=1.49	Rank=3 Mean=3.04 SD=1.31	Rank=4 Mean=2.25 SD=1.39	Rank=4 Mean=2.26 SD=1.21	Rank=3 Mean=2.67 SD=1.44	Rank=3 Mean=2.40 SD=1.11
Case 9 Free Drinks to Ignore Late Bar	Rank=7 Mean=4.13 SD=1.17	Rank=7 Mean=3.98 SD=1.09	Rank=7 Mean=3.81 SD=1.26	Rank=7 Mean=3.54 SD=1.17	Rank=7 Mean=4.21 SD=1.12	Rank=7 Mean=3.79 SD=1.10
Case 10 Excessive Force on Car Thief	Rank=6 Mean=3.72 SD=1.35	Rank=5 Mean=3.49 SD=1.20	Rank=5 Mean=3.23 SD=1.47	Rank=5 Mean=2.87 SD=1.27	Rank=6 Mean=4.02 SD=1.18	Rank=6 Mean=3.44 SD=1.16
Case 11 Theft from found Wallet	Rank=10 Mean=4.56 SD=0.97	Rank=10 Mean=4.49 SD=0.81	Rank=10 Mean=4.31 SD=1.07	Rank=10 Mean=3.97 SD=1.11	Rank=10 Mean=4.74 SD=0.76	Rank=10 Mean=4.38 SD=0.87

Table 3.5. Demographic Profiles: Charleston, Charlotte-Mecklenburg, and St. Petersburg, 1990 Census Unless Otherwise Specified

	Charleston ^a	Charlotte-Mecklenburg ^b	St. Petersburg ^c
Number of Sworn Officers	318	1,286	514
Area in Square Miles	88.14	479	142
Form of Government	Mayor and City Council	Mayor, Strong City Manager, and City Council	Mayor and City Council
Total Persons	80,414 (100.00%)	396,003 (100.00%)	238,629 (100.00%)
Male	37,994 (47.25%)	187,790 (47.42%)	110,824 (46.44%)
Female	42,420 (52.75%)	208,213 (52.58%)	127,805 (53.56%)
White	46,037 (57.25%)	259,710 (65.58%)	186,125 (78.00%)
Black	33,390 (41.52%)	126,128 (31.85%)	46,726 (19.6%)
All Other Races	887 (1.10%)	10,165 (2.57%)	5754(2.4%)
Hispanic Origins	504 (0.63%)	5,261 (1.33%)	6,255(2.6%)
Age: 0-17	17798 (22.13%)	96,285 (24.25%)	47,341 (19.8%)
18-64	52231 (64.95%)	261,279 (65.93%)	138,344 (58.0%)
65+	10405 (12.94%)	38,939 (9.83%)	52,945 (22.2%)
Median Age	30.5	32.1	38.6
Estimated 1998 Pop.	87,044	504,637	236, 029
% Change 1990-1998	8.3%	36.4%	-1.8%
Total Households	30,753	158, 991	105,702
Total Family Households	18,625	102,894	61,620
Occupied Housing Units	14,806	158,991	105,503
%Owner Occupied	48.1%	55%	63.0%

(Continued)

Table 3.5. (Continued)

	Charleston ^d	Charlotte- Mecklenburg ^b	St. Petersburg ^c
Rental Vacancy Rate	2.3%	8.5%	14.2%
Median Housing Value	\$86,600	\$81,300	\$63,000
Median Monthly Rent	\$341	\$377	\$353
Education (Persons Age 25+)			
Less than 9th Grade	4,523 (9.1%)	15,531 (6.02%)	14,049 (8.2%)
Some High School	6,902 (14.2%)	33,524 (13.00%)	28,751 (16.7%)
High School Grad.	10,416 (21.4%)	58,388 (22.64%)	50,600 (29.5%)
Some College	9,370 (19.2%)	77,327 (29.98%)	34,490 (20.1%)
College Degree	17,394 (35.9%)	73,125 (28.35%)	43,825 (25.5%)
Annual Income (1989)			
Per Capita	\$14,093	\$16,793	\$14,123
White	\$18,980	\$20,639	\$15,958
Black	\$7,522	\$9,286	\$7,533
Median Household	\$25,153	\$31,873	\$23,577
Median Family	\$32,212	\$38,553	\$30,505
No. (%) Below Poverty Level	16,227 (21.6%)	42,312 (10.8%)	31,475 (13.6%)
Persons 16+ Employed	64,273	161,809	109,586
Managerial + Professional	11,673 (31.6%)	94,794 (58.6%)	29,226 (26.7%)
Technical, Sales, Admin. Support	11,292 (30.5%)	79,144 (48.9%)	37,883 (34.6%)
Service	7,130 (19.1%)	25,801 (15.9%)	14,802 (13.51%)

Total Unemployment (1990)	4.8%	4.2%	4.2%
White Unemployment (1990)	2.6%	2.8%	4.2%
Black Unemployment (1990)	9.9%	7.3%	9.6%
Unemployment (March 1996)	3.2%	2.9%	3.8%
Place of Birth: In-State	52,944 (65.8%)	217,177 (54.84%)	72,348 (30.32%)
Out of State	29,870 (34.2%)	178,826 (45.16%)	166,281 (69.68%)

^a Except as otherwise noted, Charleston data was supplied by the Office of Research and Statistics of the South Carolina Budget and Control Board based on the 1990 census.

^b Except as otherwise noted, Charlotte-Mecklenburg data are for the city of Charlotte only and are drawn from the 1990 census. In 1990 the population of Mecklenburg County, including Charlotte, was 511,433.

^c St. Petersburg data, except as otherwise noted, are based on the 1990 census.

the 30 agencies surveyed, their officers' answers to the "most officer willingness to report" question placed Charleston in a two-way tie for 3rd place, St. Petersburg in a two-way tie for 7th place, and Charlotte-Mecklenburg in a two-way tie for 14th place.

These results mirror similar findings with respect to both seriousness and discipline. In every scenario, officers in Charleston predict that most officers in their agency would report the behavior in the scenario than officers predicted in either St. Petersburg or Charlotte-Mecklenburg. In all eleven scenarios officers in St. Petersburg estimated that most officers in their agency would be more willing to report than would officers from Charlotte-Mecklenburg. In many cases these differences were fairly small, but with respect to receipt of free meals, holiday gifts and excessive force the differences were not trivial. On the basis of these survey findings we expected to find a slightly greater willingness to tolerate misconduct in silence in Charlotte-Mecklenburg and a measurably greater unwillingness to do so in St. Petersburg. We expected the environment in Charleston to be palpably different from both of the other agencies in terms of officer willingness to come forward to report the kinds of misconduct we asked about in our survey.

THE PROFILES OF THREE CITIES

Our survey showed the three police agencies we had selected for study differed in how serious they believed certain misconduct to be, what discipline it would and should receive, and how willing officers were to come forward to report some types of it. Of course, they were also different from one another in some of their most basic organizational and environmental dimensions. Although the history of the study of policing does not identify a specific list of factors or forces that may influence the shape and contour of integrity within police agencies, we tend to concur with Muir that seven aspects are highly significant: 1) the agency's *size*, 2) the *characteristics of the population* it polices, 3) its *history*, 4) the extent of *illegitimate political influence* to which it is subject, 5) its *philosophy* of policing, 6) its investment in *professional training*, and 7) the *skill of its chief*.¹

Some of these factors are highly visible from a distance. Others are a bit more difficult to see and require special examination. Still others can only be seen clearly from inside the agency. The most conspicuous is *size*. Though Charleston was the second largest police agency in South Carolina at 318 sworn officers, St. Petersburg was almost twice as large at 514, and Charlotte-Mecklenburg was fully four times as large as Charleston at 1,286 sworn officers. According to their web sites, the

¹ William Ker Muir, Jr. *Police, Streetcorner Politicians*. (Chicago: University of Chicago Press, 1977), pp. 8–11. Muir's list of seven factors includes graft and corruption, our dependent variable, and combines the influence of the chief and the agency's philosophy into a single factor. We believe that there is often an intimacy between an agency's policing philosophy and its chief, but in some instances the two aspects of a police agency can be in conflict.

Charleston agency polices an area of 88.14 square miles. St. Petersburg 142 sq. miles, and Charlotte-Mecklenburg a massive 479 square miles.²

These differences in numbers of full-time sworn police officers and the number of square miles they police are reflected in the size of the population each agency polices. The city of Charleston had a resident population that the Bureau of the Census estimated at some 88,000 persons as of April 1996. With over 5,000 hotel and motel rooms within the city and thousands more outside city limits, visitors regularly swelled the population of this popular tourist destination to over well over 100,000.

As of 1998, St. Petersburg, the fourth largest city in Florida, was estimated to have a population of 236,029 residents, down about 1.8% from its 240,318 in 1990. The city of Charlotte, the second largest banking center in the United States and a booming business center, had a population that grew by more than 36% between 1990 and 1998, from 419,000 to 504,000. When the Charlotte Department combined with the Mecklenburg County Police Department in the fall of 1993, it added 267 sworn police officers, 91 civilian employees, and approximately 75,000 additional residents for the agency to police.³

The size of a police agency, the number of people it employs, and the number of people it polices influences police integrity in an indirect but critical way. The larger a police agency becomes, the more necessary it is for the organization to develop administrative systems, divisions of labor, and a formal organization with which to manage its own personnel, operations and development. Small organizations can handle many tasks essential to creating and maintaining integrity informally and on an *ad hoc* basis: introducing and evaluating new policies or procedures, or monitoring the conduct and disciplining of individual officers. Large organizations require specific organizational systems and specially designated personnel to accomplish these same tasks. All three organizations we selected for study were large enough to require formal divisions of labor and extensive integrity-related systems and procedures. However, as we detail in later chapters, this is not to say that these systems are not also subject to informal and *ad hoc* applications.

While agency size imposes fundamental structural demands on a police agency's integrity efforts, the people they police impose substantive demands and opportunities on police both for integrity and its breach. These demands and opportunities tend to arise at points of social stress and conflict that the police are mandated to superintend.

Among all the demographic factors with a potential to serve as the basis for serious social conflict in the United States, race and ethnicity, especially in combination with poverty and unemployment, have played the most prominent role. All three cities we selected for study were populated by people of various ancestries, with those of English, German, and Irish ancestries constituting 30 to 40% of

² Agency web sites are located at: Charleston: <http://www.charleston-pd.org>; Charlotte-Mecklenburg at <http://www.cmpd.org>; and St. Petersburg at <http://www.stpete.org/main.htm>.

³ Sources: FBI, *Crime in the United States, 1993* and 1994; Charlotte-Mecklenburg Police Department, Strategic Planning and Analysis Bureau. As of December 1998, the service population of the CMPD was 609,107 countywide, of whom 525,151 resided in the city of Charlotte.

residents of each city. People of Hispanic origins constituted only 1% or less of the populations of Charleston and Charlotte, a very small proportion that grows only slightly to just over 2% in St. Petersburg. It is unlikely that ethnicity forms a basis for major conflict in any of the cities.

The situation is different with respect to race. Approximately 41% of Charleston's residents were black, as were 32% of Charlotte's citizens, and nearly 20% of those who lived in St. Petersburg. According to the 1990 U.S. Census, the typical black resident in each city earned less than half the annual income of the typical white. Unemployment among blacks in each city was two to three times higher than the level among whites. Of the nearly 11% of Charlotte's residents who live below the poverty level, 65.59% are black. Of the 13.6% below the poverty level in St. Petersburg, 45.54% are black. And of the 21.6% below the poverty level in Charleston, 73.19% are black.

Although these differences in status might easily form the basis for racial conflict, other influences can serve either to diffuse or ignite it. Charleston's six-term mayor (since 1975) Joseph P. Riley, Jr., has long been recognized as a champion of racial harmony. In leading the city through an extraordinary economic revitalization heavily based on Charleston's distinctive southern heritage, he was supported by a twelve person City Council, exactly half of whom were white and half of whom were black. Not the least of Mayor Riley's achievements, in the second year of his second term as mayor, was to bring Reuben Greenberg, a black Jew, to Charleston to become the Chief of its police department. Certainly, there are those in the Charleston community who would make a fighting issue of race, but review of articles in Charleston's major newspaper, *The Post and Courier*, suggests that their ideas and rhetoric fail to gain traction in the 41% of the Charleston community that is black.

The same is true in Charlotte, NC, which for at least a decade has been in such a stage of rapid growth and development that whatever the status of a black resident today there are numerous opportunities for change tomorrow. While in Charlotte there are twice as many blacks below the poverty line as one would expect by chance, the percent of blacks below the poverty line in Charlotte is only half of what it is in Charleston. Moreover, civic leaders report that Charlotte put great effort into implementing court-mandated school desegregation in a way that minimized inter-racial conflict and, in fact, Charlotte has been free of the race riots that plagued many other major cities in modern times. Maintaining racial harmony has been a high priority of a stable city management team for many years. Charlotte's current city manager, Pam Syfert, has served in that capacity since 1996 but has worked in city government since 1972. People of all races continue to flock to Charlotte to participate in its booming economy.

Unlike the atmosphere of confident change that permeates Charleston and the banking boomtown of Charlotte, St. Petersburg is resistant to change and supports an atmosphere that is largely sedentary. One of the first cities in Florida to promote the concept of "residentism," encouraging tourists to retire there, St. Petersburg built large numbers of small, inexpensive homes designed to attract northerners who

wished to spend their golden years in the Florida sunshine. The cost of the average home in St. Petersburg in 1990 (\$63,000) was about \$20,000 less than in Charleston (\$86,600) or Charlotte (\$81,000). In 1990, one in five St. Petersburg residents was 65 or over as compared to 1 in 10 in Charlotte and 1 in 8 in Charleston.

The sedentary atmosphere of St. Petersburg was shattered in October of 1996 when a small part of the city erupted in a riot after St. Petersburg police shot a young black male. A second riot erupted in November of that year. Both were encouraged by a group of militant black socialists called the Uhuru. Both drew national attention. And both ultimately resulted, in June of 1997, in the appointment of a new police chief, Goliath Davis, a St. Petersburg local and the first black chief in the history of the St. Petersburg Police Department. As we shall see when we examine the St. Petersburg Department in detail, the racial conflicts that marked that city placed extraordinary strains on its police.

Despite any racial tensions, each city had a common conflict between its citizens and the law. The rates of serious crimes, murder and non-negligent homicide, rape, robbery, burglary, aggravated assault, larceny, auto theft, and arson as reported in the FBI's *Uniform Crime Reports*, were similar at each site. Of the three, St. Petersburg had the lowest overall crime rate, Charleston the highest, and Charlotte-Mecklenburg fell in the middle. Charleston's crime rate is disproportionately influenced by its high level of tourist activity, and, in our opinion, based on more recent census estimates, an estimate of Charleston's resident population that was probably too low.

If we judge by the figures reported by the *FBI Uniform Reports* and presented in Tables 3.6 and 3.7, the probability of becoming a victim of a serious crime in Charleston, Charlotte, or St. Petersburg in 1997 was less than in Atlanta and Miami, greater than in Boston or New York, and about the same as in Dallas and New Orleans. Such comparisons must be taken into perspective. These figures only include crimes reported to the police, and crimes recorded and reported by them. Moreover, in every city one's chances of being victimized vary considerably depending on one's location within the city.

Each of the police agencies was organized somewhat differently, under a somewhat different philosophy about how policing should be done, and with a different level of resources and personnel.

Charleston follows a "two department" model, first introduced by their Chief when he came to the department in 1982. Under this arrangement the department was organized into eight teams, the first four of which were geographically based and respond to calls for service in the areas to which they are assigned. A fifth team was a citywide traffic division, including harbor patrol and parking enforcement units. The three remaining teams, all of which were organized under a "Special Operations Bureau" consisted of a large foot-patrol team and a number of small highly specialized units including school liaison, public housing, mounted patrol, K-9, tactical, Safe Streets, SWAT, and aviation units. The first four teams provided stable police service while the remaining four provide for flexibility and specialization.

Table 3.6. 1997 Index Crime in Charleston, Charlotte-Mecklenburg, and St. Petersburg^a

	Charleston	Charlotte-Mecklenburg	St. Petersburg
UCR Population Base	78,867	562,005	250,572
Crime Index Total	8,459	52,884	22,399
Rate/100,000	10,751.7	9,409.9	8,939.1
Total Violent Crime	1209	9,165	5,258
Rate/100, 000	1,536.7	1,630.8	2,098.4
Total Property Crime	7,350	43,719	17,141
Rate/100, 000	9,342.7	7,779.1	6,852.7
Murder and Non Negligent Manslaughter; Rate/100, 000	10	59	21
Rate/100, 000	12.7	10.5	8.4
Forcible Rape	59	345	201
Rate/100, 000	74.8	61.4	80.2
Robbery	378	2,716	1,255
Rate/100, 000	479.3	483.3	500.9
Aggravated Assault	762	6,045	3,781
Rate/100, 000	966.2	1,075.6	1,508.9
Burglary	1,021	10,413	4,041
Rate/100, 000	1,294.6	1,852.8	1,612.7
Larceny – theft	5,516	28,922	11,326
Rate/100, 000	6,994.1	5,146.2	4,520.1
Motor Vehicle Theft	713	4,384	1,774
Rate/100, 000	904.1	780.1	708.0
Arson	11	390	153
Rate/100, 000	13.9	69.4	61.1

^a As reported by the FBI's *Uniform Crime Reports, 1997* (Released 11/98).

Table 3.7. UCR 1997 Index Crime Rates – Selected Cities and Study Sites^a

	Total Index Crime Rate/100,000	Index Violent Crime Rate/100,000	Index Property Crime Rate/ 100,000
Atlanta	13,922	3,048	10,873
Boston	6,817	1,421	5,397
Dallas	9,336	1,384	7,952
Denver	5,803	672	5,131
Los Angeles	5,776	1,597	4,180
Miami	12,820	2,814	10,015
New Orleans	9,358	1,720	7,635
New York	4,852	1,269	3,593
Charleston	10,751	1,537	9,342
Charlotte-Mecklenburg	9,410	1,631	7,779
St. Petersburg	8,939	2,098	6,853

^a As reported by the FBI's *Uniform Crime Reports, 1997* (Released 11/98).

This type of organization was well suited to Charleston's view of community policing. Charleston's approach was a combination of organized, targeted responses to problems that the department identified as needing correction and problems that were brought to the attention of the department by members of the community, both individuals and organizations. In practicing an approach its Chief Reuben Greenberg describes as "Take Back the Streets," the department stressed innovative and aggressive response to community problems and unusually generous response to individual citizen requests for service.⁴ It is the department's well-advertised policy to dispatch a police officer to every call for service, irrespective of the gravity of the problem that prompted it.

In contrast to Charleston, St. Petersburg is organized into three bureaus, Uniform Services, Investigative Services, and Administrative Services, each of which was under the command of an assistant chief. Investigative Services included criminal investigations, vice and narcotics units, and intelligence units. Uniform Services were deployed in three patrol districts. Since 1990 these patrol districts have been divided into 48 separate beats, with each beat assigned its own community police officer. In an approach first introduced under the leadership of Chief Curt Curtsinger and extensively developed by his successor Chief Darrel Stephens, these officers are free to organize their work hours as they see fit, freed from the responsibility of responding to calls for service, and "empowered" to develop "partnerships" with residents in their areas and projects to solve problems on their beats. This "geo-based" strategy of problem-solving policing has made St. Petersburg an internationally recognized pioneer in the community-oriented policing movement.

While Charleston has practiced its version of community policing since the early 1980s and St. Petersburg began its geo-based, problem-oriented policing in 1990, community policing came much later to Charlotte-Mecklenburg. A "community partnership" version of it was first introduced by then-Chief Dennis Nowicki, in 1996. Nowicki stressed a statement of values that was printed on the back of every Charlotte-Mecklenburg police officers' business card and was in the process of definition and development during our fieldwork in the department.⁵

The department was organized into four service areas (Adam, Baker, Charlie, and David), each of which was under the command of a deputy chief and a major. Each service area was further divided into three districts (Adam 1, 2, 3; Baker 1, 2, 3; Charlie 1, 2, 3; and David 1, 2, 3), with each of those twelve districts led by a captain, staffed by between 65 and 91 police officers and serving populations which range from about 15,000 to over 117,000 (staffing size did not necessarily

⁴ The approach is described in detail in a book by Greenberg (with Arthur Gordon), *Let's Take Back Our Streets* (Chicago: Contemporary Books, 1989).

⁵ The backs of CMPD business cards contain the following statement: "*The Charlotte-Mecklenburg Police Department will build problem-solving partnerships with our citizens to prevent the next crime and enhance the quality of life throughout our community, always treating people with fairness and respect. We value: • our employees • people • partnerships • open communications • problem-solving • integrity • courtesy • the Constitution of North Carolina • the Constitution of the United States.*"

Table 3.8. Charleston, Charlotte-Mecklenburg and St. Petersburg Agency Profiles^a

	Charleston	Charlotte-Mecklenburg	St. Petersburg
Area in square miles	88.14	479	142
Population (1996 LEMAS Est.)	71,052	441,297	235,998
Sworn Officers (Year)	318	1,286	514
Male	90%	84%	81%
Female	10%	16%	19%
White	65%	79%	81%
Black	31%	21%	16%
Other	4%	0%	3%
Male to Female Ratio	9:1	5:1	4:1
White to Black Ratio	2:1	4:1	5:1
%Change in Full Time Sworn Officer Employees 1993-1997	19%	43%	-1%
Civilian Employees	177	354	200
Officers per 1000 residents	4.5	2.9	2.2
Base Starting Salaries			
Chief	\$55,000	\$99,239	\$74,150
Sergeant	\$27,000	\$47,079	\$40,708
Officer with 1 Yr. Exp	\$24,500	\$24,967	\$27,798
Entry Level	\$23,000	\$24,894	\$26,857
Overtime Pay: Total Agency	\$25,000	\$1,454,100	\$900,000
Per Officer	\$79	\$1,131	\$1,761
Operating Budget	\$22,860,139	\$157,000,000	\$55,104,000
Expenditure Per Officer	\$59,748	\$68,017	\$94,268
Expenditure Per Employee	\$38,384	\$53,335	\$67,942

PROFILES OF INTEGRITY

Expenditure Per Resident	\$267	\$198	\$204
No. (%) Officers Assigned to Respond to Calls for Service	118 (37%)	746 (58%)	180 (35%)
Police Union	Prohibited By Law	Prohibited By Law	Yes
Civilian Review Board	No	Yes, but not until 1999	Yes, Since 1992
CALEA Accreditation	Yes	No	Yes
Training Academy	State	In House	Regional
Total Hours of Training Req.	960	867	1280
Class	400	667	720
Field	560	200	560
Annual In-Service	13	40	10
Minimum Education Required	HS Diploma	HS Diploma	Some College
911 Calls for Service Rec'd.	160,032	407,971	172,000
Per Officer	503	398	335
Officers Assigned Full Time to			
Drug Enforcement	12	39	39
Drug Education	2	10	6
Community Policing	7	74	48
School Resource	10	42	12

^a From Bureau of Justice Statistics, *Law Enforcement Management and Administrative Statistics (LEMAS)*, 1997: Data for Individual State and Local Agencies with 100 or More Officers, April 1999.

parallel population variations). Structurally, the lone captain in each of the CMPD's districts was a powerful local manager because there were no lieutenants in this agency.

All three departments made concerted efforts to recruit, hire, and promote racial minorities and women, a challenging task at a time when the overall unemployment rate was near three percent and other opportunities for qualified minorities were especially good. Of the three departments, Charleston had the highest proportion of black officers (31%) but the lowest proportion of women (10%). St. Petersburg had the highest proportion of women (19%) and the lowest proportion of black officers, though its proportion of black officers (19%) exactly mirrored the proportion of blacks in the general population of the city.

COMPENSATION

Each of the departments made a substantial investment in the compensation of its officers, by far the most expensive item in any police agency's budget. In all three cities in 1997 each legal resident paid about \$200 per year for police service, a figure that was slightly higher in Charleston (\$238), which required more police per resident than the other cities because of its substantial, non-resident tourist population. In Table 8 contains information on base starting salaries in each department. Although these figures were accurate in the case of each department, they fail to adequately represent the financial impact of additional educational incentives each department offered to police officers and the impact of overtime work for private employers on the actual earnings of police officers. Even more important is the fact that the base salary figures do not accurately represent departures from those base salaries at upper ranks or the realities of hiring at the lower ranks.

CONCLUSION

This is what we knew about integrity in Charleston, Charlotte-Mecklenburg, and St. Petersburg and the environment in which it existed. It is based almost entirely upon our surveys in each department and readily available public data about each city and its police. We have no doubt that had we looked harder, even from a distance, we could have learned more. Be that as it may, the next step in our research involved traveling to each site at least once a month for more than a year and, with the help of those who lived and worked there, adding depth, texture, and complexity to our profiles of integrity.

CHAPTER 4

THE CHARLESTON, SOUTH CAROLINA, POLICE DEPARTMENT

“It’s his house”

One morning about midway during our fieldwork in Charleston, a police car arrived at my motel to drive me about a mile to the police headquarters. A fifteen-year veteran police sergeant whom I had never met was driving the patrol vehicle. He moved a number of papers and other pieces of police equipment to permit me to sit next to him in the front passenger seat rather than in the caged seat in the back. I suspect that the passenger seat had rarely if ever been occupied, a suspicion supported both by the sergeant’s having to move his equipment and that the clasp for the passenger side seat belt had been pushed to the floor and stuffed under some additional equipment that was lodged between the seats. Unable to locate the clasp as I pulled the seat belt across my body, I offered to hold it there so no one would see that my seat belt wasn’t actually fastened during our short trip.

“Sorry, sir. No.” the sergeant responded. “I don’t think the Chief would like that.” He then stopped the car, which had already begun to move out of the hotel parking lot, moved additional materials from between the seats, and permitted me to buckle my seat belt.¹

The objective of our field research in Charleston as well as the other two sites was, first, to determine whether the occupational culture of integrity that appeared in our survey of Charleston was genuine. Our second objective was to verify and describe its contours. The third was to analyze its contours and attempt to understand the dynamics that shaped and sustained them. In Charleston as well as in the other sites, we began by interviewing members of the department administration. We interviewed all fourteen lieutenants, all four captains, all three majors, and the chief. Together they composed the entire administration of this 318 sworn officer police department. Each of these interviews lasted from two to three hours, although many continued after the “official” interview with extended conversations over lunch, dinner, or on other less formal occasions.

Each interview was structured around four general questions. Each of the four general questions inevitably led to predictable derivative questions. We began each of the interviews by asking the interviewee to describe his or her current position in the agency and the formal and informal responsibilities associated with

¹ Klockars, 1998, field notes.

it. The answers to this question taught us about the structure and organization of the department. These queries often led to revelation of tensions that existed between different divisions within the agency. As is the case with every organization, office politics, personal animosities, competition for limited resources, and individual styles exerted substantial influence on how the Charleston department actually operated. Sentiments and sensitivities on these matters were often strongly held and close to the surface in Charleston and it took very little probing to get our interviewees to reveal them to us.

After learning about the interviewee's formal and informal responsibilities and the office politics and personal issues that complicated them, we invariably followed with a question asking interviewees to recount their personal history – how and why they chose a police career, came to this department, rose through the ranks, and how they saw their future in the agency. This question tended to reveal a great deal about each individual and more than a few respondents appeared to welcome the question as an opportunity to review their life's work, and reflect on their aspirations, failures, and successes. In all cases we covered the interviewee's personal disciplinary history in follow-up questions.

Exploring the answers to these two questions usually took about an hour. That first hour of interviewing also usually established rapport with our interviewees, based partially on our knowledge of their history and partially on our appreciation of the work they do and have done. At the same time we learned about our interviewees they also learned about us. Most interviewees could detect from our initial and follow-up questions as well as our histories that most of our research team were quite familiar with and sensitive to the realities of modern policing.

Having established a rapport we then turned each interview to the two core questions that would occupy us throughout our fieldwork in each agency: whether Charleston was indeed a police agency of integrity, and if so why. We would explain to each interviewee our survey results and ask, point blank, if this was true. In Charleston, asking whether the police agency was one of integrity always met with one of two answers. About half of our interviewees answered "yes." Many interviewees responded with the question "What do you mean by 'integrity'?" Our answer to this question was always to ask the original question in different terms, namely, "Does the administration or do the officers in this agency tolerate corruption or other misconduct?"

Rephrasing the question in this way permitted our interviewees to resolve the problem of maintaining that Charleston was a department of integrity (which, ultimately, everyone did) at the same time that they all knew of numerous instances of misconduct. All expressed contempt for officers whose conduct was less than honorable or whose behavior brought shame on the department.

The question with which we followed our inquiry about whether or not this was a department of integrity was, of course, "Why? If this is a department of integrity, what makes it so?" Three general theories were advanced by Charleston's administrators and supervisors and to one degree or another echoed by most

other officers we interviewed.² Our shorthand titles for each of these theories were “Character,” “Fear,” and “Leadership.” The *Character Theory* attributed the department’s integrity to the high quality of the moral character of its employees. The *Fear Theory* held that the department’s integrity was a direct product of fear of severe discipline the department imposed for misconduct. Finally, the third theory, which we called *Leadership*, credited Charleston’s Chief for the prior sixteen years, Reuben Greenberg, with establishing the integrity of the agency.

Most officers emphasized one of the theories over others when explaining an act of, or lapse in, integrity. In the following elaborations, we ascribe particular persons, behaviors or ideas as expressing Character, Fear, or Leadership Theories of Integrity. This labeling is done with the caveat that while some officers strongly held to one theory, and it clearly influenced the thought and behavior of the officer who adhered to it. However, none of the officers were so strict in advocating one theory that they failed to identify the others as contributing factors to the environment of integrity in the Department.

THE STUDY GROUPS

The Senior Study Group – After we completed the interviews of every member of the Charleston Police Department at the rank of lieutenant or above, we organized a “Senior Study Group.” The group met with us during our monthly site visits to help us in our analyses of the role of each integrity-relevant component of the department – including recruitment and selection, the academy and field training, peers, first-line supervisors, middle managers, internal affairs, discipline, top administrators, and the chief. In addition, this group acted as critics of our descriptions and analyses and guides to where we should go and to whom we should speak for necessary information. They would also keep us informed of integrity-relevant current events and serve as a forum in which we could discuss those events and their implications for the agency.

Deciding how to compose our Senior Study Group posed some problems. As is the case in most complex organizations, there were strong personal animosities among some members of the Charleston administration. There were also highly dominant personalities who would intimidate those who disagreed with them, and still others who, it was widely believed, would report any critical comment directly to the chief. In fact, a captain we interviewed (a strong Character theorist) listed by name officers and administrators who he believed would be honest with us

² In calling the ideas we heard from police officers about the causes of integrity “theories,” we use the term “theory” both advisedly and respectfully. On the one hand, we understood that no one had a full formal theory of how character, fear, or leadership accomplished integrity. We were, after all, talking to police practitioners, supervisors, and administrators and not social scientists. Although all of them knew far more about police integrity than most academics and a few articulated their theories of integrity with remarkable sophistication, to expect a full theory phrased in the language of social sciences would have been naive.

and another list of who we could not trust. When we asked him what the reaction would be to our forming a study group composed only of his list of “good guys” (which included “good girls” as well) he admitted that doing so would cause a small scandal. We were, of course, aware that selecting some officers might offend others we did not select.

In Charleston we solved these problems as best we could by inviting all of the lieutenants in the department to become members of our study group. This solution avoided tensions that might have been introduced by differences in rank. Our selection of all lieutenants sent no message of exclusion to any individual. Moreover, while there were some strong personalities in this group, no one dominated the discussions and no one appeared reluctant to speak his or her mind, even in the face of strong disagreement from other members of the group. In fact, because there was no occasion in Charleston on which officers of this rank met regularly with all of their lieutenant peers, they looked forward to these study group meetings and appeared to enjoy them. We provided a detailed agenda at least a week in advance of each meeting. The atmosphere was not unlike that of a typical graduate seminar—only less pretentious, less solemn, and more substantive. Attendance was nearly perfect.

The Supervisor Study Group – At the first meeting of the Senior Study Group, we asked each of the lieutenants to fill out a ballot nominating three first-line supervisors (sergeants or corporals) to serve as members of a Supervisor Study Group. The Supervisor Study Group would also meet with us monthly and operate in the same way as the Senior Study Group. We asked members of our Senior Group to nominate people who were knowledgeable about the department, who had the respect of their fellow officers, who would speak their mind, and who would be comfortable participating in a study group on integrity. We selected all of those nominees who received multiple nominations and added a few who received only single nominations but helped assure full racial and gender representation as well as representation from all parts of the department.

We met with both the Senior and Supervisor Study Groups monthly between February of 1998 and January of 1999. Each session lasted three hours, the last hour of which continued over lunch that was brought into the conference room in which we met. About half the members of both study groups also met with their counterparts in study groups from Charlotte-Mecklenburg and St. Petersburg, representatives from the National Institute of Justice, the project advisory board, and our full project staff in a two-day conference on the project held in Charlotte in October of 1998. In addition, we met with both groups in the winter of 2000 to review draft versions of our final report.

At each meeting discussion of one or more major topics as well as a review of integrity-related current events was listed on the agenda. We also often asked participants to read and prepare comments on a supplementary written document distributed in advance of the meeting. These documents were based upon interviews and data collection completed during prior visits. While we never hesitated to present our analyses or interpretations of what we saw to our study groups, and

frequently benefited from their analytical insights, we explained in detail that our major expectation of them was to provide and see that we pass what ethnographers sometimes call “the member’s test.” What this means is that, regardless of whether our study groups agreed with our analyses, they should agree that we got our descriptions of their world right. They should agree not only that we got the facts straight but fully and fairly represented the sentiments and perceptions in which they were embedded.

WELCOME TO CHARLESTON: “THE INCIDENT”

In order for us to rely on our study groups to correct our accounts and criticize our analyses it was necessary to create an environment in which members were comfortable expressing their thoughts and opinions. An incident that went a long way toward helping to achieve that environment occurred shortly after an early meeting with the Senior Study Group. A detailed account of those events and their consequences, which we will refer to as “The Incident,” will also serve as an introduction to the major facets of the organizational culture of the Charleston Police Department.

In the course of an early meeting with the Senior Study Group, discussion of the department’s recruitment and selection efforts turned to the topic of the lack of commitment of current recruits to a police career. In particular, criticism was focused on officers who were entering the department through the “Police Corps” program. The Police Corps is a federally-created program that reimburses students for their college tuition (up to \$30,000) if they serve as police officers for four years after graduation. Charleston was an early participant in the program and was in the process of creating a Police Corps Training Academy on the campus of the Citadel, a military college adjacent to the Charleston Police Department Headquarters.

Some members of the Senior Study Group (and many officers in the department generally) resented the program because they believed it attracted new officers who were not sufficiently committed to a police career. They pointed out that the new officers would, as college graduates, start at a salary of \$29,000 and collect another \$7,500 per year in tuition reimbursement. They believed that the Police Corps Officers would then leave policing for other, more lucrative careers. This observation then led to the comment that Chief Greenberg saw nothing whatsoever wrong with this. He had, in fact, well before the Police Corps program began, publicly endorsed an idea he called the “Citizen Police Officer.” On numerous occasions he said that he would like to compose his department largely of people who stayed no longer than five years. During those first five years he would get highly energetic, enthusiastic police officers, recover his investment in their training, and gladly replace them with new officers when they left policing to seek fame and fortune in some other career.

The Chief’s Citizen Police Officer idea rubbed many police officers the wrong way. A large number of Charleston police officers considered policing a vocation,

a calling in the literal sense of the term. They bought into the idea that policing was a fraternity in which new brother and sister police officers should be dedicated as a long-term career and way of life. They were appalled by the thought that a “brother” or “sister” officer would consider it a “mere” job or a stepping stone to some other career. In the Senior Study Group, in which no one had less than 15 years of police service, “police experience” was regarded as a career virtue to be respected. The thought that a department should be largely staffed with officers without experience implicitly devalued that virtue.

There were some Study Group members who defended the Chief’s view of things. They saw it as merely taking advantage of the inevitable sociological consequences of policing becoming an occupation for college-educated, middle-class employees. This new breed of employees was not going to limit their career options or choices the way their working-class, high-school-graduate predecessors had done. In their opinion, it was better to recognize the reality and make a virtue out of the ambitions of highly talented candidates who sought the unique form of a “graduate education” that only five years of a police experience could offer.

It was a good, sophisticated discussion, especially for an early Study Group meeting. It involved an issue many members felt strongly about, could be argued effectively from opposing sides, and had implications for integrity in that it directly raised the question of the importance of dedication and career commitment. It also had the virtue, especially valuable at this early point in the Study Group’s evolution, of being largely abstract. No one needed to reveal any actual undesirable behavior or identify any actual defective employee to make his point. It was an interesting and safe place to begin our conversations about the department.

Or so we thought. Two days later, after we had returned home, we received a phone call from a Major who wanted to know if we had discussed the substance of the Study Group meeting with the Chief. We explained that we had not, and in fact could not have done so because we had left Charleston almost immediately after our Study Group meeting. We had not even seen the Chief before we left.

What led to the Major contacting us was a series of events that unfolded in the wake of our meeting. Following our meeting, the Chief made calls to the homes of three lieutenants from our Study Group who had spoken somewhat critically about the Chief’s “Citizen Police Officer” idea. The Chief emphasized that they had every right to express their opinions in the Study Group but he just wanted to be sure that they understood his position on this issue. Each of the three calls lasted about an hour, in which the Chief explained his position, elaborated its virtues, and contended with counter arguments.

Understandably, the three lieutenants were unnerved by their calls from the Chief. Anyone who has ever engaged the Chief in an argument can testify that it would be easy to mistake his passionate and creative arguments for orders and declarations. They complained about the calls to their peers and those complaints eventually found their way to the Major under whose command they served.

The Major realized that the Chief’s conduct was the direct product of someone breaching the confidentiality of the Study Group. He also realized that if every

critical comment in future meetings would result in a personal call from the Chief, the future of the Study Group appeared dim indeed. What's more, he also suspected that the person who had leaked the information to the Chief was a lieutenant for whom he had a particular antipathy. In hopes of restoring an atmosphere in the Study Group in which members could feel free to speak critically and at the same time discipline the lieutenant who broke the group's confidence, he contacted every Study Group member. He specifically asked each and every one of them if he or she had revealed the contents of the meeting to anyone outside the Study Group, particularly the Chief. All of them denied that they had done so.

Breaking the confidence of our study group was not an offense for which anyone could be punished. Lying to a superior officer is a very serious offense and is very likely to get one fired in Charleston. The Major now knew he had a clear case of it. His only problem was to determine exactly who had informed the Chief.

It proved to be a serious problem because the Chief refused to identify his source. Under other circumstances the Major might have forced all lieutenants to take a lie detector test, but as the Chief already knew the culprit, it was most unlikely he would approve such a move. The situation infuriated the Major who saw it as a case of the Chief covering for and supporting a lieutenant who had lied to him in the course of his investigation. The Chief insisted that he had the right to talk to any of his employees at any time he wished, about any subject he wished, and didn't have to tell anyone about it. We are told that this argument lasted nearly an hour and a good part of it was held at decibel levels that could be heard well beyond the walls of the Chief's office. More than once, it seems, the Chief mocked the Major's indignant outrage with a smile that inflamed it. In the course of their dispute the Major threatened to resign if the Chief would not support him. The Chief refused to accept the Major's resignation and continued to protect his lieutenant informant.

Although the Major was furious with the Chief for suborning lying to a superior officer, frustrated in his effort to do damage to a lieutenant he despised, and angry because the Chief failed to support him in an effort that he knew was being watched closely by every member of the Charleston administration, the Major did not resign. He had been embarrassed by the Chief and knew that, although the Chief did what he believed was right, the Chief felt bad about having to humiliate the Major. Sentiments like that, the Major appreciated, should not go unexploited. The day after The Incident, he asked the Chief for a set of new floor mats for his police car, a request he knew the Chief could not, under the circumstances, refuse.³

³ The Chief not only controls all discipline in the agency but both directly and exclusively controls almost all of the small rewards (like new floor mats) in the department and certainly all of the large ones, including hiring, salary, promotions, awards, new cars and new equipment, work schedule, special unit assignments, and trips to police schools and conferences. He does not share this role with subordinates nor dilute it by establishing policies, procedures, or committees that limit his discretion to allocate these awards as he sees fit. The Chief's discretionary control over the allocation of rewards in Charleston is in especially sharp contrast with agencies whose unions have virtually eliminated it.

The Incident also had wholly salutary consequences for both Charleston Study Groups. We discussed The Incident in detail at the next meetings of both groups (It was raised under that part of our agenda titled “Integrity Relevant Current Events”). These discussions provided an opportunity at both the Senior and Supervisor Study Groups to carefully and explicitly develop a group understanding of the terms of confidentiality under which we would work. The terms of our understanding were that as researchers we were in Charleston to learn about and eventually write about integrity in the department. We would keep the sources of our information confidential as best we could and be particularly careful not identify anyone as the source of critical information. However, we could not make the same promise for the police officers sitting around the table. While we hoped that they would respect the confidentiality of our meetings, whether to trust them was a matter for other individual group members to decide. After all, they knew their colleagues much better than we did.

The lieutenants of the Senior Study Group felt some sympathy for their colleagues who had been counseled in protracted at-home evening phone calls by the Chief. Many of them had received similar at-home calls from the Chief during their careers. Moreover, there was a widely shared disdain for the Major, who occasionally (and with a small bit of pride) described himself as the most hated man in the department because of his ruthless approach to discipline (He openly, passionately, and articulately advocated an explicit Fear Theory of Integrity). All of the Study Group Members realized that if the key witness in The Incident had been anyone other than the Chief, the lieutenant who revealed the identity of the critics of the Chief’s idea would have lost his bars if not his job for lying to a superior officer. It was not difficult to imagine that with a bit of bad luck a similar fate could have fallen upon any one of them.

There were, in fact, few hard feelings for the lieutenant who had spilled the beans to the Chief. Although we finessed the problem of the identity of the guilty party with humor (we advanced the preposterous idea that the Chief’s secretary, Pearl, a dear woman liked by everybody, had bugged the conference room in which we met), at least half of the lieutenants had a pretty good idea who it was and how it happened. Although active attempts were made to lay the blame on others to displace suspicions, the consensus account was that the Chief passed the lieutenant in the hall and asked casually how the Study Group Meeting had gone. The lieutenant commented favorably on the good group discussion of the topic of the citizen police officer concept. As the conversation evolved and particular points were attributed to those who articulated them, the Chief’s passions about the topic were stimulated. Inadvertently, the well-meaning lieutenant had tweaked the tiger’s tail. Had he any idea that the Chief would react as he did or that The Incident would evolve to proportions it did, the lieutenant certainly would have kept quiet.

All of these considerations, plus the fact that our lieutenants truly seemed to enjoy these rare occasions to discuss matters candidly with their colleagues, melded to create an environment in which description, discussion and criticism of the department, its chief, superiors, subordinates, policies, politics, and practices

(and any of their peers who dared to leave the room) was safe, at least within the bounds of reason. There were differences and tensions between individuals, but when they began to strain discussion we or one or more group members usually handled them with humor.

The Echo of the Incident in the Supervisor Study Group – Our Supervisor Study Group also was initially confronted by an issue which the members of the group insisted would destroy it, but also eventually came to a similarly open environment. The issue involved a group member who was widely regarded in the Department as a “cheese eater” – the Charleston term for a police officer who advances his career by reporting the misconduct of others. This officer’s cheese eating had gone as far as to earn him a position on the “Wall of Cheese” that a widely-respected veteran police officer created and maintained in his office some time before our study. It was located next to his “Wall of Shame” on which he had pinned name tags of officers whose conduct had caused disrespect for the department. Although neither “Wall” was labeled, most officers knew what they were. The participant in the Supervisor Study Group whom the group identified as having the potential of ending all possible candor in the Supervisor Study Group had complained to the Chief about the Wall of Cheese. The Chief made a personal visit to the officer in question and ordered its creator to dismantle the Wall of Cheese.

What made it possible for the Supervisor Study Group to discuss this matter openly is that the cheese-eater officer in question, for reasons unknown, did not attend the first three meetings. At those meetings the Supervisor Study Group had a chance to consider The Incident that had rocked the Senior Study Group and discuss the confidentiality understandings that would govern us. It was in the course of these discussions that the issue of the alleged cheese eater’s membership in the group was raised.

The group members began by making dire predictions about the effect of permitting the suspect officer membership in the Supervisor Study Group. To which we responded that we would not revoke his membership in the group based merely on his alleged (and unsubstantiated) reputation. We explained that such an action on our part could provoke an incident of potentially unfavorable implications for our research. Their response, correctly, was that our Supervisor Study Group was not going to be any good to our research if everyone in it believed that any critical expression would be reported directly to the Chief.

The way we sought to avoid this problem was to create, retroactively, a three-consecutive absence rule. This rule held that any person who was absent from the Senior Study Group for three successive meetings would be dropped from the group. Invoking this rule, we agreed not to inform the officer in question of our future meetings nor send him the agenda and supporting materials that alerted other members to them. Moreover, we asked the group to nominate a new member as a replacement. They chose an excellent replacement who had the respect of peers, subordinates, and superiors alike (Within the year he was promoted to lieutenant,

one of two members of our Supervisor Study Group who were so honored). We solved the problem.

Or so we thought. The following month the officer to whom we had sent no notice of the meeting, no agenda, and no supplemental materials showed up at our meeting. No one mentioned his presence and no one challenged his membership. Though we had prided ourselves on our cleverness for leaping through the horns of our dilemma by creating the three-successive-absence rule, no one raised it or mentioned its enforcement in the suspect officer's presence. More importantly, despite his presence, our conversations covered a number of sensitive areas. In each area, the discussion improved as the newest member of the group expressed highly critical opinions of the actions of specific superior officers. In so doing, we are sure he knew, he was offering his Supervisor Study Group peers ammunition they could use against him if he ever betrayed them.

After this Supervisor Study Group meeting we spoke privately with a number of group members about the effect of the suspect officer's presence. The consensus view was that he was obviously trying to resuscitate his reputation and that the group could probably get away with permitting him to stay a member. In fact, over the next year he worked reasonably well with the group and we never had a single confidentially problem from him or from any other quarter.

The Chief's Blessing – It could easily have been otherwise. After The Incident, the Chief decided to permit both groups to operate in an environment that was secure from his inspection. He had, he confessed privately, "learned his lesson." Although the Chief maintained adamantly that he had the right to talk to any of his staff about anything at any time, he realized that if he talked to them about what they or others said in the Study Groups it would halt discussion. One interpretation of his decision to permit that discussion to continue is that it expressed confidence in his officers and us. Another is that he appreciated the therapeutic or educational value of the discussion to the officers who participated in the Study Groups. A third is that allowing that discussion to continue freely in the Study Groups permitted him to hear arguments, criticisms, and understandings that he would be unlikely to hear if he forced us to disclose the identity of those members of our study group who expressed them. The fact is, we often met with the Chief to discuss the ideas, criticisms, and complaints we heard in the Study Groups and to solicit his side of the story. We never hesitated to present those ideas, criticisms, or complaints vigorously and he never hesitated to respond with equal vigor, knowing that we would present his response to the next Study Group Meeting. Not once did he ever ask who had raised a particular criticism or how the Study Group reacted to his response.

CHARLESTON'S ORGANIZATIONAL CULTURE

The above account is our best effort at describing how an environment of confidentiality, confidence, and candor evolved in our study groups. But we offer it as more

than a methodological introduction. In it are numerous reflections of the occupational culture of the Charleston Police Department. They may be a bit difficult to see in this brief account but they are absolutely crucial to the understanding of the environment of integrity in Charleston. We should like to begin to identify, clarify, elaborate, and give them emphasis here.

The History of the Chief's Choices – The unfettered operation of the study groups was only part of the continuum of decisions revealing the Chief's confidence in the integrity of his department. A year and a half earlier the Chief had decided to permit the department to participate in a survey on integrity. At that time it was agreed that Charleston would not be identified as a participant in that survey, though we would share the results of the survey with the Chief and permit him to compare his agency's scores with those of other agencies. After we completed this survey (and showed him the results), he granted us permission to spend the next eighteen months studying the culture of integrity in Charleston. He was well aware that this time we would make our results public. Moreover, he committed in writing, to a level of cooperation with our research effort that merits recognition. He signed a letter of support that explicitly and approvingly quoted from the project proposal:

Participation in this project constitutes a joint effort between the researchers and the three police agencies to use or collect whatever information we deem necessary to understand how each agency has managed to create an environment that is intolerant of misconduct. The only restraints on this information gathering will be the law, common sense, a respect for the privacy of individuals, and the financial and intellectual resources of the participants.

This series of decisions that the Chief made well before he had to consider any issue involving the Study Groups – to permit the survey, to permit us unfettered access to the most intimate departmental records, and to permit us to watch the department manage whatever integrity problems might arise in the coming year – reflect his confidence in Charleston's integrity. Not only was he confident in revealing what Charleston had done with respect to integrity, but confident in what it would do.

The Sources of the Chief's Confidence – Such confidence is the product of knowledge. It is not just that the Chief led the Charleston Department for sixteen years and knew that he would continue to lead it during the eighteen months of our field work. He believed he knew every integrity-relevant event that occurred on his long watch in Charleston, believed that it was handled properly, and believed that any such incident would be handled properly in the future. He knew this because he had confidence in himself and believed the history and the future of integrity in Charleston was and would be a record and reflection of his decisions.

His confidence in this conviction stems, first, from the fact that he was given very strong support from the Mayor of the City of Charleston, Joseph Riley, and the Charleston City Council to organize, administer, and direct the department as he saw fit. Nothing, however, could be further from the truth than to claim that politics was removed from policing in Charleston. The situation was exactly the opposite.

The Chief and the Mayor and, with one or two exceptions, all the members of City Council shared a virtually identical vision for the future of the City.

Written in headline form, the first premise of their shared vision is “The Success Of Charleston Is Inseparable From The Success Of Its Tourist Industry.” Deriving directly from this vision is the police-relevant proposition that tourists must be safe and feel safe when they come to Charleston. From this proposition also flow powerful political mandates to suppress crime in tourist areas, make public (though not threatening) display of crime suppression efforts, keep a highly civilized order on the streets, and otherwise urge tourists to return to and tell their friends about the safe and friendly environment they found in Charleston.⁴ And it was the wisdom of the Mayor and the Chief to see that the voting residents of Charleston would not endorse this extraordinary treatment of tourists unless they also received special attention. These twin political mandates invited the Chief to develop dozens of high profile programs that pleased tourists and residents alike.⁵

⁴ Charleston officers overflow with stories demonstrating the extraordinary extent to which tourists are cared for by the police in Charleston. The historic center of the city is served by a large foot patrol and a horse patrol team as well as a specially designated “Tourist Liaison” Officer. It is often said that the best thing that can happen to a tourist in Charleston is to become the victim of a crime. Often, the department will pick up the tourist’s hotel bill, pay for the repair of damaged property, and give them small gifts (CPD patches, jackets, hats, photos, etc.) as apologies for their victimization and mementos of the police response.

⁵ Charleston’s view of community policing may be described as “something for everybody.” The department responds to all calls for service, no matter how minor. Though doing so occasionally prompts some grumbling, officers widely advertise their doing so as a matter of pride. A citizen calling the department and complaining that he/she cannot get to work on time since his/her car does not start will find a police car dispatched to give the citizen a ride to work. When groups or neighborhoods complain of problems, the department’s responses are often imaginative and non-traditional. When disabled people complained that people without disabilities were parking in handicap-only parking spaces, the department gave them training in parking enforcement, issued them parking citation books, and authorized them to issue citations to handicap parking space violators. In response to complaints of graffiti, the department has a special unit which will paint graffiti over or remove it, if the owner cannot be found or refuses to do it. In a similar manner, the department will cut down brush and remove trash from abandoned lots. It works cooperatively with both private landlords and the public housing authority to evict law and lease-violating tenants.

In these and other efforts, Charleston officers are sometimes instructed to push the law to its limits or use it in other ways than the purposes for which it was designed. For example:

In an effort to make life miserable for drug dealers, they will issue them citations for littering or traffic and other minor offenses, knowing that they are most unlikely to pay the small fines. When they fail to do so, a warrant is automatically issued for their arrest. Officers are then free to arrest and search them at any time and place an officer believes it might be productive to do so.

In further efforts to make life in Charleston unpleasant for drug dealers, the department is very quick to seize any sizable amount of money from a known drug dealer on the grounds that it is the product of illegal enterprise. In order to have the seized money returned CPD insists that the person from whom it was seized obtain a lawyer. After putting the drug dealer through this inconvenience and expense, they eventually will turn the money over to the lawyer and let the person from whom it was seized attempt to collect it from him.

The more successful he was, the more confidence the city gained in him, the more administrative autonomy he enjoyed, and the more popular he became.

In addition to knowing that all integrity relevant decisions in Charleston have been and will be *his* decisions (not decisions forced upon him by the mayor, city council, or any other political group⁶), his confidence in Charleston's integrity also depends on his belief that nothing relevant to its integrity has been or will be hidden from him.

The Incident is saturated with indications and suggestions of his conviction that integrity is his personal responsibility, starting with the nature and form of his response to learning that some of his lieutenants differed with him on the Citizen Police Officer and Police Corps programs. It was to call the lieutenants at their homes at night the very evening after they offered their criticism. He had found out about their comments in what they assumed was an abstract, if not expressly confidential discussion. He responded to them directly, and personally pierced, without hesitation, whatever shield or protection being at home and off duty offered. Then he "corrected" the "problem" of their criticism within eight hours of its expression by lecturing each of them on the advantages and virtues of each program. Despite the fact that he repeatedly said that his officers had a right to their personal opinions, the speed, passion, and form of his response left

A Charleston motel, which was becoming a regular site to which prostitutes would bring their customers, had no inducement to control the use of its facilities for purposes of prostitution. Undercover vice officers could occasionally arrest prostitutes, but proving that they were aided or abetted by the motel which rented them the room in which they did business was nearly impossible. The Charleston response to this problem was to seize and hold in storage as evidence all of the furniture in the motel room, every time an undercover officer made an arrest there. This tactic placed a substantial risk of loss of revenue on motel owners and soon encouraged them to discourage prostitutes from using their facilities.

Such efforts normally will not put drug dealers or prostitutes out of business, but they will communicate a very clear message to them that the City of Charleston is an inhospitable site for them and their business. The Chief, who has taught his officers to use such tactics, does not claim that they will make them stop their criminal behavior, only that they will make them leave.

Such efforts are widely supported by citizens, though some would find such tactics unethical or unprofessional. The use of the law in this way is defended by the chief as a kind of innovative problem solving that ought to be rewarded rather than criticized. "If a defense lawyer finds some loophole in the law that gets a client off, everybody says he is a brilliant lawyer. If I can find a loophole in the law that lets me fight crime in a legal but unorthodox way, I am going to do it and I believe I deserve the same credit."

⁶ The surest way that any city council member could ruin the career chances of an applicant or employee of the CPD is to try to put pressure on the Chief to hire or promote him. Occasionally, the Chief yields to pressures from community leaders to hire persons who might otherwise not receive consideration. An example involved a police officer from another department whose record there and psychological profile would have normally caused him to be excluded. A minister from the Charleston minority community made a special plea on his behalf, arguing that the Chief had never hired anyone of that faith. The Chief acquiesced. He considers such applicants with problems as his special "projects," and is fully aware that he risks hostility and resentment from his own officers for his preferential treatment should one of his "projects" fail.

no room for misunderstanding three central premises of the organizational culture of the Charleston Police Department:

1. Officer opinions about the department, whenever and wherever they are expressed, are the Chief's business.
2. He will find out about them.
3. He has the prerogative to confront officers with their expressed opinions whenever, wherever, and however he sees fit.

These three premises of the organizational culture of Charleston apply to every expression of criticism by every employee, regardless of rank or the occasion on which it was uttered. Some practical considerations impose contours on their application. All of those considerations derive from the potential of critical comments to impact unfavorably on the Chief's capacity to control the Department. For this reason, a critical comment by an administrator or supervisor is more likely to receive attention than normal grouching by line officers. For the same reason, criticism that is likely to travel outside of the department (e.g., offered to a researcher or reporter who is going to write about it) is more likely to draw a response from the Chief than a critical comment to a fellow insider. Third and finally, criticisms that stem from any form of organization or that have the potential to lead to an organized response are invariably dealt with immediately. An administrator or supervisor who fails to endorse the Chief's vision will be marginalized. Those who take their criticisms to reporters or outsiders dare to do so only under the cloak of confidentiality. Police unions are illegal in South Carolina. The department pays the membership dues of those officers who wish to join the state's police professional organization. "Choir practices," informal meetings at which police officers gather in groups to drink, complain, and otherwise relieve the stress of police work, do not happen in Charleston. More than once members of both Study Groups referred to our group meetings as "choir practice," realizing that, on occasion, the group took advantage of the special (and in Charleston unique) sanctuary for expression that the group offered.

The Cheese Eater – While the norms of Charleston's organizational culture permit the Chief to respond directly to criticism whenever and wherever he sees fit, he must first learn about criticism, complaints, and misconduct before he can respond to them. The most obvious mechanism through which the Chief learns about such issues is the "cheese eater." As evidenced by the Supervisor Study Group's familiarity with the term and their emphatic concern with the prospect of including a cheese eater in their midst, it is a role that merits detailed consideration as a component of the occupational culture of the Charleston Police Department. Consider the following definition of cheese-eater written by a Charleston officer:

Cheese Eater: Rat. Two-faced scavenger, who relentlessly seeks to gain status, benefits, profit, and/or recognition from the errors, mishaps, and/or failures of fellow officers. He or she will take credit for all good but deny responsibility for anything bad. Favorite and most

prolific environment: firmly attached to members of the command staff's asses from where it may directly divulge any rumors and innuendoes about fellow officers.⁷

This definition captures nicely the contempt with which those who play the cheese eater role are regarded in Charleston. Needless to say those who are suspected of playing the role deny it and may engage in behavior to divert suspicion from them and place it on others.

As a rookie, I was told to avoid certain cops because they were rats, cowards, etc. Yet, a couple of old hands told me to wait and make my own judgments. I did, and later found out that some of those accusers were in fact the cheese eaters who would step on anybody to get ahead.⁸

Moreover, it is widely believed that the Chief and administration have systematically encouraged officers to adopt that role. In the words of the same Charleston line officer:

...[The Chief] has fostered the belief that if you rat out your fellow [officers] for anything (no matter how minor) you will get ahead in this department. The more you prove yourself to be one the "boys," the more perks you get (cars, cush jobs, promotions, etc.). . .the majority of CPD officers would not tolerate criminal activity by a fellow officer as they do not tolerate backstabbing by other officers. Even though knowing that this type of behavior will be tolerated by the first floor alley.⁹)

It is critical to understanding the meaning of cheese eating in Charleston to appreciate that it is confined to reporting very minor forms of misconduct solely out of motives of personal promotion. As an exceptionally thoughtful line officer analyzed the precise meaning of cheese eating in Charleston:

I think when someone is referred to as a "cheese eater" in this department, it refers to the propensity to go out of your way to report trivial things to your superiors in order to garner favor. . . .To be honest, I don't care much for labels like "cheese eater" or "rat" because they require definition. I don't think I have ever directly referred to another officer as a "rat." I have, however, referred to other officers as untrustworthy, disrespectful of rank and authority, self centered, and afraid to properly police. Granted, if I referred to another officer as a "rat" when talking to a friend on the NYPD, he might assume I was talking about someone who blew the whistle on some criminal act. If I then clarified myself and explained that the officer actually reported to a command staff type that another officer had made a disparaging comment about one of the Chief's policies, my friend's reply would probably go something like "Is that ALL??" My point in all this is that this type of "reporting" on another officer would not be paid much attention to in many departments that I know of. I have seen instances at CPD where this type of behavior is not only condoned, but rewarded. . . . there

⁷ "The Observer," 31 May 1999.

⁸ "New Guy," 31 May 1999.

⁹ "New Guy," 31 May 1999.

is no code of silence (that I know of) at CPD when it comes to criminal behavior, and I am proud of that.¹⁰

The Fear of Lying – The Chief knows that cheese eaters will report even the most minor instances of misconduct out of the hope that they will be rewarded for it. He is also aware that he possesses another very powerful instrument with which to uncover misconduct. This tool is the rule that lying to a superior officer in the course of an internal investigation is an offense punishable by dismissal. In The Incident, it is wielded by the Major who is intent on learning which lieutenant passed on the information about the study group to the Chief.

What makes this tool such a powerful mechanism for unearthing misconduct is that its violation can bring consequences far more devastating than the underlying offense the lie is told to conceal. In The Incident, betraying an implied trust in the confidentiality of the Study Group, was not even a punishable offense. The Major was aware that he could escalate it into one that merited dismissal, if the offender could be forced to lie to cover his behavior.

However, the effective use of this powerful tool for uncovering misconduct required that certain conditions had to prevail. One condition that could guarantee the power of the rule that lying results in dismissal is to hold it sacred. By “sacred” we mean that it is a rule that could never be violated, no matter the situation, no matter the consequence. There were large numbers of police officers in Charleston who believed that, if an officer lied in an internal investigation, it *would* and *should* mean the end of that police officer’s career. Police officers were, in fact, people on whose word citizens’ lives could be inconvenienced, ruined, or even terminated. It was a norm of the occupational culture of integrity in Charleston that liars are unfit to be police officers.¹¹

¹⁰ “Allegro Con Brio” 1 June, 1999

¹¹ This sentiment is nicely and passionately expressed in a posting on the Charleston Cop to Cop Uncensored Message Board following an incident in which an officer was caught billing for an extra hour of court time and lied about it when he was discovered:

“D.C. made a mistake. He is accused of double dipping. Something no worse than putting in for an extra hour of court time to make up for the drive in. Or the time you went home early that really slow night a while back. Are these offenses that require an officer to be fired? I think not. BUT, D.C. did something else. Instead of being a MAN and admitting he screwed up and taking the punishment. . . . HE LIED. Because he lied, and, got another officer to lie for him also, you and I will forever be compared to his actions. Everyone will ask ‘D.C. did it, how about you?’”

“Our profession is based upon integrity and honesty. We prove this every day when we testify in court that we saw the subject commit a specific act. D.C., by his actions, has brought me down to his level. My integrity will be questioned, and my honesty not believed. And I had no say in the matter. You might ask if I am over-reacting? Just look at the fiasco that LAPD has right now because of dishonest cops. D.C. by his actions, not only affected his career, ours also. The seriousness of his offense was magnified when he included the rest of CPD as his unwitting accomplices. End result, terminate his association with those he has maligned. He did not think about me and my career when he lied, I will not think about his career if and when he is fired.”

The sacred rule that lying merited dismissal had major consequences in Charleston. Officers in Charleston who believed in the sacredness of the no-lying rule would openly celebrate the good riddance of a chronically lying colleague who was sacked. On more than one occasion those same Charleston officers who celebrated the loss of a chronically lying colleague suffered but resigned themselves to the loss of a well-liked, well-respected, hard-working police colleague who got caught in a rare, but terminal lie. Most importantly, the lying merits dismissal rule meant that no police officer could obligate a fellow police officer to cover his misconduct with a lie.

Very often, however, Charleston police officers were confused and frustrated by the complications that invariably challenged the enforcement of such a devastatingly powerful norm. Consider just those few complications that are raised in *The Incident*. What if the sacred rule was used to uncover truly trivial misconduct? What if it was certain that someone had lied, but it couldn't be proven? To what lengths should one go to discover a minor lie? What if proving it meant a promised or implied confidence had to be broken? What if someone lied to an investigator but confessed to the Chief?

There are no final answers to these and other similar questions, no fixed "Charleston norms" on any of these subjects. Because there were not, the Chief was subject to the almost universal charge that he was "inconsistent" in the way he meted out discipline. There were those who alleged that certain groups or classes of officers received preferential treatment: blacks, whites, women, men, Jews, "golden boys," "golden girls," and, of course, cheese eaters (which, of course, included everybody). Still others insisted that the Chief had "too soft a heart for cops" and would allow certain manipulative cops to exploit his weakness—this in a department which ranked #1 in both expected and appropriate severity of discipline in our survey! The Chief himself privately admitted that having a Major so convinced of the virtues of fear often permitted the Chief to play "good cop" to his "bad cop" Major.

The Citizen Police Officer – There is one final lesson about the occupational culture of integrity in Charleston that may be drawn from *The Incident*. It involves the concept of the short-term police employee, the Citizen Police Officer, the idea advocated by the Chief that provoked the initial controversy in the Senior Study Group. As we noted above, the thought that a police agency could be staffed predominantly by officers who would move on to other careers after five years offended the vast majority of police officers who made policing a lifetime career. Needless to say, that group included everyone who held a supervisory or administrative position in the Charleston Police Department.

The Chief publicly defended his idea by dramatizing the enthusiasm of new police officers, their willingness to work, and their enjoyment of even the most tedious, trying, or irksome parts of the job. He contrasted their attitudes with the reluctance or resistance with which experienced police officers tended to approach such assignments. Although Charleston supervisors and administrators were obliged to admit that there was a kernel of truth to the Chief's observations, they resisted

and dismissed as grossly unrealistic the Chief's idea that the Department could or should be composed of police officers who were not like them. It was an opinion that many of them held about many of the Chief's unorthodox ideas, though they were most unlikely to express such opinions outside of very private conversations or the security of the Study Group. There was never any question in the mind of anyone that the Chief believed in those ideas.

What they failed to appreciate was that the short-term, citizen police officer idea offered an extraordinary opportunity to increase administrative control over the behavior of police officers. That control came from a wide range of distinct sources. For example, one acknowledged instrument of control came from the lack of resistance born of the novelty and the accelerated learning curve that captivated new officers. Unspoken was the fact that short-term, Citizen Police Officers would depend on a good reference from their police employers in their transition to a non-police career. For this reason, Citizen Police Officers would weaken the appeal and influence of police unions. At the same time, their temporary attachment to police careers would undercut the rhetoric of brotherhood and fraternity that inclined police officers to look to their peers rather than their superiors as sources of authority. The Chief considered police unions shields for incompetence and inefficiency. He appreciated that the concept of fraternity among police officers served as a device to restrain police officers from exposing the misconduct of their brother or sister officers. The short tenure of a Citizen Police Officer also undercut the influence and importance of seniority among line officers. The Chief saw seniority as an authority juxtaposed to the values of administrative needs and appreciated that a reduction in its importance would increase administrative control over assignments.

As well he knew that the proliferation of Citizen Police Officers would reduce the competition for the very limited number of positions of reward that any police agency has to offer its employees. At the same time it would diminish the need to pay experienced police officers higher salaries for doing the exactly the same work that new police officers did. And, perhaps above all else, the Chief appreciated that his mere discussion and endorsement of the concept of the Citizen Police Officer advised his most experienced and skilled police officers to form no exaggerated notion of their self-importance. They were, at least in the Chief's eyes, quite expendable.

It's His House – A popular resolution of all of these complications and contradictions that surround the investigation, detection, control, and discipline of misconduct in Charleston was for police officers to simply resign themselves to the fact that the Charleston Police Department is, to quote the most common way of putting it, "His House." In his house not only does he write each rule but each rule had a clause written in invisible ink beside it that says "unless the Chief decides to do otherwise." We have explained in different terms why in The Incident the Chief covers for a lieutenant who lies to a superior officer in an investigation, how the lieutenant who lies to a superior officer in an investigation receives no discipline whatsoever, how a lieutenant who betrays his peers in a situation of

implied confidence escapes the label of “cheese eater,” how the Major’s intemperate behavior, threat to resign, and quasi-public humiliation secures the confidentiality of our study group discussions and pays off for him in a set of new floor mats, and how the Chief communicates to his employees that the most skilled and highest paid of them may have already overstayed their welcome. Understanding how such things happen requires an accurate knowledge of the facts, an appreciation of the norms at play, a bit of history, a good sense of the characters involved, and a serious analytic inclination. In most cases of the detection, investigation, control, and discipline of misconduct in Charleston, only the Chief has the capacity to have a firm grasp on all these elements. Is it really any wonder that the shorthand way of explaining the environment of integrity in Charleston – “It’s his house” – trumps all other popular explanations?

CHAPTER 5

THE CHARLOTTE-MECKLENBURG, NORTH CAROLINA, POLICE DEPARTMENT

“Taking Care of Business”

by Bill Geller, Director
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At more than four times the size of the Charleston Police Department and twice the size of the St. Petersburg Police Department, the CMPD teaches us about the kind of administrative systems that have to exist for police leadership to keep informed about and to try to influence the thinking and conduct of large numbers of employees deployed in a decentralized way over a large geographical area. Mecklenburg County is 534 square miles, and the CMPD’s personnel are based in 20 principal facilities. In short, in smaller agencies, it may be possible for the chief or a few key bosses to keep informed about and to influence the conduct of every employee through relatively informal and *ad hoc* methods; but a large department needs *systems* to hold police employees accountable.

We shall briefly summarize some of the external influences on the CMPD’s organizational culture, but the principal focus of this chapter shall be on the internal administrative systems used to hold officers accountable.

EXTERNAL INFLUENCES

A Local Government Whose Business is Public Service

Historically, public employment in Charlotte has been seen as an opportunity to make a modest living doing something useful for the community. In contrast to some historically corrupt local governments, municipal bureaucrats in Charlotte have long been expected to give an honest day’s work for their pay, and competence is seen as relevant to hiring and advancement. It was not uncommon in the first two-thirds of the 20th century for people seeking leadership positions in government to have first established their skills and reputations for leadership in the private sector, then to serve for a brief period as mayor or a member of the council, then to shift to the school board, and then perhaps to head up a city agency (public works, the fire department, etc.) before returning to the private sector. Thus, the tradition of public service leadership in Charlotte is unlike that in many communities, where

people with leadership potential framed their career strategies around seeking ever-higher, more powerful, more visible, and more lucrative public office. While today Charlotte generally has career public administrators running major units of local government, nevertheless Charlotteans still seek and admire civic and political officials whose objective is to help the community rather than to help themselves or their friends and families and who have the capacity to hold government workers accountable to high standards of conduct.

An illustration of how self-serving, unrepentant politicians are viewed in Charlotte arose in the Fall of 1998. A senior member of the city council, Al Rousso, went to retrieve his car from an Uptown parking garage one Monday evening around 7:30 p.m. to find it was difficult to open the driver's door because someone had parked a van too close to his car. Rather than have the parking garage attendant attempt to find out who owned the van so it could be moved, Rousso summoned the police, in a succession of increasingly furious, profane and threatening 911 calls, demanding that they send officers over immediately to investigate the van.

The police dispatchers explained calmly in each successive call that they would send the police. At the peak of the councilman's pique, he attempted to jump his call ahead in the queue by screaming that the van might belong to terrorists and might contain a bomb. He also threatened to report the dispatchers and their supervisor to the City Council. In one bewildering portion of his conversation with dispatchers, the Councilman momentarily asserted that the imagined bomb had gone off and killed 400 people. It was a transparent lie, although it did provoke an accelerated police response to the scene.¹ As the local press reported, "Police arrived on the scene about 16 minutes after the first call. . . A patrol officer and a sergeant spent about two hours on the scene. They wrote up the incident as an accident, based on Rousso's car having sustained a ding in a door."²

In the days following the Department's release to radio and TV stations of the 911 tapes (the tapes were requested by the news media, who routinely monitor police frequencies), the councilman became an object of considerable public derision.³ With six months remaining on his fourth term in office, Councilman Rousso resigned from the City Council on June 2, 1999, citing failing health.⁴

What's taken for granted as a perk of elective office in many other cities, in Charlotte typically is seen as taking undue advantage. First-line employees in the CMPD—with the backing of most of their bosses—are less inclined than their counterparts in many other jurisdictions to classify as a top priority those

¹ John Reinan, "Rousso Defends Shouts, Swearing in 911 Calls," *Charlotte Observer*, November 4, 1998, Metro section, p. 1C.

² Ibid.

³ Letters published in "Backatcha" column, *Charlotte Observer*, November 20, 1998, Section E + T, p. 2E; Doug Robarchek, "Truth Is Stranger Than Fiction, And Not Nearly as Fictitious, Either," *Charlotte Observer*, November 6, 1998, Metro Section, p. 11C.

⁴ "Democrats: Delay Vote on Districts; Mayor Rejects Filling Rousso Vacancy First," *Charlotte Observer*, June 4, 1999; "City Council Delays Filling Rousso's Seat," *Charlotte Observer*, July 20, 1999; "Deadline Monday For Seeking Rousso Council Seat," *Charlotte Observer*, July 21, 1999.

calls for service that cops around the country refer to as APE's (acute political emergencies). A member of the Charlotte City Council confirmed this perception: "Council member Lynn Wheeler said it's her experience that the police 'don't cut slack to City Council members. In fact, I feel they're sort of on the watch for us.'"⁵

Generally speaking, the prevailing influence of the external environment—particularly the larger local government—on CMPD integrity seems to be salutary. As noted, a key aspect of the local government culture is service orientation among city and county employees. The importance of a local government service orientation for police integrity lies in its emphasis on the purposes of police employment. These purposes are to try to help the community by fighting crime, disorder, and fear. Those who look to police employment merely as a paycheck or an opportunity to boss people around or worse violate the ethos of a service-oriented local government. To be sure, like any big agency in any community, the Charlotte-Mecklenburg Police Department has its share of loafers, cheaters, and bullies. But our interviewees told us repeatedly that the prevailing expectation in the community—and within the police organization—is that cops should give an honest and productive day's work for a day's pay.

The long-standing service orientation of local government in Charlotte is coupled with a history of clean government. The kind of government contracting scandals and abuses of office for personal gain that have tarnished many other jurisdictions have been very rare in Charlotte. The local government's good record of integrity has been cited by many of our interviewees as a key factor shaping the integrity of the Police Department and other government agencies.

Banking Business Standards

A second type of external influence that contributes to expectations about and shapes the culture of the police organization—and also shapes Charlotte's local business, professional and government cultures—is the banking and finance industry. Charlotte is the second most important banking center in the nation (after New York), as measured by industry standards (e.g., \$488 billion in assets in 1998). When California-based behemoth Bank of America merged with Charlotte-based Nation's Bank in 1999, the Bank of America name prevailed but the locus of corporate leadership shifted to Charlotte.

Banking business practices—including audit-worthy fiscal systems, long-term strategic thinking about returns on investments, and high standards for employee honesty—establish a set of expectations in Charlotte for what it means to manage an organization in a professional way. As a reflection of the public sector's desire to emulate private corporate management approaches, business-world jargon is used widely in local government. For instance, the City Manager refers to her cabinet members as the government's "key business executives," and public agencies,

⁵ Reinan, *ibid.*

including the police, are expected to develop “business plans” (fiscally and operationally justified strategic plans) for carrying out their respective missions.

Charlotte’s business moguls would doubtless say that different public agencies have achieved different levels of success in adopting best business practices. But the veterans among them would be able to recall the marked and rapid improvement in businesslike practices which Mack Vines brought to the Charlotte Police Department during his tenure as chief (1980–1985). Vines installed businesslike systems to deal with budgeting, planning, internal affairs, and other aspects of quality control. He revised policies on use of force and employee discipline to achieve greater accountability and in turn made the organization more publicly accountable by easing media access to the Department. According to Department veterans, Chief Vines was not so much abandoning inept or dishonest prior practices as he was converting from *ad hoc* efforts to run the agency well to more routinized, systematic management methods.

Chief Vines also departed stylistically from his predecessors by behaving more like conventional private-sector business executives (including, his detractors observed, nicely redecorating his office). Part of his legacy was to recast the image of the police chief inside and outside the Department as an important, competent public administrator, not just the senior cop in town. And, viewing cops as professionals, he succeeded in raising their salaries and strongly encouraged them to acquire higher education.

Thus, by subtitling this chapter “taking care of business” we wish to emphasize that a central feature of the police department’s culture entails shaping organizational values and operations in businesslike, systematic ways, rather than simply as a reflection of strong personalities (whether at the agency helm or in the local station houses). To be sure, some large private sector businesses are best understood as reflections of their all-powerful CEO’s personality and whims, but most are not. And even in large companies where the CEO’s personality heavily dominates, they still need efficient and effective systems to impose their will on the organization. Moreover, most well-run businesses of considerable size have systems and backup systems that keep the ship afloat even if the captain jumps overboard.

By emphasizing that the City of Charlotte and its police department embrace businesslike approaches to administration, we are not suggesting that business practices are inherently uncorrupt or public-spirited. But banking is a highly regulated industry—that is, one for which regulation and other forms of external oversight are widely considered legitimate. And banking, the central economic activity in town, is a business that has a very low tolerance for scandal—especially scandal smacking of corruption for personal gain. Moreover, banking likes meaningful returns on its investments in the community. A community spiraling downward as a result of crime waves or inept, corrupt or abusive policing does not make for a desirable investment environment, whether in commercial or residential mortgages or in business ventures. An organization that denigrated the importance of investing its resources wisely in pursuit of important strategic goals would not win the admiration of bankers. Finally, banking industry tolerance

for defects is very low. If one check per million processed is credited or debited to the wrong checking account, that is considered an unacceptable failure rate by customers and will merit bank review to understand and correct any systemic problems that gave rise to the error. Arguably, this private-sector quality-control ethos would have a salutary effect on prodding local public organizations to strive for continuous improvement.

As Chief Darrel Stephens observed, there is another way in which banking community leaders influence the CMPD.⁶ The leaders of the two big banks in Charlotte are *personally* involved in the civic life of the police department. These bankers, Stephens reported, place high value on the people who work in local government and express a personal interest in how well they do. The bankers see government employees as collaborators in the effort to maintain a community with a high quality of life. Moreover, the bankers' influence extends to such matters as police salaries, other personnel practices, and the budget allocated to support travel for police training opportunities. A particular example of private business involvement is that a committee of Charlotte bankers in 1999 looked into CMPD pay practices and made recommendations that shaped salary decisions.

Business Technology as an Emblem of Commitment to Continuous Improvement

Another of the various ways in which Charlotte police benefit from the Police Department's private sector-like pursuit of excellence is in technological advances. Most squad cars have been computer-capable since the late 1990s,⁷ and the Police Department's crime mapping and demographic mapping expertise—which uses Geographic Information System (GIS) technology—is seen as cutting edge in the industry. The CMPD's 20 facilities are linked via a Local Area Network/Wide Area Network, which enables authorized personnel to access automated records and to communicate with one another via email. The police administration can easily send email communications to every member of the agency. Moreover, CMPD employees can conduct low-cost research via the Internet and can communicate via email with police professionals, researchers, technical experts and others who might be of assistance to them. Another way the CMPD excels technologically is in its development of an automated records management system that incorporates basic police reports. In 2005, the Department's new automated Early Intervention System went on line.⁸

Modern information technology may be used in various ways to directly bolster integrity. For instance, regularized crime mapping and reporting back to district

⁶ Personal communication with Bill Geller, December 8, 2000.

⁷ Every police officer is issued a personal laptop computer. Most police vehicles are equipped with a cell phone modem to which the computer can be attached, thereby giving the officer access to an array of digital information like that found at a computer terminal located in the dispatch center.

⁸ See CMPD, *Early Intervention System: A Tool to Encourage and Support High Quality Performance—A Guidebook for the Public and Our Employees on What We Do and Why We Do It*. July 2005.

commanders serves not only as an enforcement and problem-solving guide, but also as an accountability mechanism, allowing Departmental leaders to track progress toward crime-reduction objectives and alerting leaders to aberrations in crime patterns which might suggest illegalities or corruption in enforcement or non-enforcement decisions. In addition, car computers and vehicle geographical locators can help reduce loafing on the job (the CMPD does not have vehicle locators but every marked patrol car has mounts for a laptop computer and each sworn member of the agency is issued a laptop computer). Car-mounted video cameras, present in every CMPD marked patrol car and some unmarked cars, can deter police abuse of authority or force in traffic stops and simplify investigations of car stop complaints. The video cameras and video recorders are to be activated any time an officer stops a motorist. Moreover, computerized personnel records and the automated Early Intervention System support stronger supervision that surfaces and addresses employee integrity risks.

Aggressive Local News Media

Like most big cities, Charlotte has a diverse set of local news media outlets, ranging from those that members of the CMPD would regard as generally pro-police and pro-chamber of commerce to those that seem to smell a scandal in even the most innocent police activities. Charlotte local government agencies, including the police, have a long history of having their feet held to the fire, fairly or unfairly, by an aggressive news industry. Former *Charlotte Observer* editor Jack Claiborne recalled in 1999 some of the scrutiny given the police by Charlotte media during the first half of the 20th century:

For almost a century, Charlotte was blessed with two aggressive daily newspapers, the morning *Observer*, which had a large statewide circulation and the afternoon *Charlotte News*, which out-sold the *Observer* in the city. Both paid close attention to city and county government and especially to law enforcement. In the 1920s, 1950s, 1960s and 1970s, the press of the city has broken stories that brought about reform of police practices. In the 1920s the story involved police detectives who were exceeding their authority. In the 1950s it was a captain of the traffic division who was kiting checks through the clerk of the Records Court. In the 1960s it was a police chief who had come up through the ranks and was a captive of his men. . . All of those stories were the result of aggressive reporting by one or both of the city's newspapers.⁹

While currently *The Charlotte Observer* is the City's only major daily newspaper, Charlotte also has a weekly newspaper (*The Leader*) and a number of television and radio news departments¹⁰ that, along with *The Observer*, give considerable play to stories concerning effectiveness, efficiency and integrity in local government generally and the police department specifically.

⁹ Jack Claiborne letter to Bill Geller, April 7, 1999.

¹⁰ There were 20 radio stations and six television stations based in Charlotte during our study period, according to the 1997 *Information Please Almanac*, p. 791(1).

Besides engendering dislike for most reporters among cops of all ranks, aggressive local news media contribute to an environment in which police are motivated to stay out of trouble. Many of our interviewees in the CMPD mentioned that a prime motivation for their integrity was to avoid bringing shame on coworkers, family, and friends. Similarly, probing news coverage has been applied to such integrity-relevant topics as police-involved shootings¹¹ and the susceptibility of police agencies in the Carolinas to racial profiling in traffic stops.¹²

Thus, the external environment in Charlotte and Mecklenburg County—notably including the politics of good government; an ambitious business community that can't afford for the police department to be unprofessional and expects local government to aspire to financial industry standards of integrity and technological progress; and an aggressive news industry—provides a context conducive to good, honest, public-spirited policing.

INFLUENCES WITHIN THE CMPD

Police Leadership: A Preventive Orientation

During the 1990s, and especially during the tenure of Chief Dennis Nowicki (who was the police chief during our field work), the CMPD gained a national reputation as a center of technological innovation, an agency open to ambitious multi-disciplinary research projects, and a beta test site for advanced community policing and problem-solving methods. That reputation has continued under Nowicki's successor, Darrel W. Stephens. Not surprisingly, in a large, decentralized police agency, most of the ways in which the police chief attempted to maintain and strengthen an organizational culture of integrity depended in large part for their implementation on members of his command staff and the administrative systems they are responsible for running. To keep abreast of these senior leaders and the functioning of the administrative systems, the Chief met three times per week—often for several hours at a time—with all deputy chiefs and majors and several non-sworn senior managers. During our site visits, these meetings often focused on policy-making and organizational problem-solving (e.g., efforts to achieve greater consistency across the four patrol bureaus in penalties imposed for such infractions as being late for court). Policy decisions taken during these meetings often were explained, and additional issues surfaced during twice-monthly meetings of the entire command staff (captains, majors, deputy chiefs, the police chief, and senior non-sworn managers).

The senior leadership and larger command staff meetings were not ceremonial or *pro forma* gatherings. They were occasions on which the Chief expected his

¹¹ E.g., Gary L. Wright and Leigh Dyer, "Two Officers Not Charged in Shooting; Man Who Drove Car Pleads Guilty in Incident That Took Woman's Life," *Charlotte Observer*, February 17, 1999.

¹² E.g., Eric Frazier, "'Driving While Black' Opinions Vary by Race," *Charlotte Observer*, August 22, 1999.

managers and leaders to raise, discuss and debate issues with practical significance for the CMPD, identify what was working well and what was not, and propose solutions to agency and community problems.

We learned by attending more than a dozen command staff and senior leadership meetings and by interviewing the chief, the deputy chiefs, majors and a number of the captains and civilian managers that several values were key in the police leadership's efforts to shape the department's organizational culture. One of these values was that bosses should model the work ethic, integrity, and other behaviors they expected in their subordinates. Another was that continuous improvement is essential, even if things "ain't broke." One of the ways to enable the CMPD to continually improve, we were told by several CMPD leaders (although they didn't typically use this terminology) is that the Department should strive to become a "learning organization."¹³ A learning organization, among other things, develops and actively uses the technology and systems that enable it to learn from its past actions and inactions (both its mistakes and appropriate actions). A learning organization shares the useful and effective tactics of high-performing personnel with other employees rather than leaving the rest of the workforce to fend for themselves.

Yet another core value evinced by CMPD leadership at all levels of the organization is that operational, administrative, and community crime problems should be *prevented* whenever possible—rather than waiting for them to flare up when they may be harder to correct. This simply stated but, if robustly implemented, powerful prevention orientation is reflected in the CMPD's unusual mission statement: "Prevent the next crime."

Use of force peer debriefing pilot project – Building on work done decades earlier in Oakland, California by that police agency and scholars,¹⁴ the Chief and several other staff decided to test a program in which police officers would debrief colleagues who had used legitimate force and would explore whether better decisions and tactics could be used next time and whether the incidents under review were instructive for purposes of future training, procedures, and policy. At its

¹³ A chief architect of the "learning organization" movement, which has many influential adherents in the world of private sector management, is Peter Senge. See, e.g., Peter M. Senge (1990; 1994 rev. ed.) *The Fifth Discipline: The Art and Practice of the Learning Organization*. New York: Currency Doubleday. For a discussion of some applications of the learning organization concept to modern policing, see William A. Geller (1997) "Suppose We Were Really Serious About Police Departments Becoming 'Learning Organizations'?" *National Institute of Justice Journal* (December 1997), U.S. Department of Justice.

¹⁴ See Hans Toch and J. Douglas Grant (1991), *Police as Problem Solvers*. New York: Plenum; and Antony M. Pate, et al. (1976) *Kansas City Peer Review Panel: An Evaluation Report*. Washington, D.C.: Midwest Research Institute and Police Foundation. See also George L. Kelling and Robert B. Kliesmet (1996) "Police Unions, Police Culture, and Police Abuse of Force" in William A. Geller and Hans Toch (eds.), *Police Violence: Understanding and Controlling Police Abuse of Force*. New Haven: Yale University Press, p. 207.

core, this project was an effort to develop learning organization technology within the CMPD and hence illustrates one type of peer-to-peer continuous improvement system aimed at fostering a high-integrity agency.

By supporting peer debriefing, the Chief and a number of his command staff expressed an optimism that first-line officers could and would help their peers in candidly reflecting on uses of force, searching for ever-better techniques for minimizing force whenever possible, and using force competently and judiciously when necessary. The police administration's support for this peer review project also reflects a belief that many, if not most, CMPD police officers want their agency to be restrained in its use of force and candid (at least in-house) about its tactical strengths and weaknesses. Interestingly, the peer review effort, as designed, also evinces a belief that officers can learn valuable lessons from both highly skilled and less skilled colleagues. Some of the officers on the core planning team had themselves previously been disciplined for unwarranted uses of force. The expectation was that such officers could both share cautionary tales with their colleagues and acquire insight into the more successful tactics and decision-making of other officers.

While some senior staff supported the idea, others did not, including the in-house lawyers. They argued strenuously that having peers learn the details of even legitimate uses of force by colleagues would violate the North Carolina public employee privacy law.¹⁵ The Chief challenged his risk managers to tell him not only why he couldn't do the things he thought were important but how he *could* do those things in a way that achieved his purposes while minimizing liability risks. The principal solution for addressing the confidentiality problem was to make participation in the peer debriefing strictly voluntary on the part of the officers who had used force. Their voluntary participation constituted a waiver of their right—but only as to the other officers participating in the debriefing—to keep information about their uses of force confidential.

By March 1999, the planning group concluded that debriefing was a worthwhile endeavor and asked Chief Nowicki whether he would support expanding the program citywide. The committee based its recommendation not on an impact evaluation but on interviews with officers who had participated in the debriefings over the previous ten months. While reactions were mixed, sufficiently many officers found the debriefings to be sources of useful tactical ideas that the committee saw promise in an ongoing program. There were some impressions by district captains and officers that uses of force had declined somewhat over the course of the experiment in the pilot districts, but the planning committee was quick to admit that no causal connection could be established between any such reduction and the debriefing experiment.¹⁶

The planning committee was further encouraged to recommend citywide adoption because over the course of the pilot it had solved an initial problem of a low rate

¹⁵ See, e.g., North Carolina General Statutes section 160A-168.

¹⁶ Larry Blydenburgh, "Use of Force Peer Debriefing," April 26, 2000. Unpublished memorandum.

of officer participation in debriefings. During the early months of the debriefing (June-November 1998), out of 49 eligible use-of-force incidents in the six pilot districts, 12 officers (about 25%) agreed to be debriefed. But during the next four months (December 1998-March 1999), out of 17 eligible incidents, 10 officers (59%) participated.

One factor that the project planning committee believes contributed to a higher rate of participation over time was the decision to have sergeants (rather than first-line officers) serve as the project “coordinator” in each pilot district. The coordinator, who would not attend the peer-only debriefing sessions, was responsible for identifying eligible use-of-force incidents, explaining the program to the involved officers, and asking them whether they wanted to participate. With sergeants coordinating the project within each district, the time between the use-of-force incidents and the peer debriefings was reduced from an average of 34 days to an average of 11 days. More expeditious debriefings were seen as more likely to result in accurate recall of incident details by the involved officer.

Another factor that may have improved officer participation over time was a training program that advised officers on constructive and effective methods to use when debriefing their colleagues. Still another factor was that, because only uses of force judged justifiable by the chain-of-command review were eligible for the debriefings, the officers who had used force were able via the debriefings to learn the positive outcome of the initial chain-of-command review. Previously, officers would not be notified on any routine basis that their use of force was found justified (they simply would not receive any adverse news).¹⁷ Other factors the planning committee believed accounted for increased participation in debriefings over the course of the pilot effort were the informality of the debriefings and the opportunity for officers to receive both critique and praise from their peers.¹⁸

The planning committee’s recommendation to establish use-of-force peer debriefing as a Department-wide program came just as Chief Nowicki was preparing to retire (he retired in April 1999). He suggested that the 12 district captains be polled to see whether they would support Department-wide adoption of peer debriefing. When presented with the poll results (all but one of the captains favored continuation and expansion of debriefing), the interim police chief decided to defer the decision about Department-wide adoption of this novel program pending arrival of the new police chief. The planning committee decided to suspend debriefings pending the new chief’s decision about the project, and no debriefings were conducted after the end of March 1999. Chief Darrel Stephens decided in February 2000 to accept the committee’s recommendation that peer debriefing be done citywide.

An outside review of internal review systems – Believing that the Department’s integrity is to some important degree influenced by the quality of internal reviews of officer conduct, Chief Nowicki and then-IA commander Major Dave Stephens took

¹⁷ Blydenburgh, 2000.

¹⁸ Blydenburgh, 2000.

the initiative to commission an outside study of IA and the chain-of-command's processes for investigating complaints and use-of-force incidents. This initiative run the risk of learning things that might keep leaders and managers awake at night, but the core values of preventing problems and continuous improvement led the organization to hire one of the largest accounting firms in the nation to put the CMPD's internal review systems under the microscope.

KPMG-Peat Marwick launched a 15-month study of the processes used to address complaints against police officers and to review officers' uses of force. This was not a reinvestigation of specific cases but an examination of CMPD processes in light of the Department's stated objectives for those processes and in light of industry standards. The objectives of the KPMG study were to provide answers to three questions: "(1) Are complaint investigation and use-of-force review processes operating as intended? (2) Are the processes appropriately designed and credible? (3) How can the processes be improved?"¹⁹ The auditing firm's report found the IA and other review systems to be essentially sound but made dozens of suggestions for improvements, most of which the Department began implementing in the ensuing months. Their recommendations will be discussed later in this chapter in conjunction with our detailed description of the Internal Affairs and complaint systems.

At the moment, our point about the KPMG study is that it reflects the prevention orientation of the Department's leadership; they did not wait to commission the outside review until there was a corruption or other integrity scandal suggesting that Internal Affairs had botched an investigation. The Chief and City administration expressed an intention to replicate this audit every two years as a way of holding the police department accountable to the public and to its own stated goals and procedures. Rather than have the audit overseen in the future directly by the Police Department, it will be the responsibility of the City's Community Relations Committee, whose mandate includes conducting public education about the police complaint and review processes.

Studying the department "to death" – Like many of the current crop of police administrators around the nation, the CMPD's top leaders expressed the belief that sound policy should be based on valid data about how the police department is working and what its strengths and weaknesses are. During Chief Nowicki's tenure, a significant amount of such data was sought through studies by outside researchers—a pattern that led a number of command staff members to remark that they often felt "studied to death."²⁰

¹⁹ "Improving Police Disciplinary Systems Through the Use of Independent Audits." Presentation by KPMG executive Melvin Benson at International Association of Chiefs of Police Conference, Charlotte, November 3, 1999.

²⁰ Some the outside studies and demonstration projects conducted in the CMPD during the 1990s (most during Chief Nowicki's tenure and many at his initiative) were the following:

Yet, the agency made serious efforts to ensure that such studies would be of practical and near-term benefit to the organization. The Chief and his top leaders required that outside researchers conduct “formative evaluations.” Such evaluations involve periodic, interim feedback to the subject agency by the researchers on the insights the researchers are developing so that, where the agency is performing below expectations, it can learn about the defects in a timely and constructive fashion and attempt to improve performance.

One way the CMPD utilized researchers was to help guide police employees toward integrity-enhancing options in the course of novel crime-fighting efforts. For example, problem-oriented policing maven Herman Goldstein, who was the CMPD’s “scholar in residence” for a year, tells this story about working with some first-line officers:

I’ve been working with two officers in the Charlie-One District on the problem of theft from construction sites. They described to me how limited and constrained they felt, absent other evidence, in challenging drivers trucking lumber in and out of the area, knowing how much transport there is and that much of the transport is perfectly legal. They said that they simply did not have the legal basis for conducting a stop in many such circumstances—leave alone a penetrating inquiry. That led to discussions about what could be done to provide a more

- University of Wisconsin Law School Professor Herman Goldstein’s year-long study and technical assistance concerning the implementation of problem-oriented policing in the CMPD.
- The Yale University Child Study Center’s replication of its Child Development-Community Policing Project.
- A study and technical assistance project conducted jointly by the Youth Law Center of San Francisco, the National Council on Crime and Delinquency, and PERF (Police Executive Research Forum), focused on improving police-social service collaboration to apply “family preservation” strategies for families experiencing a variety of crime and other behavioral problems. Bill Geller was PERF’s point person on this project.
- A study by PERF of high school students collaborating with school resource officers and others on crime problem-solving projects.
- A demonstration project by Yale University’s Child Study Center, Yale’s Comer School Development Program, and PERF called “Summoning the Village,” which aimed to reduce the violence and intimidation facing middle-school students and impeding their learning ability. Again, Bill Geller represented PERF on this project.
- A study by Professor Dave Herschel of the University of North Carolina at Charlotte on police response and its effects on domestic violence.
- A study by criminologist Joel Garner that interviewed arrestees and arresting officers on their respective assessments of the arrest experience.
- A study by University of North Carolina-Charlotte psychology Professor Vivian Lord of police screening instruments.
- A study by UNCC Prof. Vivian Lord of issues concerning women in policing.
- A study by UNCC criminal justice Professor Maureen Brown of police information systems.
- A study by UNCC Prof. Maureen Brown of the computer needs associated with problem-oriented policing.
- And, among others, the University of Delaware’s Measuring Police Integrity study, which resulted in Carl Klockars and his research team selecting the CMPD as a subject for the Enhancing Integrity study which is described in this book.

solid legal basis, like spray painting the lumber in ways that tied it to specific sites—so that it is traceable—and where the color-coded painting might contribute to building reasonable suspicion for a stop. In many police departments, there would be absolutely no hesitancy to indiscriminately stop all drivers of trucks carrying lumber and check them out in depth.²¹

Perhaps these officers would have worried over their lack of probable cause even if operating strictly on their own, for no other reason than that they value the Constitution and the Bill of Rights. But it is no wonder they did so in the presence of Law Professor Goldstein, whose commitment to policing creatively but within Constitutional strictures was well known to these officers. Indeed, his purpose in spending time with these officers was to help them frame increasingly effective, legitimate problem-solving tactics and to reflect on what their efforts taught him about the prospects and methods for advancing the problem-oriented policing movement.

Preventive maintenance on the SWAT team – In the four years since Nowicki had arrived in Charlotte as chief, the 50-member SWAT (special weapons and tactics) team had an almost perfect record of resolving hostage and barricade incidents and of conducting raids without loss of life to themselves or others. But a few members of the department’s senior leadership team were worried. Their sources told them that the values of some of the influential SWAT team members seemed to be on a collision course with the values and some aspects of the mission of the rest of the agency. These concerns—many of which are integrity relevant—included that the group was inhospitable to women and people of color joining the SWAT team; that some in the group openly ridiculed the Department’s stated mission of committing its resources to problem solving and community policing; that some SWAT members openly denigrated the constitutional rights of suspects; and that some members of the team had gone beyond sporting an acceptable no-nonsense appearance and were starting to resemble biker gangsters or skin heads.

Based on the early concerns expressed by some of his trusted commanders, Chief Nowicki did not have enough information about his SWAT team to know exactly what the nature and extent of the problems were or what the solutions might be but he wanted to know more. Rather than commence an internal investigation of the SWAT team—which was not indicated at this point because there was innuendo but no specific allegations of improper behavior by anyone—he tapped a use-of-force expert from outside the agency. He selected the author of this chapter, who was experienced at facilitating focus groups on sensitive and controversial subjects. The assignment given by the chief was to hear first hand what the command staff’s concerns were about the SWAT team and then facilitate in-depth discussions with all members of the SWAT team to get their points of view on these concerns.

²¹ Goldstein, March 29, 1999 letter to Bill Geller.

Afterwards, in accordance with the agreed-upon process, the consultant would share what he had learned with both the SWAT team and the senior leadership of the Department.

After several hours of focus group discussion with the moderator, the SWAT team members had begun to shift from a defensive albeit still thoughtful mode into a genuine problem-solving effort. The shift became pronounced when one of the few African American members of the team revealed – for the first time in his several years of service with SWAT – that the unit was, indeed, seen by most minorities on the police force as resistant to their participation. The team members were genuinely surprised. This officer happened to enjoy immense credibility on the team. He spoke rarely, but when he did, he invariably said something worth considering, which earned him the nickname within SWAT of “E. F. Hutton.” After he spoke, the SWAT team spent less time and energy assuring one another and the moderator they were not racists and instead focused on exploring how the perceptions of most minorities on the CMPD could be better understood and addressed. They began figuring out how to “market” SWAT as an equal opportunity unit. They discussed who on the team could do what to convince the most competent African Americans and women on the Department that they should apply for SWAT membership.

Administrative Systems

As indicated earlier, the core lesson we take from our study of the Charlotte-Mecklenburg Police Department is that a large, decentralized police agency needs to have high quality, auditable and accountable administrative systems that shape the integrity of the organization. Thus far, we have touched on some kinds of CMPD systems and projects that attempt to foster a continual honing of skills by officers (e.g., the peer debriefing project). But a sizable department must also have reliable systems that build and maintain integrity by clarifying behavioral expectations, identifying departures from the rules of conduct, holding officers accountable for their misdeeds, and circumscribing the code of silence. We turn next to a discussion of several of the CMPD’s administrative systems that distinctively contribute to several of these goals.

The Complaint reception process – The CMPD attempts to communicate widely in the community what the procedures are for citizens to file complaints against police officers. Over the years, flyers and brochures have been prepared and circulated publicly via community groups, members of the CMPD, the City Manager’s Office, other City employees, the City’s Community Relations Committee, the citizens’ police academy, the City’s web site, and other avenues of dissemination. The complaint process has also been discussed by police and other city officials at a variety of public forums, including the police chief’s monthly cable television program. In 2005, with underwriting from the U.S. Justice Department’s Office of Community Oriented Policing Services, the CMPD published a handbook explaining its handling – and the rationale for its handling – of complaints about

police conduct. The handbook describes in detail complaint reception, investigation, adjudication and appeals.²²

As adverted to earlier, even though the CMPD was taking these and other steps to facilitate the filing of citizen complaints, the Department wanted to know what else it might do to improve. The answer it got from the KPMG study team was that current CMPD outreach efforts compared favorably with industry standards, but a number of additional steps would probably improve public understanding of how to file a complaint and what happens once a complaint is filed. For example, the KPMG study recommended that the brochures be printed in several languages and that the form that can be used by a citizen to file a complaint, compliment, or comment should be included in the brochure.

The audit commissioned by the CMPD challenged the Department to go even further in documenting the public's concerns about police performance. The auditing firm noted that current CMPD procedures only require the formal documentation of a citizen's concern which, if true, would constitute a violation of the agency's Rules of Conduct. But the CMPD may be missing important information, reflected in other types of citizens' concerns that would assist in the Department's continued improvement in various ways. Such information may include expressions of gratitude by people satisfied with police responses to their problems, which may help clarify how other officers can avoid providing substandard services. Moreover, KPMG suggested that "[b]y not having a record of all inquiries that could potentially be complaints of misconduct, there is no mechanism to verify whether all complaints are handled appropriately."²³

Investigations and dispositions of complaints and notification to interested parties – The investigative and dispositional processes are dependent on the seriousness of complaints. During the period of our field research, the most serious complaints (category "A") were investigated by IA investigators, whereas the investigation of alleged lesser infractions fell to field personnel. For the least serious complaints (category "D"), the accused officer's supervisor investigates, prepares a report, and circulates it among the relevant chain of command for review. For category "B" and "C" complaints (i.e., less serious infractions), the employee's supervisor again conducts the investigation and circulates his or her report to the relevant chain of command. Here, however, the accused employee has the right to appear at a chain-of-command hearing, at which the facts are reviewed and a disposition and punishment, if any, are recommended. Whereas the employee's captain (or immediate supervisor if the accused is of higher rank) made dispositional and disciplinary decisions in the case of alleged "D" and "C" violations, it takes the employee's major to reach a determination for alleged "B" violations. (More

²² CMPD, *Employee Conduct: Investigations and Discipline—A Guidebook for the Public and Our Employees on What We Do and Why We Do It*. May 2005.

²³ KPMG Report, p. 29.

recently, the “A, B, C, D” designations have been abandoned; the current system is described in the CMPD’s 2005 handbook, *Employee Conduct: Investigations and Discipline*.)

The investigative process is like that of most police departments, typically consisting of tape-recorded and transcribed oral interviews with the complainant, witnesses and the accused officer, the collection of any physical evidence, and the documentation of investigative steps taken in a case file. KPMG found that dispositions were typically supported by appropriate investigative evidence documented in case files. Yet, in an effort to achieve greater internal and external credibility, greater investigative effectiveness and efficiency, and increased dispositional fairness, the CMPD embarked on a number of reform efforts, many of which were recommended or endorsed after the fact by KPMG’s study:

- **Establish an “early warning system” that will more effectively hold officers accountable and help them avert misconduct.** In a progress report prepared during the summer of 2000,²⁴ the CMPD indicated that it had developed an early warning system as part of its planned case management system. That system, which would eventually be designated the Early Intervention System, went on-line as an automated system in 2005.
- Increase the timeliness of dispositions and of information to interested parties without compromising the quality of investigations. The CMPD decided to establish a 45-day target for internal investigations, use the automated case management system to track the elapsed time of each investigation, increase the investigative staff in Internal Affairs, provide the accused officers and complainants timely notice of the lodging of complaints and explanations of how and on what schedule the investigation will proceed, and use a private transcription service to transcribe taped interviews.
- Improve the quality and consistency of field investigations (conducted by an accused officer’s supervisor) of alleged “B,” “C” and “D” violations. Both officers in our focus groups and KPMG—which also drew its findings partly from officer focus groups—asserted that there are problems of consistency across this decentralized police agency in the handling and disposition of complaints.²⁵ Officers were particularly concerned about patterns of inconsistency in the discipline given by the different deputy chiefs when officers were tardy for court. In response, as of early 2000, “each supervisor has received two full days of training on how to conduct complaint and use of force investigations,” with the result, according to then-IA Major Dave Stephens, that “the quality and consistency has improved.”²⁶ However, there were some negative consequences as well:

²⁴ CMPD, “Recommendations from the 1997 Review.” Unpublished memorandum by Internal Affairs Commander David Stephens (sent by Major Stephens to Bill Geller June 5, 2000). Hereafter, Recommendations from the 1997 Review, 2000.

²⁵ *Ibid.*, p. 35.

²⁶ Recommendations from the 1997 Review, 2000, p. 26.

IA has prepared reports on certain complaints that are the source of most concerns among officers. These include the 'B' level complaints for absence from duty. We have prepared reports detailing the numbers of such complaints by Department unit and the disposition of such complaints. Also, we changed the way such complaints are documented and reported to insure that all districts are handling them the same way. This has resulted in a tremendous increase in some complaints, particularly absence from duty (court and training). Officers are now complaining that the policy is too severe and doesn't take an officer's individual circumstances into consideration.²⁷

- **Improve the training and operating protocols for IA and field investigations of complaints.** As of early 2000, the CMPD had acted in furtherance of these suggestions by developing a "week-long school for all new supervisors. All new and current supervisors have been through this school. It includes two days of training on internal investigation. Supervisors are given a lesson plan that details the expectations of them when conducting an internal investigation. They are given sample investigations, and they also practice documenting an investigation." The IA was hopeful that, as a result, "the quality and consistency of our investigations has improved."²⁸
- **Improve the documentation of investigative steps in IA case files.** The CMPD addressed this concern by telling supervisors during training "to document this information in their complaint reports. Reports should account for all witnesses and if they weren't interviewed, the report should state the reason."²⁹

The use-of-force reporting and review system – As with its systems for identifying and reviewing external or internal complaints about police officer conduct, the CMPD also has systems in place to identify and review police use of force and hold officers accountable for misconduct. These systems were scrutinized for compliance with stated goals and objectives by KPMG, and the auditing firm made a number of recommendations for improvements that we shall describe below.

CMPD General Order 2 ("Use of Force by Police Officers")³⁰ requires that an officer who uses force or witnesses another officer using force—on or off duty—must promptly (before the end of the shift) report that use of force to his or her immediate supervisor both orally and via a written Use of Force form.

A noteworthy obligation in this directive is that officers present at the scene of a use of force must fully report their conduct if the person on the receiving end of police authority says he or she was injured, even if the officers on the scene believe the claim is fallacious. In this way, the CMPD errs in the direction of over-reporting uses of force by its personnel. Although State privacy law limitations on

²⁷ Recommendations from the 1997 Review, 2000, p. 28.

²⁸ Recommendations from the 1997 Review, 2000, p. 20.

²⁹ Recommendations from the 1997 Review, 2000, p. 18.

³⁰ In January 1998, the CMPD revamped its policy format. The General Orders since that time generally have been called Directives, and the numbering configuration has changed dramatically. For example, one could no longer find a provision labeled General Order 2. "Use of Force" is now covered in #600-003. The rules of conduct were made a section unto themselves within the Directive manual.

disseminating information about use-of-force incidents and disciplinary decisions to the department usually preclude naming the disciplined employee in cautionary tales told for others' benefit, frequent mention is made in training and supervisory settings of the use-of-force reporting obligations and the potential penalties for lack of compliance. Moreover, as Chief Nowicki explained, "This proscription does not prevent the department from using real case studies to lead and train officers so long as we do not identify the disciplined individual."³¹

Sergeants must promptly review all uses of force by officers under their supervision rather than simply forwarding first-line officers' written reports to higher authorities or Internal Affairs for review. Indeed, sergeants are obligated by policy to complete an initial investigation of the use of force, including taking statements from participants and witnesses, and to fill out a Use of Force Form (CMPD Form # A-19-PD). The sergeants' large role in reviewing uses of force helps ensure that first-line supervisors are kept informed about the use-of-force experiences of their officers. If sergeants neglect their responsibility under policy, they can be held accountable for not knowing about the uses of force by officers under their supervision.

Following a sergeant's and involved officer's completion of a use of force report and initial investigation, the documentation is forwarded for review by the subject officer's chain of command. Part of the report sent for chain-of-command review is the sergeant's recommendation concerning the justifiability of the use of force. Three possible recommendations are made: "justified," "not justified," or "further investigation required." Each level of the chain of command is responsible for reviewing and entering his or her own recommendation for outcome. The deputy chief in the chain of command—or his or her designee—makes the final determination of whether the force was justified, unjustified, or must be investigated further. Thus, the review system holds each level of an officer's chain of command accountable for knowing about and passing judgment on the propriety of a use of force. This review system also provides a basis for the police administration to expect each level of the chain of command to detect and think about how to address patterns of misuse or frequent use of force by police officers.

The review system entails further inquiry, depending on the chain-of-command's determination. If the chain of command decides that the use of force was justified, the case file is reviewed by Internal Affairs, which has the option of requiring further investigation or filing the documentation (which Department policy requires be retained for three years). If the chain of command decides further investigation is required, that investigation is carried out by the subject officer's immediate supervisor (who conducted the initial investigation). That supervisor is authorized to request assistance from Internal Affairs in conducting further investigation. That subsequent investigation will once again be reviewed by the chain of command. If the initial chain-of-command review determines that the use of force was not justified, the matter becomes a serious complaint on the Internal Affairs case docket.

³¹ Dennis Nowicki personal communication to Bill Geller, February 7, 2001.

KPMG's study concluded that "use-of-force reports were generally completed on a timely basis and outcomes of use-of-force investigations were consistent with the documentation contained in the reports."³² KPMG further stated that "the policies and procedures for CMPD's internal review of complaints and use-of-force incidents were generally consistent with, or superior to, those of other large police departments around the country."³³ Nevertheless, the audit commissioned by the CMPD made several recommendations for enhancing the CMPD's force reporting and review systems:

- Internal Affairs should play a more formal role in "providing input to training programs and setting policies and procedures for CMPD" because use-of-force reports are a valuable source of information about the needs for changes in training, equipment, and procedures.³⁴ The CMPD responded by starting to document "training and policy needs found during major case investigations, primarily shooting cases. These are discussed," the IA's progress report continued, "during the internal hearings on these matters. Notices are sent to the appropriate personnel to deal with the issues raised."³⁵
- The Department should officially notify the involved officers of the outcome of the chain-of-command review of their use of force. Historically, the practice has been that officers are only notified formally if the outcome is adverse (ruling of "unjustified") or if further action is needed (e.g., ruling of "justified" but counseling or another corrective step is required). Whereas the Department did not implement this recommendation exactly as KPMG specified, it did decide to more fully and promptly notify officers of outcomes through their supervisors: IA explained its decision concerning this KPMG recommendation: "Staff felt this would add more paperwork to the process and that supervisors can provide feedback to the officers to let them know the outcome."³⁶
- Clarify that internal use-of-force investigations are subject to subpoena in civil or criminal legal proceedings. The wording of CMPD General Order 2 was misleading in implying otherwise.³⁷ The CMPD decided not to change the wording of the directive but instead conducted training with all supervisors regarding use of force and complaint investigations.

The preceding discussion of options the CMPD considered and adopted in the wake of KPMG's study illustrates several key integrity characteristics of this police agency: It is willing to invite insightful, independent outsiders to scrutinize its most sensitive internal investigatory system—a prime engine for integrity maintenance. The Department confers regularly with such outsiders throughout the process of their study, not to circumscribe the evaluation or to censor the findings or suggestions, but to ensure

³² KPMG Report, p. 19.

³³ KPMG Report, p. 19.

³⁴ Report, pp. 20, 34.

³⁵ Recommendations from the 1997 Review, 2000.

³⁶ Recommendations from the 1997 Review, 2000 p. 15.

³⁷ KPMG Report, p. 28.

that problems and proposed solutions are clearly and promptly understood and capably documented. When recommendations for improvements are made, the CMPD makes consideration of follow-through options a matter of high priority for the leadership and management of the agency. And when the police officials tasked with reviewing the recommendations have gathered enough information for the CMPD to determine whether it finds the recommendations sensible and feasible, reform proposals that are deemed meritorious and capable of implementation are acted on.

Restrictions on promotional eligibility for officers who violate rules – Where officers cannot be upgraded in their performance, an agency of integrity strives to avoid upgrading them in responsibility. In the CMPD, as in many other agencies, officers who violate serious rules of conduct are unlikely, as a practical matter, to be advanced to assignments and ranks of increasing responsibility and authority. The CMPD prohibits a sworn member who has a single serious infraction from even applying for promotion for a specified term.

Moreover, in Charlotte it is not only serious misconduct that makes one ineligible for promotion. As CMPD Chief Darrel Stephens observed, under the CMPD's system of progressive discipline, in which three minor rule violations within a 12-month period carry the discipline that would attach to one instance of a more serious infraction, there are people in the department who have been ineligible for promotional consideration for three or more years because they have missed court three times in 12 months. Such a system sends a powerful message to the workforce about the linkage the organization expects and demands between career success and obedience to the rules of conduct. The CMPD views such eligibility rules as simply one type of filter for preventing promotion of those who might misshape the organizational culture.

Sergeants and First-Line Officers as Enforcers of Integrity: Circumscribing the Code

One of the distinctive things about this high-integrity agency is that keeping an eye out for threats to integrity is not seen as strictly the responsibility of the top bosses. An incident during a training class for newly appointed FTOs (field training officers) taught by a sergeant helps further illustrate this part of the CMPD's culture.

The sergeant, during a class on problem-oriented policing, gave the new FTOs an opportunity to talk more generally about what was on their mind. As the sergeant told us the story afterwards, they took the invitation and launched into a tirade critical of community policing and problem solving. The sergeant became concerned. He recalled telling them: "You guys are the FTOs. You're supposed to be shaping the thinking of our new cops, and if you don't agree with the program, then something's wrong here."³⁸ In effect, it appeared to the sergeant that many of the FTOs had accepted their training roles (and a pay bonus) fraudulently.

³⁸ Personal communication to Bill Geller by the sergeant, whose identity is kept confidential as promised during the study, February 2001.

So the sergeant sent up a flare. He challenged the FTOs first, but then told a trusted major and a few others about the argument during the FTO class. The major took it from there. Although the chief was out of town for a couple of days, the major decided not to wait and convened a command staff meeting to talk about what the process was—and how well people were using the process—for selecting FTOs. When the chief returned to Charlotte, he joined the conversation. Indeed, he called a meeting, on fairly short notice, to talk with every member of that FTO class. He wanted to assess personally their degree of knowledge about and support for the basic mission and values of the organization.

The chief, he would explain later to us, came up with a slightly different appraisal than the sergeant did of how determinedly resistant the FTOs were to community problem-solving policing. Indeed, he wondered whether some of the “trash talkers” in the FTO class were giving the instructor a hard time just to fool around rather than because they really disagreed with the agency’s mission and values. Nevertheless, the chief came away with some concerns because “more members of the FTO group than I would have expected were less conversant with the mission statement than they should have been. However, the majority of them had a good grasp and acceptance of the mission.”³⁹ The chief also concluded that a number of the command staff were less diligent than they ought to be in persuading the best street cops to serve as FTOs and in persuading lesser role models to avoid the assignment. Moreover, Nowicki explained, “As a result of this episode, the CMPD instituted a policy of a term appointment to the position of FTO. An officer is appointed as an FTO for one year, renewable as often as the department desires.”⁴⁰

These are the kinds of things that are taken seriously in an agency that expects continual improvement and in which serious integrity problems don’t arise very often. But more serious things do sometimes go wrong even in high-integrity police departments, and the CMPD is no exception. The following story features not a sergeant, but a first line officer as an enforcer of integrity. The story involves three officers who succumbed fully to the code of silence, one who succumbed briefly but then recovered, and another who was steadfast in doing the right thing and served as a positive influence on a peer. Because our sources for this story are second-hand (i.e., other members of the CMPD who are familiar with the investigative findings), we have expressed the participants’ comments to one another as paraphrases rather than as verbatim quotations.

At issue was whether to tell the truth about a colleague’s use of excessive force. The underlying incident occurred during the mid-1990s. It involved a purse snatching. The suspect took off on foot, and one officer (who will be called Officer A) started chasing him and actually fired a shot at him while they were in a wooded area. The shot missed. Some time after the single shot was fired by the pursuing officer, two assisting officers (Officers B and C) captured the suspected purse snatcher under a railroad right-of-way. While the assisting officers were still holding him, Officer A ran up the railroad

³⁹ Dennis Nowicki personal communication to Bill Geller, February 7, 2001.

⁴⁰ Dennis Nowicki personal communication to Bill Geller, December 6, 2000.

embankment and struck the suspect, knocking him to the ground. A third assisting officer (Officer D) observed this physical encounter, but did not confront the officers involved about their misconduct.

Officer D had no knowledge of a shot having been fired. Officers B and C were aware of the shot. In fact, one of them (Officer B) gave Officer A one replacement round to put in his weapon. This, too, Officer D knew nothing about. Officers A, B, and C reported nothing to the Department—neither the physical assault, the shot fired, nor the cover up involving the replacement round.

Officer D did not report the physical assault on the prisoner to her superiors or IA. But when she went home after her tour of duty that day, she told her roommate, also a police officer (Officer E), what she had observed. Officer E told her roommate/colleague that Officer A had done this kind of physical assault before, and that she (Officer E) had reported him to her sergeant before. Officer E went on to urge her roommate to report this latest incident and said she intended to do so as well. Officer D followed this advice the next day, telling IA forthrightly about the physical use of force she had witnessed. While IA was grateful for the information, Officer D nevertheless received a short suspension for her failure to report the incident immediately.

IA opened an investigation of the alleged unjustified striking of the purse snatching suspect. As part of this investigation, about three or four months later, Internal Affairs investigators were able to definitively identify the purse snatching suspect and went to interview him; he was then in prison in Pender County, North Carolina for another, unrelated crime. During the interview, the investigators asked the subject if he had any other information that might be helpful, and the subject for the first time reported that, besides hitting him, the police also shot at him. The IA investigators were shocked because nobody until then had reported a firearm discharge. When they returned to Charlotte, they brought Officers A through E in for additional interviews. Again, Officers D and E told that they knew nothing of a shot having been fired. Officers A, B and C denied any knowledge of a shot being fired or physical force being used.

Eventually, IA investigators developed evidence of both uses of force as well as the cover-up involving the replacement round. At that point, Chief Dennis Nowicki moved to fire Officers A, B and C. Officer A resigned before a Civil Service hearing could be held, but Officers B and C contested their termination. Officers D and E were fully cooperative at the Civil Service Board, as they had been with IA. The Civil Service Board declined to fire Officers B and C, giving Officer C a 60-day suspension and Officer B 90 days. The two suspended officers returned to work following their suspensions. Had it not been for Officers E and D, the Department probably would never have learned about an officer's unwarranted use of deadly force, and the offending officer probably would still be employed by the agency.

These two first-line officers risked negative peer pressure, although the further good news about the culture of the CMPD is that this negative pressure was minimal. Officers D and E told the Chief there was a negative comment or two made to

them, but nothing that caused them any undue stress. They were not transferred out of their district and did not request such a transfer.

One would expect that leaders of a police organization would want to hold up Officer D and especially Officer E as role models for the rest of the agency. But this is difficult to do in Charlotte because of the North Carolina public employees' privacy law, which severely restricts dissemination of information that can be used to identify police officers who have been accused of infractions, regardless of the outcome of the disciplinary investigations. Chief Nowicki wanted to applaud the officers in a very public way, but he could not. "What I could do publicly would be ridiculous," the Chief told us. "I'd have to say, 'I want to applaud these officers, but I can't tell you why. They're just good people.'"⁴¹

But determined leaders find at least some ways to praise employees who show moral courage in challenging the wrongdoing of coworkers. In this instance, Chief Nowicki met privately with Officers D and E and thanked them for what they did. And he made sure the officers' entire chain of command—which would in the normal course of things know about the incident—was told how much the Department valued the officers' defiance of the code of silence. "What we try to do in this kind of situation," the Chief reported, "is to bring the officer in and say 'You did a great job.' The officer's captain will be there and will also applaud him, indicating that this conduct bodes well for the officer's career. We want to give the officer a chance to feel good."⁴²

Thus, a distinctive feature of the culture of the CMPD is that first-line officers and first-line supervisors, more often than many students of American policing might expect, will seize the initiative to demand integrity from their colleagues and from officers not under their direction supervision. It is also a culture where a first-line cop can challenge a captain or a major or the chief and live to tell about it (and even occasionally be commended for seeking continual improvement). Where cops can do this, it is not so surprising that they also would challenge their colleagues concerning how to do good, honest police work, whether in use-of-force peer debriefings or in other settings.

CONCLUSION

As noted at the beginning of this chapter, the CMPD taught us about the influence of various external and internal factors on a police organization's culture of integrity. But, in contrast to our learning from Charleston and St. Petersburg, the distinctive contribution that Charlotte makes to this study is to illuminate the kinds of initiatives and administrative systems that a *large* police agency needs if it is to be appropriately informed about—and purposeful in shaping—its organizational culture. Smaller agencies can stay sufficiently informed and sufficiently active in shaping

⁴¹ Dennis Nowicki personal communication to Bill Geller, February 7, 2001.

⁴² Ibid.

their organizational culture through somewhat less formal and more *ad hoc* methods. The integrity-enhancing objectives of a police administration are much the same regardless of agency size: to clearly communicate to its employees the rules of conduct; to build the skills needed to comply with rules; to detect, investigate and correct and/or punish misconduct; and to limit the effects of the code of silence; and to reduce inhibitors of individual integrity that may be imposed by defects in organizational policies, procedures, training or deployment practices.

This review of CMPD systems illustrates the ways a large department can help shape its organizational culture in its pursuit of intolerance toward misconduct:

Communicating the Rules and Expectations to Employees

Between the approaches used for years by the CMPD and the improvements adopted following the KPMG study commissioned by the Department, the CMPD gives insight into the kinds of communication and communication methods that will help keep employees in a large, decentralized police department aware of the behaviors expected of them by their employers. The communication of behavioral expectations begins at the time of hiring and continues through the basic training in the academy and the field training experience. Furthermore, by having immediate supervisors and at least several levels of the chain of command (up to the level of the pertinent deputy chief), as well as the commander of the Internal Affairs section, review every instance of a police officer's use of force and every complaint (anonymous or otherwise) lodged against a police officer, the CMPD takes a substantial step toward communicating the conduct it *disfavors*. Each police employee will be notified after each use of force or complaint that the chain of command and/or IA finds unacceptable that their behavior does not conform to expectations. Following the KPMG recommendations, the CMPD began to close an important communications gap by more consistently communicating clearly to employees when, on review, the chain of command and IA find their conduct to be *appropriate*. "Catching officers doing something right" – and acknowledging so – can be just as important in guiding proper, ethical, and legal behavior as catching them doing something wrong. And, in contrast to the generalized communication of the rules of conduct that is provided during basic training, teaching what officers are doing right—and wrong—using their own recent street activities as the examples, is arguably a much more potent teaching method. The same can be said for communication of behavioral expectations by the field training officers, who also have the benefit of using the trainee's actual experiences as the teaching material.

A large police agency needs to depend on its senior level commanders (majors and deputy chiefs in the case of the CMPD) to closely review all potential breaches of integrity by agency employees. In addition to having the chain of command serve as screeners to determine those matters that require the chief's attention, the CMPD's review system depends heavily on the commander of Internal Affairs (a major) to be the police chief's representative in considering the appropriateness of every instance of police conduct that the complaint and use-of-force review systems bring to light.

Thus, the approach employed by the CMPD uses what engineers would call redundant systems to ensure quality control: the IA commander and senior operational commanders both have to independently review each instance of potentially questionable police conduct. For present purposes, the contribution of this approach we wish to emphasize is that it attempts to bring the CMPD's top leadership team into the process of deciding, in each and every instance of a complaint or a use of force, whether there needs to be specific communication of the rules of conduct to the subject employee. And the personal involvement of senior command staff in having to review all these investigative files also serves as an opportunity for them to decide whether more general communication about behavioral expectations is required, in the form of refresher training, revised policies or procedures, etc. Among the recommendations KPMG made for improving the communication of expectations to police employees is that, on a regular basis, the IA should play a more formal role in shaping in-service and basic training, and as noted above the Department has taken steps to do that.

Yet another method the CMPD used to communicate messages about following the rules—especially in the context of operational innovation—entailed a large number of research and demonstration projects conducted by outside researchers and consultants. As with the example cited of Goldstein's work on a problem-solving project with officers addressing theft of building materials from construction sites, the outside experts were often used to help police officers build skills in doing good, innovative police work within the strictures imposed by the Constitution, state law, and agency rules.

Detecting, Investigating, and Correcting/Disciplining Misconduct

A large police organization needs many sources of information about the potential wrongdoing—and exemplary conduct—of its employees. We saw that part of the CMPD's system for learning about employee misconduct is to accept anonymous complaints from the public. Even if such complaints are of limited value in adjudicating the propriety of an officer's conduct, they may put supervisors on alert to be more watchful about specific employees' future conduct. Under the CMPD's automated Early Intervention System, in fact, citizen complaints are among the indicators tabulated in determining whether an alert threshold has been met. Recognizing that many potential complainants would not want to come to a police station to file a complaint about police conduct, the CMPD accepts complaints filed with the City's Community Relations Committee, the City Manager's and Mayor's offices, and with other City officials. Complaints are also accepted by telephone and email.

Another step this large agency uses to help detect improper conduct is to require the review by the entire chain of command (up to the deputy chief) and the Internal Affairs major of every complaint against an officer and every use of force. By obligating so many levels of the organization to scrutinize the use-of-force investigative file compiled by the subject employee's immediate supervisor, the CMPD increases the chances that someone in the chain of command will detect a breach of Departmental rules. Moreover, the detectability of a misuse of force is

increased by the fact that every officer who *witnesses* a use of force is independently obligated to promptly submit a written use-of-force report, whether or not the subject officer properly reports his or her use of force.

The use-of-force peer debriefing pilot project illustrates an intervention that is part of the CMPD's system for improving officer skill in making use-of-force decisions. The peer debriefing, by looking for improvable conduct in situations already provisionally ruled justified uses of force, elevates the bar of expected employee behavior. No longer is it sufficient for CMPD employees to avoid violating the rules by using only reasonable force. Now, CMPD employees are being encouraged to look – with their colleagues – for additional ways to minimize the use of force without neglecting their own safety or their obligations to protect the public.

A police agency of integrity also needs a host of systems that “count the spoons” – check up on officers' conduct to be sure it is in compliance with the rules. Our prior discussions of the use-of-force review, Early Intervention System, and complaint review systems offered illustrations of the chain of command and IA investigators looking over the shoulders of police officers to ensure they do their work within proper legal and policy bounds.

Although a finding of no probable cause or any other instance of ineffective police work may result from some very minor rule violation by a police officer, repeated violations of any minor CMPD rule are treated with increasing seriousness. The CMPD's system of progressive discipline thus requires that an employee who repeatedly commits relatively minor rule violations is subject to higher levels of discipline, even including ineligibility for promotion for several years. Such a system is designed to correct patterns of relatively minor misconduct before they impede the effectiveness or reputation of the Department – an approach consistent with the CMPD's general prevention orientation.

Circumscribing the Code of Silence

Although our study of Charleston and St. Petersburg Police Departments offers greater insights about techniques police administrations in high-integrity agencies use to circumscribe the code of silence, the CMPD does offer some valuable lessons on this point. Noted former Chief Nowicki:

The rules and practices of the CMPD greatly emphasize the requirement that officers report observed misconduct. The evidence of the effectiveness of the CMPD approach can be found in IA files wherein officers are the source of discovery of misconduct. Further, the use of technology (e.g., mobile video cameras) enhances the department's ability to check on compliance with reporting requirements.⁴³

Moreover, we saw in this chapter the power of punishment to deter future conspiracies of silence in the story about the cover-up of uses of non-deadly and deadly

⁴³ Dennis Nowicki personal communication to Bill Geller, February 7, 2001.

force. A hindrance with circumscribing the code of silence in the CMPD is that there is a code of silence imposed by state privacy laws when it comes to administration efforts to make visible negative examples of officers who have tried to cover up misconduct. Nevertheless, despite the state privacy laws, there is fairly broad communication of the career risks run by those who would maintain a blue wall of silence about police misconduct. Rightly and sometimes wrongly, this communication happens in three ways. One is via the rumor mill (information about discipline imposed on officers can be disseminated voluntarily by the subject officer and sometimes leaked improperly by officers and managers familiar with the investigation). A second way is that, in cases in which the chief of police determines that the Department would be harmed by failure to discuss a disciplinary case in a way that permits identification of the disciplined individual, the chief and the city manager are authorized by revised state law to share information both within the Department and in public. Third, realistic illustrations of the adversities suffered by those who engage in or cover up misconduct can be given in training scenarios, as long as facts are altered to prevent disclosure of involved officers' identities.

The peer debriefing system also is a reform expected to make a contribution to circumscribing the code of silence. That may sound counterintuitive because by design, what's said in the room among peers is supposed to stay in the room. Yet, it seems likely that the practice of regularly talking among peers in a guided and fairly rigorous way about what was done well and what could be done more proficiently in use-of-force incidents should improve the Department's fluency in discussing use of force cases. This greater fluency, while possibly running the risk of helping officers to more artfully fabricate justifications for their uses of force, should give officers and their supervisors greater comfort levels in discussing use of force cases. That comfort should in turn reduce the risk that cover-ups will arise from the mistaken belief by officers that supervisors are only out to catch cops doing something wrong.

Beyond the peer debriefing, there are additional ways to advance the notion that supervisors and IA are looking not only to identify errant cops but also to help them do their jobs more effectively and legitimately. That message could be bolstered by KPMG's recommendation that the CMPD expand the adjudicatory options for use-of-force and complaint reviews. The expanded menu of outcomes would include problems beyond the control of the subject officer—defects in policy, procedures, training, equipment, etc.—that resulted in putting the officer in a position where he or she needed to use force. Having the Department more readily accept responsibility for occasionally putting cops in untenable positions should help circumscribe the code by teaching officers that, if they have done their best under difficult circumstances, they have little to fear from reporting their role in an unfortunate incident to superiors.

CHAPTER 6

THE ST. PETERSBURG, FLORIDA, POLICE DEPARTMENT

“Policing in the Sunshine”

In our extended introductory interviews with some twenty administrators, supervisors, and senior staff in St. Petersburg, we asked, as we did in the other agencies, if St. Petersburg was a police agency of integrity. As we probed their responses, eventually, every one of them gave a slightly different version of the same three related truths. The first and most direct answer was “yes.” A slightly more cautious version of the same answer often followed the good question we had come to expect in response: “What do you mean by integrity?” When we rephrased the question as “Does the administration or do the officers in this agency tolerate corruption or other misconduct?” the answer was, without exception, “No, they do not.”

To the question of *why* St. Petersburg was a police agency of integrity, all attributed it to an organizational culture, a tradition of pride and professionalism that was born at a time before any of them joined the department. This history was a continuing theme, and became central to our understanding of St. Petersburg department – it was also a history traced very much through St. Petersburg’s police chiefs and their personalities and leadership styles. The ones who had been in the department the longest or who remembered its history from tales told by their predecessors identified the birth of the culture of integrity in St. Petersburg as occurring during the tenure of Chief E. Wilson “Bud” Purdy and evolving through the terms of a series of innovative chiefs who followed him.

Purdy, a former FBI agent, became Chief in 1958 and stayed until 1963, when he resigned to become Commissioner of the Pennsylvania State Police. During his tenure as St. Petersburg’s chief, Purdy introduced a strict screening process for applicants, helped found a Police Administration curriculum at St. Petersburg Junior College, and established the St. Petersburg Police Academy. Prior to creation of the Academy, St. Petersburg police officers learned to become police officers “on the job,” by following a senior officer. Purdy also set up an in-service training program and sent St. Petersburg officers to the FBI National Academy and Northwestern University for advanced training.

Purdy’s spirit of innovation was continued by Chief James “J.P.” Morgan, who restructured the department according to the then revolutionary concept of Team Policing, a concept that was one of the precursors to contemporary community

policing. Team Policing assigned teams of officers and detectives to five distinct neighborhoods in St. Petersburg; a lieutenant commanded each team. Morgan's efforts ran him afoul of his city superiors and he was fired in 1973.

Morgan was succeeded in 1973 by Charles Gain, who had previously served as Chief of the Oakland, California police department. Gain had transformed that seriously troubled department into an agency of integrity with a combination of progressive philosophy, innovations in training and a ferocity in discipline that became legendary. In St. Petersburg Gain's abusive and abrasive style provoked uniform hostility from both officers and his own command staff. He was fired before he completed a year as Chief.

Gain was replaced in 1974 by Mack M. Vines, a native of St. Petersburg who was a Team Commander under Morgan and second in command under Gain. Vines, who later moved on to be a chief in Charlotte and Dallas, served as St. Petersburg's chief for six years. During his term he established a Community Police Council to improve relations with St. Petersburg's minority community, a Public Information Office, and an extraordinarily intense Field Training Officer program, all of which still existed at the time of our research.

In addition to this leadership background, every member of the St. Petersburg senior administration emphasized that we could not understand the current state of integrity in the department without understanding recent history. In particular, two relatively recent chiefs profoundly shaped the department: Chief Ernest "Curt" Curtsinger, who led the department for only 18 months from August 1990 until February 1992, and his replacement Darryl Stephens, whose tenure lasted from December 1992 until June 1997.

THE CURTSINGER LEGACY

Curtsinger was a Bureau Commander from the Los Angeles Police Department, hired following a national search in August, 1990. Curtsinger replaced Chief Sam Lynn, who retired peacefully after a ten-year term as chief that most current administrators recall, rather fondly, as "uneventful."¹ Chief Curtsinger was a charismatic individual who hit the ground running when he assumed the position of Chief. Although there had been some small experiments with community policing prior to his arrival in St. Petersburg, within weeks of his appointment he dispatched four officers to study community policing in 10 cities throughout the United States.

¹ Although the Lynn administration is considered, in retrospect, uneventful, St. Petersburg's tradition of genuinely progressive innovation continued under his leadership. In 1984 St. Petersburg became one of the first police agencies to issue notebook computers to patrol officers. The following year patrol officers became among the first in the country to be issued mobile phones and the year after that St. Petersburg became one of the first police agencies in the country to earn national (CALEA – Commission on Accreditation for Law Enforcement Agencies) accreditation. Lynn also established Neighborhood Crime Watch, Victim Assistance, differential response, and civilian investigator programs.

On their return, a comprehensive, five-year plan was developed and, within four months of the day Curtsinger walked into the department, he had formed a citywide Community Police Division. The new division consisted of 43 specially trained community police officers, each of whom was assigned to a specific St. Petersburg neighborhood.

This “geo-based” variety of community policing, in which each area in the city had its own community police officer, rapidly became very popular. Community police officers (CPOs) developed detailed knowledge of each neighborhood and became intimate with each neighborhood’s problems. At the same time, they solidified relationships with each neighborhood’s organizations, associations, and leaders. This form of community policing provided each community with a personal problem solver who also served as its personal liaison to both the police department and city services.

At dozens of community meetings Curtsinger marketed geo-based community policing as an example of how, in his vision, the police worked for and responded to the people not “City Hall.” Understandably, this message pleased individual residents and neighborhood associations, who were the single most powerful political force in St. Petersburg. At the same time, Curtsinger’s message rankled those at City Hall and began to form the basis for contentious relations between Curtsinger and those who employed him.

Curtsinger’s version of community policing gave considerable latitude to CPOs to establish their own work agendas and set their own working hours, which were supposedly tailored to the needs of the community. In so doing this form of community policing greatly reduced the level of supervision over CPOs. The entire department felt this permissive atmosphere and reduced dependence on established rules, structure, and supervision. Curtsinger spoke a language of empowering individual officers. He not only invited them to be creative and exercise their own initiative, but, to use a phrase that still rings in the ears of many St. Petersburg officers, to “color outside the lines” when they thought the situation required it. It was an attitude that St. Petersburg officers had never heard from a chief.

This relaxed attitude toward official policy, rules, regulations, and procedures was new to St. Petersburg. It defied a tradition of strict rules and regulations and a culture of tightly wrapped professionalism that a series of chiefs from Purdy onwards had built into the culture of the St. Petersburg Department. Understandably, many police officers who had chafed against the restraints of quasi-military discipline and professional administrative order welcomed it. Moreover, and especially impressive to line officers, it was complimented by Curtsinger’s starkly candid and often earthy personal style.

Often referred to as a “Cop’s Cop,” Curtsinger’s style was also unlike that of any other St. Petersburg chief in recent memory. He eschewed political correctness and minced no words. His eye for the phony or hypocritical was surpassed only by his willingness to denounce it. Regularly, he used street language with line officers and in staff meetings, describing problem citizens, criminals, and City Hall politicians in the same graphic terms. The complex of attitudes that Curtsinger

advanced were energized by popular sentiments against and resentment of awarding racial preferences, requiring political correctness, and demanding racial, political, and gender “sensitivity.”

Not surprisingly, Curtsinger’s impolitic directness, crude language, and common style caused him to run afoul of black police officers in St. Petersburg. They found his penchant for “Leroy” jokes, jokes featuring a grossly stereotyped black male, particularly offensive. A number of black officers soon came to believe that Curtsinger’s prejudice was the reason that they had been passed over for promotion. Aware that the racial divide in the department was growing, Curtsinger made a concerted effort to correct this impression by making some high-profile appointments of black officers. However, these efforts only made matters worse. When he was asked by a local reporter to explain why, in one case, he picked a police officer from near the bottom of the department’s promotion list to become a senior command officer, Curtsinger explained, flatly, that it was an “affirmative-action appointment.” It was an explanation that, while absolutely true, managed to offend absolutely everybody.

Two internal investigations of very well-known black officers added to these divisions and attracted press attention. Although both investigations were conducted in response to complaints and there was little choice but to investigate them, they symbolized and solidified departmental lines of racial divide.

These strains reached their breaking point when Curtsinger opposed cultural sensitivity training for police employees, a decision that served as the basis for an extremely animated public debate.² On February 28, 1992 Curtsinger was dismissed by Interim City Manager Don McRae, a black man and the mentor of one of the black police officers who was investigated and given what was understood to be a punitive transfer during the Curtsinger administration.³

The police and public response to Curtsinger’s dismissal was dramatic. Thousands of Curtsinger supporters demonstrated as part of a “We Want Curt” movement. The supporters gathered 18,000 signatures on a petition to hold a citywide referendum to change the city charter and rehire Curtsinger. City Hall resisted the referendum, but a judicial decision came down on the side of the Curtsinger supporters. However, the referendum was averted when Curtsinger was rehired by the City as its Airport and Port Director with the understanding that he would have no role whatsoever in police matters. He received an annual salary of \$91,000 in his new post, part of a \$585,000 settlement package with the City.

² The new cultural diversity program in the department was disliked by white officers who called it “white bashing.” When warned by a subordinate, Major Marc Harden, that discontinuing the program was sure to anger minority officers and provoke a backlash in the minority community, Curtsinger is reported in the *St. Petersburg Times* of 19 March 1993 to have said, “Fuck them if they feel that way.”

³ The officer in question was the current Chief, Goliath Davis. McRae was the godfather of Davis’s son. Curtsinger transferred Davis from the high-profile position of manager of the patrol division to manager of administrative services where he was responsible for training, research and building maintenance.

EXORCIZING CURTSINGER'S GHOSTS

Darrel Stephens succeeded Curtsinger as Chief of the St. Petersburg Police Department on December 14, 1992.⁴ The integrity-relevant legacy Curtsinger left for Stephens was a police department that was deeply divided on race lines, severely strained in its relationship to City Hall and compromised both structurally and culturally in its ability to control its employees. It had a sizable number of politically powerful community police officers who were largely unsupervised in their day-to-day work and an even larger number of line officers who were jealous of the CPOs' freedom. The organization divided into those who were Curtsinger people and those who were not. The authority of departmental rules, traditions, as well as those who enforced them had deteriorated. To top it all off, Curtsinger was running for mayor, a particularly bitter campaign against the incumbent, in which many police officers actively campaigned for Curtsinger. For three months (the time of his appointment until the election in March, 1993) Stephens did not know if the man who had bequeathed all of this inheritance to him would become his boss. The incumbent won, with 51 percent of the vote.

Stephens also assumed his post as chief after a national search. He brought to his new position impeccable credentials as Director of the Police Executive Research Forum, as a nationally respected leader in the community-policing movement, and as the former chief of police departments in Newport News (VA) and Largo (FL). The polar opposite of a "cop's cop," Stephens' strengths were sophisticated intelligence, subtlety, tireless effort on behalf of the department, respect for personal differences and an articulate fascination for the social and political complexities of the role of police. In the words of an admirer of Stephens, "I never met a man who spent more time looking for the good in people."

However, in the shadow of Curtsinger, these considerable talents and virtues were caricatured within his new department. They earned Stephens the reputation among cops as a "pointy-headed academic" who merely talked a good game. His popularity among line officers suffered an early damaging blow soon after he was appointed Chief, with Curtsinger still looking over his shoulder. A particularly popular police detective shot an unarmed suspect in the back, and Stephens used the incident conspicuously to declare his high expectations for police restraint (and put on notice any officer who failed to live up to them). The officer, whom he fired, had been involved in seven previous shooting incidents. However, Stephens' decision was reversed on appeal and he was forced to re-hire the officer he had dismissed,

⁴ The dismissal of Curtsinger resulted in the immediate elevation of Assistant Chief Art Runyon to the position of Chief. However, soon after Runyon's appointment, Mack Vines, the former Chief and Director of the Criminal Justice Institute at the local community college was hired as Assistant City Manager in charge of police in May of 1992. Runyon found this relationship demeaning and offered the city a "him-or-me" ultimatum. Runyon retired a week after Vines was hired. After Runyon retired Assistant Chiefs Terry Upman and Goliath Davis shared the position of Acting Chief until Stephens joined the department.

an outcome that the detective and police union critics regarded as a vindication of their lack of support.⁵

For a more traditional police chief the course of action to correct the department's deficiencies in supervision and the deterioration of the authority of its departmental rules and procedures would have been obvious—tighten up on supervision and crack down on discipline. Ironically, the obstacles that prevented Stephens from taking these traditional steps were largely self-imposed. For all of their profound differences, Stephens agreed with Curtsinger on the importance of geo-based policing. He too wanted officers assigned to their own neighborhoods and to develop special relationships of trust with those who lived there. He wanted officers who were “empowered” to “experiment” with non-traditional ways of working, even if it meant that they would work at times and in ways that were virtually impossible to supervise. Stephens wanted to treat his problem-solving, community police officers as relatively autonomous professionals, even if it meant that he would have to sacrifice quasi-military administrative order and discipline to do it.⁶

As an alternative to traditional discipline and supervision Stephens required his community police officers to develop highly detailed problem-solving plans and present them in weekly group meetings to police superiors. At the same time he placed some faith in the fact that the close relationship between the community and community police officer would act as a natural check on officer abuses.

However, what gave him the confidence to go forward with geo-based community policing, the low level of direct supervision it imposed, and the considerable autonomy and discretion it granted to police officers was the open environment in which his organization and his officers were obliged to operate. Florida enjoyed a truly remarkable public records law since 1909, a policy the State Constitution embodied in 1992 after a State Supreme Court decision threatened to undercut it.⁷ Florida's public records laws require that, with a few statutory exceptions, *every record made or received by any government official, employee, or agent be open for inspection by anyone who wishes to examine it*. This includes every record of a complaint of police misconduct, every record of every investigation of police

⁵ Stephens worked out a deal whereby the officer would never return to work. The officer sued Stephens for defamation of character, a suit that the court dismissed some three years later.

⁶ Stephens would maintain that Curtsinger introduced these changes in the department to increase his personal popularity and advance his political career while Stephens maintained that a geo-based police agency and empowered officers with wide discretion were essential to effective community policing.

⁷ Article I, Section 24(a), of the Florida Constitution reads:

Access to public records and meetings

(a) Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes the legislative, executive, and judicial branches of government and each agency or department created thereunder; counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution. Although the amendment is self-executing it is realized by statute in Title 10, Chapter 119 of the Florida State Statutes.

misconduct, every record of every inspection of every police service, every record of every disciplinary action, every record of every crime reported to or arrest generated by the police, every e-mail sent to or from a department computer, and even the complete personnel records of every police officer, including first field training evaluations, performance on promotional exams, and assessments by current supervisors. This law granted enormous power to individual citizens, interest groups of all kinds, and the press to subject the organization and its employees to intense scrutiny.

Added to it was a second provision of what came to be called the “Government in the Sunshine Law,” which provided that, with a few statutory exceptions, meetings of government employees must be announced to the public and the public must be invited to attend when business is to be transacted or decisions of any kind that may impact the public will be discussed.⁸ This “Sunshine Law” also exposed the police to intense scrutiny.

Although some individuals, many interest groups, and the press took full advantage of these “Sunshine Law” provisions, many people were unwilling, unable, or insufficiently motivated to actively monitor the work of the police department. During the last months of the Curtsinger administration the City of St. Petersburg went one step further than the public records and open meetings laws required. It sought to make it absolutely clear to anyone with even the most modest interest that the St. Petersburg Police Department would willingly receive, actively investigate, and act swiftly on all complaints of police misconduct of any type. During the Stephens administration this message was broadcast, literally, by the work of a twenty-six member Citizen Review Committee that had been formed in the last months of the Curtsinger administration. The Committee, appointed by the mayor and reporting directly to the mayor’s office, reviewed, publicly, every citizen complaint of police misconduct investigated by the police department. In the course of its review it identified, publicly, the accused and any otherwise involved officers *by name*, detailed the allegation by the citizen complainant, and evaluated the adequacy of the investigation as well as the punishment, if any. Though the Citizen Review Committee held its first meetings in City Hall and quarterly public meetings at locations throughout the city, by mid-1995, with Stephens support, it began broadcasting its meetings on the City Government’s cable television channel. As of that time and to this day, every St. Petersburg citizen and every St. Petersburg police officer can tune in on Monday evening and hear the full details of the investigation of every citizen complaint of serious police misconduct. The Citizen Review

⁸ Article I, Section 24(b), of the Florida Constitution reads:

(b) All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, municipality, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

Committee has no power to discipline police officers or conduct its own investigations. It can only report its findings and make suggestions and recommendations to the mayor. However, every week for all to see, it shines the brightest of lights on a police process that many police departments, Charleston and Charlotte-Mecklenburg among them, are required by law to conceal.

Despite these extraordinary levels of access to the innermost operations of the St. Petersburg Police Department and very favorable relationships with some parts of the communities they policed, relationships with the black community remained strained. Stephens made efforts both within the department and in the community to reduce racial tensions, but in the midst and immediate wake of the Curtsinger mayoral campaign little progress was possible. Moreover, even though the black community in St. Petersburg is twenty percent of the population, a small but extremely active radical group, the Uhuru Movement of the African People's Socialist Party, claimed a very high degree of visibility as its spokesman. Demanding that all "African men and women who are locked down in the U.S. concentration camps commonly known as prisons be given amnesty and be released immediately," and that the police are an "illegitimate standing army," the Uhuru Movement demanded "the immediate withdrawal of the U.S. police from our oppressed and exploited communities."

For obvious reasons, this message attracted hustlers, thugs, and drug dealers. Unfortunately, it also apparently served to impress some black teenagers, including TyRon Lewis, who was stopped for speeding a couple of blocks from Uhuru headquarters on October 24, 1996. Lewis and his passengers refused to unlock their doors or roll down their tinted windows, despite being ordered to do so by Officer James Knight and his fellow community police officer, Sandra Minor. Eventually, Knight drew his gun and stood in front of Lewis' car. The car lurched forward several times, knocking Knight onto the vehicle's hood. Knight fired three shots, killing Lewis.

The shooting precipitated two days of rioting, which drew national attention. The department placed Knight on administrative leave, pending a grand jury investigation. When the grand jury exonerated Knight three weeks later, a second riot broke out, apparently engineered by the Uhuru movement.⁹ Although the grand jury failed to indict Knight for any criminal wrongdoing, Stephens suspended Knight for

⁹ The full text of the Grand Jury Report exonerating Knight for the shooting of Lewis was published in *The St. Petersburg Times*. In its Report, the Grand Jury notes that subsequent investigation revealed that at the time of the shooting TyRon Lewis had three outstanding felony warrants against him, that the car he was driving was stolen, and that a container found in his pocket contained six pieces of crack cocaine. The report also notes:

We are concerned that there is a certain group in St. Petersburg that continues to advocate violence as a remedy for perceived or real social problems. This group has gone so far as to publicly call for the execution of the mayor and police chief of St. Petersburg, as well as Officers Knight and Minor. As recently as last night, at a public forum, it is reported that this group proclaimed that if this Grand Jury did not do its bidding, violence would return to the city of St. Petersburg. (*The St. Petersburg Times*. p. 6A. Nov. 14, 1996).

two months for his conduct in the shooting incident. Officers interpreted Stephens' decision to suspend Knight as a political sacrifice to militant elements of the black community. Stephens defended his decision by claiming that Knight had violated department policy by needlessly standing in front of the vehicle and placing himself in danger. In March of 1997 Knight was exonerated by an arbitrator and the discipline Stephens had imposed on him was rescinded.¹⁰

On Friday, the 13th of June 1997, Darrel Stephens resigned his position as St. Petersburg's police chief; at the mayor's invitation, he became City Administrator. He was immediately replaced from within the department by Assistant Chief Goliath Davis. As one of his final acts before he left office, he still tried to purge some Curtsinger holdouts from the department. An assistant chief, "Buddy" San Marco, had refused to resign a month earlier. His last day as Chief, Stephens summoned San Marco to his office and informed him that his retirement was effective at 5p.m. the same day.¹¹

THE DAVIS ADMINISTRATION: WHY PAST IS PROLOGUE

Goliath "Go" Davis III was the Chief of the St. Petersburg Police Department throughout our period of fieldwork in St. Petersburg. The history we have just described is what all of the administrators we interviewed in our first months in St. Petersburg insisted that we "had to understand" to appreciate integrity in the Davis administration. Of course, not even the most articulate of them related the history in the detail we have reported here. Moreover, there are details alleged by some of them that we could not confirm and aspects to the stories some people told that simply did not seem to have any bearing on anything we saw or heard about integrity in our year of field work. The account we have offered is, therefore, not what we believe most St. Petersburg police administrators would agree is accurate. It passes what we have previously called the "member's test," even if some would

¹⁰ Charles S. Ives, the arbitrator in the case, ruled that the department had no just cause to suspend Knight. In his ruling he declared "Despite the employer's contention that its established policies and regulations prohibited an officer from standing in front of the vehicle during a traffic stop to apprehend the driver, it failed to produce any such rule, regulation, directive or policy in evidence. Moreover, it failed to offer any evidence that other employees ever had been disciplined for comparable behavior." *St. Petersburg Times*, 24 March 1998.

¹¹ San Marco, then age 49, filed an age discrimination suit against the City. He won the suit and was awarded \$360,000 in compensation. It was appreciated by everyone, including the judge, the jury, the press, and Darrel Stephens that San Marco's dismissal had nothing to do with age but everything to do with his association with Curtsinger, an association that Stephens believed was beyond San Marco's capacity to change. In his deposition in San Marco's discrimination suit Stephens testified: "Since I determined that top police managers who had, whether fairly or not, been associated with the contentious and divisive past would not be effective in the job ahead, I resolved to appoint new managers."

Stephens also testified:

"I sought to free it [the department] from the bonds of the historical associations and criticisms, which, no matter how hard he may have tried, San Marco could not in my judgment have shaken."

protest that in certain areas it does not go far enough and in total it goes beyond what any individual member actually knows. Clearly, to confirm and document many of the details in our account we had to consult additional sources.

We will also add that much of the historical account as we have told it unfolded in our monthly Study Group Meetings held during the course of our fieldwork. This was true especially of the Senior Study Group, all of whom had not only lived through the Lynn-Curtsinger-Stephens eras, but to one degree or another had been active participants in those administrations. More than one of our Senior Study Group members regarded himself as a “survivor” of that history, and more than one a “victim.” It was not that our Senior Study Group spent time recounting that history for its own sake. Rather, they often found it necessary to make reference to that history, offer elaborations of it, or, as we became aware of its importance, explicitly deny its relevance to accurately explain to us some current event or change in policy.

All of the members of our First-Line Supervisor Study Group had also worked through the entire Curtsinger and Stephens administrations. All were aware of the history we have described and to one degree or another appreciated its implications and importance. However, none of them were in a role or at a level in the organization that brought them directly into the conflicts that marked those years. Even more importantly, all of them were at a rank or aspired to one at which there were a variety of guarantees against arbitrary or retaliatory dismissals. By contrast, half the members of the Senior Study Group were “exempt” employees and enjoyed no such protection whatsoever.

On numerous occasions we made it clear to members of both Study Groups that we were not in the department to evaluate the Davis administration. In fact, we pointed out that our first survey of the department was conducted in 1996, during the Stephens administration and well before Davis became chief. It was, of course, the results of that survey which led us to our belief that St. Petersburg was a department of integrity. We also explained that, despite the fact that we believed that St. Petersburg was a department of integrity, we also suspected that integrity issues would arise during our year of field work and that we would be anxious to see how the department handled them. In fact, we openly admitted, in part because it always got a laugh, that we hoped that, during our period of field work, the department would have lots of really juicy integrity crises for us to observe and study.

We were not disappointed. We will now review a series of integrity events that occurred during the period of our field work. In our opinion they are the most serious integrity events that occurred during our time in the department. They are, in our opinion, highly illustrative of the contours of the culture of integrity in St. Petersburg. However, we are obliged to say in advance of presenting these events that a number of members of our study groups as well as the present and former Chiefs of St. Petersburg objected to our characterization of these incidents as “integrity” events. They preferred to understand them as political disputes, apolitical “choices,” or instances of community policing that had been unfairly distorted or magnified in press accounts. We shall, as best we can, give voice to those within the

department whose interpretations differ from ours. For the time being, however, our brief account of each of these events will illuminate why the history we described above is absolutely necessary to understanding them.

RESPECT, ACCOUNTABILITY, INTEGRITY

Goliath J. Davis, III, had a portfolio of laudable credentials: an assistant chief with 24 years of experience as a St. Petersburg police officer, a master's degree from the University of South Florida, a Ph.D. in criminology from Florida State University, and the birthright of having grown up in a black neighborhood in the shadow of the police station where he assumed his position as chief. He announced that the department would, in all its actions, exemplify the virtues of respect, accountability, and integrity. It was a message that was received without resistance from officers who were happy to see Stephens go. Moreover, Davis put an end to a practice that Stephens had permitted allowing officers to wear short pants. There was little complaint.

Exactly what "respect" would require became somewhat clearer after August 15, 1997. On that date an officer who was involved in a foot pursuit of an auto thief ordered the thief to "put your hands behind your fucking back." His obscene instruction was confirmed by the car thief as well as the police radio the officer had left on while issuing the instruction. The officer was charged and found guilty by his chain of command, who recommended a written reprimand. The officer refused to accept the reprimand. He was supported by the police union that argued that such statements were sometimes necessary to gain attention and compliance. While Davis rescinded the reprimand in response to the labor appeal, he used the occasion to set the rule that officer cursing would no longer be tolerated. "My theme is respect," he said. "I'm emphasizing the fact that it doesn't matter if you're African American, Caucasian, Asian. We owe it to ourselves to respect the dignity of the human condition."¹²

Because it corresponded with a similar rule that had just been introduced in the National Basketball Association, Davis's no-cursing rule attracted national attention. This attention, though welcome, was incidental to the message Davis actually sought to impose. For Davis, it was that the type of verbal behavior that had marked the Curtsinger era and had been tolerated for six years since he was fired was now prohibited. It was prohibited in staff meetings, prohibited in encounters in police station hallways, prohibited in interactions with citizens, and prohibited even in high-stress encounters with criminals.

REFUSING TO WEED

In May of 1997 City Hall proposed a plan for economic development in the area of city they called the Challenge 2001 area. It was a largely black area in

¹² Leanora Minai, "Walking a Tightrope," *St. Petersburg Times*, National, p. 1A, June 14, 1998

south St. Petersburg, the site of the riots in October and November of 1996. The budget for the Challenge 2001 project was composed almost entirely of federal funds, the largest single portion of which was some \$600,000 that would come to St. Petersburg through a federal crime control initiative known as “Weed and Seed.” St. Petersburg had applied for federal money through the Weed and Seed program and in December of 1997 received a grant of \$100,000 per year for three years to augment drug enforcement efforts in the Challenge 2001 area and an additional \$225,000 to be used to “seed” programs offering prevention, intervention, and treatment in the same area.

In almost every area in the country the Weed and Seed Program was well received by local government and enforcement agencies and widely credited with at least some success in reducing drug and other crime problems. By the time St. Petersburg was awarded funding there were some 114 Weed and Seed sites in the U.S.A.¹³ In West Central Florida there were 13 Weed and Seed Programs, more than in any other region in the country. The program, however, had been an object of derision and criticism by St. Petersburg’s Uhuru movement and especially its leader, Omali Yeshitela. Yeshitela described the program as a racist plot, supporting a two-tiered criminal justice system designed to criminalize the African-American community. Yeshitela’s criticisms were effective enough so that the mayor removed Weed and Seed from his Challenge 2001 program only a month after he had announced that it would be its centerpiece.

When the Weed and Seed grant was awarded in December of 1997, Davis, with the support of the mayor, refused to accept the “Weed” portion of it. It was that portion that would have provided overtime pay for officers working on drug enforcement in the target area. Davis defended his decision by saying that it subjected the community to disproportionate enforcement, subjecting the city’s black community to higher and more stringent law enforcement standards than the white community.

Davis’s decision was the only time in the history of the Weed and Seed program that a police chief refused to accept the grant money. It was a decision that shocked the U.S. Attorney who was the coordinator of the grant program, who was particularly proud of bringing so many Weed and Seed grants to areas to West Central Florida, and who, in fact, had promised to double the Weed and Seed funding for St. Petersburg in the future. The national Weed and Seed Office at the U.S. Justice Department and chiefs in nearby cities where the program was well-received and strongly supported also criticized Davis’ decision. The black chief of the Tampa Police Department openly dismissed claims that the program was racist.¹⁴ The Sheriff in Pinellas County (in which St. Petersburg is located) offered to accept the

¹³ The number has since grown to over 200. See Terence Dunworth and Gregory Mills, “National Evaluation of Weed and Seed,” Research in Brief, National Institute of Justice, June 1999.

¹⁴ Paulo Lima, “Compromise Ends Controversy over Weed and Seed Grant.” *The Tampa Tribune*, Florida Metro, p.1, 25 December 1997.

“Weed” money and assign his deputies to drug enforcement in the area, an offer that provoked an angry response from Davis.¹⁵

There was also severe criticism of Davis’s decision from within the target area. After the riots of a year earlier the police had greatly increased their presence in the area, an effort that appeared to lower crime by 21% in that area compared to a drop of 12% in the remainder of the city. The increased enforcement effort was endorsed and supported by 17 neighborhood associations and three business groups in the area. In fact, the only group in the target area that actively opposed the Weed and Seed effort and endorsed Davis’s refusal to accept the “Weeding” money, was the Uhuru Movement and their leader, Omali Yeshitela.

Under these pressures the Chief decided to reverse course. In public meetings Davis asserted that he never actually turned down the “Weed” money, he merely wanted to redirect it into “Seed” efforts.¹⁶ In a conference with the U.S. Attorney he first reached a compromise that would allow him to use an accounting trick to divert the “Weed” money out of the target area and distribute it throughout the city. Publicized as a compromise, that deal, which would have violated a core provision of the grant, lasted less than 24 hours. Finally, on January 16, 1998 Davis and the U.S. Attorney announced a definitive agreement. It provided that the City would match the \$100,000 Weed money with an equivalent amount of city money that would be used to weed elsewhere in the city. This effort was being made, it was announced, to “dispel community perceptions of disparate treatment.”¹⁷

Chief Davis maintained that throughout the entire incident the news accounts misrepresented his views. His version of events is that he is and has been a strong advocate of treatment long before he became chief. Given that his department already allocated a sizable proportion of its resources to enforcement in the Challenge 2001 area, he wished to divert the \$100,000 (per year for three years) to treatment programs. When that effort failed, the issue was resolved by designating the entire city as a Weed and Seed site. “This was important to me,” wrote Chief Davis, “because it mitigated the adverse stigma associated with the designation for the inner city where the disturbances had occurred.”¹⁸

One of the Chief’s advocates, who read an early draft of this chapter, responded with the basic question raised by this event: “What is the integrity issue here? That the chief resisted the weed part and wanted to invest more in seeding?”

That is, in fact, not the integrity issue, and casting it as a question of the relative benefits of treatment over enforcement simply conceals the issue. The true integrity issue, an issue implicit and explicit in both the *Tampa Tribune* and *St. Petersburg Times* coverage of this incident, is whether the Chief’s personal or political interests

¹⁵ Leanora Minai, “Police Chief Accuses Sheriff of Meddling.” *St. Petersburg Times*, City and State, p. 1B, 13 December 1997.

¹⁶ Joanne B. Walker, “Chief Says His Piece at Neighborhood Meeting” *St. Petersburg Times*. 14 January, 1998, p.14.

¹⁷ A Tribune Staff Report, “Feds-St. Pete Forge Agreement,” *The Tampa Tribune*, 16, January 1998, p. 4.

¹⁸ Goliath Davis, Letter to Carl Klockars regarding his position on Weed and Seed. March 7, 2001.

tempted him to extend preferential treatment to the residents of the largely black Challenge 2001 area. By “preferential” we do not mean enforcing drug laws in the Challenge 2001 area less vigorously than in other areas of the city. We mean enforcing drug laws in that area less vigorously than a drug problem of similar magnitude in any other area of the city would be enforced. At base, the integrity issue is whether enforcement efforts should be proportionate to the problem even when they will result in a disproportionate racial impact. It is an issue that will soon rise again.

“CHUNKY” SUNDAY

“Chunky” Sunday gets its name from the large “chunk” of people who get together to socialize in Bartlett Park on Sundays in the Spring and Summer. Bartlett Park was located in the Challenge 2001 area, near the site of the 1996 riots, and drew an almost exclusively black audience. While Sunday socializing in the park had long been popular, its popularity increased dramatically beginning in 1996. In response to complaints from residents, the St. Petersburg police responded to the noise, congestion, blocked streets, and open drug and alcohol use with a traditional enforcement response. In June of 1996 a squad of 30 officers was assigned to work Chunky Sunday. Fifteen unruly attendees were arrested. Over the next few weeks police maintained their strong presence and the gathering stopped.

By April of 1997, five months after the riots of October and November of 1996, crowds in Chunky Sunday grew to 5,000 to 6,000 people, in part, as a result of the efforts of Jamaica Funk, a group of disc jockeys that provided music at the weekly event. People living in the vicinity of the park again began to complain about Chunky Sunday.

What disturbed them was that Bartlett Park was not designed to accommodate 5,000 visitors. They did not like their driveways blocked, their streets clogged with traffic, nor their yards littered. They did not like the drinking, the drug use, the ear-splitting music, the vulgar lyrics, or the foul language broadcast over the massive speakers. For a year the Bartlett Park Neighborhood Association had complained and no one listened. “It was like talking to deaf ears.” said Charles Payne, who had been meeting weekly for the previous year with Don McRae, the Mayor’s Chief of Staff, Jamaica Funk, and Major Cedric Gordon of the St. Petersburg police department. “I always aired the views of the neighborhood and it was not very fruitful ever, because they always seemed to make up their minds that they would try to appease the people having these parties. They were not listening to the neighborhood. They never would address the parking. I can never understand why the voting majority, the tax-paying majority, we were not being listened to.”¹⁹

In fact, the St. Petersburg police department had attempted to deal with the traffic problem a year earlier by blocking off streets around Bartlett Park. This

¹⁹ Waveney Ann Moore, “Neighborhoods Team Up For Chunky Sunday Talks,” *The St. Petersburg Times*, Neighborhood Times, p.1, 3 May 1998.

move was vigorously criticized by the Uhuru Movement, who saw it as a racist attempt to prevent African Americans from congregating with one another in public parks. The police backed down and the street blockades were removed. The alleged insensitivity to the Bartlett Park neighborhood complaints changed after an April 19, 1998 meeting at which Chief Davis proposed the compromise that Chunky Sunday rotate to other city parks. Davis's proposal was quickly advertised and provoked an almost immediate critical reaction from neighborhood associations in the areas of the alternative park sites. Petitions began to circulate and a problem that was once confined to a single unhappy neighborhood now spread quickly to three or four others. In no time that level of concern drifted up to the citywide neighborhood association leadership and almost simultaneously to members of city council.

Before City Council met, a councilman proposed that the problem be dealt with by suspending the permits that were issued to Jamaica Funk. Davis opposed this suggestion saying that the crowd would continue to meet, and Jamaica Funk would simply continue to play from the front yard of one of its leaders who lived across the street from the park. He added that the department would lose the relationship of trust it had been building with the youth of the area through Jamaica Funk. Finally, the Chief said that he thought the neighborhood was being unreasonable.²⁰

The difficulty with Davis's position was that Jamaica Funk had never applied for or been issued a permit and, despite the Chief's claims to the contrary, city noise ordinances could easily be used to stop Jamaica Funk from blaring music from the yard of its leaders. The real issue, Davis and his Major Cedric Gordon eventually admitted, was that they did not want to appear to be "heavy handed" or an "occupying force." On this issue the Mayor of the city, David Fischer, waffled in agreement:

We could say, "We're the administrators and we order you to shut this down." That would be a very foolish thing to do. It would be the wrong message for young people looking for things to do, basically harmless things to do.²¹

The real fear was that in this dispute between a black neighborhood and black party goers the police would be charged with racism.

At the City Council meeting on May 7, 1998 the Council decided the City would not issue permits unless the organizers could prove that they had liability insurance. This move, led by four white Council Members, none of whom were supporters of the Mayor or Chief, prevented Jamaica Funk from participating in Chunky Sunday on May 17 and 24. Their normal 25-megaspeaker-ear-splitting performance was replaced by boom boxes here and there throughout the Park. Police estimated that the crowd dwindled to about 4,000.

²⁰ Waveney Ann Moore, "Chunky Sunday Talks Continue," *St. Petersburg Times*. Neighborhood Times, p. 1, 29 April 1998.

²¹ Waveney Ann Moore and Jon Wilson, Police Try to Keep Peace For Bartlett Residents, Partiers," *The St. Petersburg Times*, Neighborhood Times, p. 15, 3 May 1998.

In June, the city launched an advertising campaign to move Chunky Sunday to a larger park in another part of the city. The neighborhood association in that part of the city objected, but the city decided to make the change anyway. The city argued, in support of its decision, that at the proposed new site traffic was already tightly regulated, food vendors were prohibited, and policy at the local park required the promoter of the event to have a special license. On the first Sunday, June 14, the St. Petersburg Police wrapped Bartlett Park “in a swath of orange fencing to discourage the weekly Chunky Sunday gathering”²² and stationed officers around the park to divert potential party goers to the alternative site. There was no Chunky Sunday that day at Bartlett Park and only about 1,000 showed up at the larger alternative site. Jamaica Funk played at the alternative site. It did not have a permit or liability insurance. On the following Sunday, June 21 only about 100 partiers showed up at the alternative site. Chunky Sunday disappeared.

As was the case with the incident in which the Chief at first refused additional money to “weed” in the Challenge 2001 area, the Chief and some members of the Study Groups were appalled by our decision to call Chunky Sunday an “integrity event.” In the words of one lieutenant who received a variety of awards and recognitions for her work on Chunky Sunday and who attributes much of her professional advancement to those same efforts, “. . .never did I imagine that you would consider its occurrence in any way, shape, or form, an integrity related issue.”²³

Here is the integrity issue in Chunky Sunday, made explicit. It is simply this: the people who wished to gather in Bartlett Park were free to do so as long as their behavior did not infringe on the rights of residents of the neighborhood. If their behavior became excessive, caused litter, noise, traffic congestion and disorder, residents of the neighborhood should have been able to call upon the police to enforce those laws, ordinances, regulations, and licenses that protect residents from being victimized in these ways. Despite repeated complaints, the police refused to enforce those laws for fear of appearing “heavy handed” or an “occupying force” and “sending the wrong message.” Instead, under a banner of “community policing” the police opted for more than a year of “problem-solving” meetings, establishing “relationships” with various “stakeholders.” During this time, of course, victimization of the neighborhood by the excesses of the Chunky Sunday crowds continued.

By calling the handling of Chunky Sunday by the St. Petersburg Police an “integrity issue” we do not mean to denigrate either the amount of effort that went into solving it, the sincerity of the participants, nor the eventual success of those efforts. The incident should, however, alert us to potential power of “community policing” to obliterate consideration of the propriety of police behavior on other, ethically different, grounds.

²² Waveney Ann Moore and Jon Wilson, “Move Thins Chunky Sunday Crowd,” *St. Petersburg Times*, City and State, p. 1B, 15 June 1998.

²³ Klockars, field notes, Feb. 18, 2001.

“CHIEF DAVIS WILL HAVE TO ANSWER TO GOD FOR WHAT HE IS
DOING TO ME AND MY FAMILY”

Another integrity issue that arose during our year of study involved the termination of a politically unwanted foe. The incident had echoes of past practice. Among the last acts that Darrel Stephens performed as Chief were forcing the retirements of two Assistant Chiefs. Both were forced out because they were tainted by their association with a chief (Curtsinger) who had been chief for only 18 months—and that more than five years earlier. Shortly after Goliath Davis assumed his position as Chief in June of 1997, Major John Womer approached Davis to discuss Womer’s future in the department. Davis told him that someday they would have a conversation about that topic, but now was not the appropriate time. Sometime in the Fall of 1997 Womer again approached Davis with the same question and was told again that it still was not the time for them to have that conversation. Although Davis knew from the time he first took his position of Chief that he was going to force Womer out of office, he did not plan to do so until Womer would have completed twenty five years of service; he also did not want Womer to be worrying about termination before his retirement. Womer would complete twenty-five years of service, but hoped to stay on beyond his twenty-five years because he had kids about to attend college. As 1997 came to an end, Davis began to make it clearer that after January there might not be a place in his administration for Womer. In March 1998 Davis advised Womer to “start to think” about looking for another position.

Jobs for police majors who earn nearly \$70,000 a year are difficult to find. Moreover, in January Womer had received a performance evaluation that found his performance as the head of District Three, including a largely African-American section of the city, to be “superior.” Chief Davis backed up this superior evaluation with a substantial raise in Womer’s salary. Womer, who normally worked tirelessly at his job, redoubled his efforts in the hopes of preserving his position.

Womer’s extra efforts were ineffective in persuading Davis to retain him in his administration. In April Davis told Womer that he should plan on retiring within the next six months. By May of 1998, it was clear that he was on the brink of a forced retirement. When speaking with a friend from a before-work prayer meeting that Womer sometimes attended, Womer expressed his frustration with the chief’s refusal to appreciate his efforts, “Chief Davis will have to answer to God for what he is doing to me and my family.”

Womer made the same statement to another member of the department and within hours the statement made it to the ears of the Chief. According to the Chief, Womer’s statement was “you tell Davis he is going to pay for what he has done to me.”²⁴ Davis took that version of Womer’s statement as a threat and used it as the basis for demanding Womer’s resignation and having him immediately escorted from the police building.

²⁴ Memorandum from G. J. Davis, III, Chief of Police to Maj. John Womer. Subject: Job Performance, May 19, 1998.

This was a particularly humiliating and embarrassing way to end a distinguished police career. To support his decision to fire Womer Davis presented Womer with a copy of a five-page single-spaced memorandum more than two weeks before the day Womer was dismissed and ordered not to return to the building. The memo conceded that Womer was a good manager; had good organizing and planning skills; had developed administrative systems to track a variety of responsibilities; met regularly with the sergeants, lieutenants, and community police officers who work for him and had completed all of his paperwork and reports on time or ahead of schedule. However, it maintained that Womer “fails to exercise good judgment, flexibility and provide guidance and leadership on the ‘big picture’ issues in his district.”²⁵

As evidence of this conclusion Assistant Chief Rick Stelljes offered accounts of 11 incidents that had recently occurred in Womer’s district. According to Stelljes:

1. Womer had nominated as a Community Police Officer (CPO), an officer that some people in the neighborhood did not like;
2. A CPO under Womer’s command failed to check back on a problem of noisy juveniles and the complainant voiced her dissatisfaction to the chief;
3. Although neighbors of the Cajun Café agreed to a zoning variance that would permit it to operate as a small nightclub, the noise and trash that resulted from the change caused neighbors to complain to City Hall. A CPO under Womer’s command failed to monitor or follow up in a timely manner.
4. Members of the Jungle Terrace Neighborhood Association in Womer’s District complained to the Chief and to City Hall of kids loitering in a park in their neighborhood.
5. In a speech to a neighborhood about burglary, a detective identified nearby drug locations as associated with the burglaries without verifying the accuracy of his comments. A newspaper article resulted and people got upset and complained to City Hall and the Chief.
6. Although the officers who worked for Womer had done an excellent job in working with the businesses and hotels on 34th St. to suppress prostitution in the area, insufficient effort had been made to keep this area out of the political arena. Residents and businesses recently requested a meeting to discuss crime and business issues.
7. When drug dealers started throwing rocks and bottles at a police officer after the Drug Unit executed a search warrant, the officer placed an emergency call for help and a very large number of police officers responded. Major Womer was not immediately notified and when he finally was and arrived at the scene he did not actively participate in discussion.²⁶

²⁵ Memorandum from Rick Stelljes, Assistant Chief, to Goliath J. Davis, III, Chief of Police. Subject: Major John Womer. May 4, 1998.

²⁶ This incident resulted in a news story that credited the St. Petersburg Police for their preparedness and for handling a potentially difficult incident without arrests or violence. Leanora Minai, “St. Petersburg Officers Say They Were Prepared This Time.” *St. Petersburg Times*, p. April 25, 1998.

8. Due to shortages in staffing, Womer opposed the transfer of an officer under his command to DARE. He appealed the transfer to the Chief instead of waiting for his immediate superior, Assistant Chief Stelljes, to return to work following an operation.
9. Complaints about noise, littering, illegal parking, and drinking have been received from neighbors of the New Deal Lounge. Although the CPO assigned to the area has been working with the owner to correct problems, a triple shooting recently occurred in the parking lot at the rear of the bar.
10. Womer instructed the PBA union president over the radio to discontinue his lights-and-siren, emergency response to a call and proceed at a normal speed. This instruction embarrassed the union president who had a probationary officer with him at the time. Although Womer's instruction was correct, he failed to appreciate that it would embarrass the union president.
11. In response to a comment by the Chief at a staff meeting that some research needs to be done on the problem of patrons buying alcoholic beverages and carrying them into events at Tropicana Field, Womer instructed officers in the area not to enforce laws against it. The Assistant Chief had to speak to Womer about this misinterpretation.

As members of our study group pointed out, a letter listing equivalently minor shortcomings could easily have been written about any major in the department. Moreover, more than one member of our study group claimed to regard Womer as one of the best majors in the department. The one who said it openly in our study group was summoned to the Chief's office the following day, told he had a reputation for having a big mouth, and further told to keep it shut.

The simplest of facts is that in St. Petersburg anyone who holds the rank of "Major" is in an exempt position. This means that those who occupy that rank can be dismissed without cause, with no obligation or expectation that they may continue to serve at a lower rank. Any chief is, by law, free to build his administration with whomever he wishes. Chief Davis maintains that Womer's dismissal was an act with which he merely chose to compose his administration of people with whom he was compatible and nothing more. The Chief's version of this event is that John Womer "was not in my plans" and nothing more.

However, there are others who interpret the dismissal of Womer as an act of Curtsinger-related housekeeping. In the words of a *St. Petersburg Times* columnist with no love for Chief Davis: "Go Davis had plans. He was replacing everybody in his top command to get rid of the stench left by Curt Curtsinger, and John Womer was in the way."²⁷ During the Curtsinger era Womer was the head of the Internal Affairs Unit. As such, it fell to him to conduct the very high-profile investigations of the two highest ranking black officers in the department. One of those officers was Goliath Davis, who was found innocent of charges that he had destroyed some

²⁷ Mary Jo Malone, "Davis Has The Right, But Maybe He's Wrong." *St. Petersburg Times*. City and State. p. 1B, January 17, 1999.

records and withdrew evidence in a rape investigation. According to Womer, Davis never forgave him for conducting that investigation.

BLOODY THURSDAY

In 1991 a clerk reported to her supervisor that a maintenance employee had sexually harassed her by repeatedly inviting her to lunch and making inappropriate comments. An informal investigation was conducted, the alleged harasser denied the charges, and the incident was resolved to the satisfaction of the clerk with an understanding that the maintenance worker would not be given assignments to work near her in the future. Between 1991 and 1997, contrary to the terms of the resolution, on four separate occasions the maintenance worker had done some work in her area. Although on each of the four occasions the maintenance worker conducted himself without incident or even communication with the clerk, she reported to various supervisors that the worker's presence made her feel uncomfortable. Each of the supervisors apologized for the oversight and promised to take care of the problem.

On March 5, 1997 the maintenance worker was assigned to install an air conditioner in the Vice and Narcotics Unit where the clerk worked. Although he did nothing improper and did not even communicate with the clerk, he was not allowed to finish the installation when the clerk complained about his presence.

Six months later she made another complaint; according to her detractors because she believed that a sexual harassment complaint would improve her prospects for getting out of the Vice and Narcotics Unit and into a position she sought as a patrol division clerk. She approached the city's Director of Human Relations alleging that sometime in 1995 a detective from the Vice and Narcotics Unit kissed her, an act of sexual harassment. She would not name the detective in the incident, which she said had occurred sometime in 1995. In addition to her sexual harassment complaint she alleged that there was racial and sexual discrimination in the Vice and Narcotics Unit, disparity in training for new vice detectives, favoritism, and falsification of payroll records to allow detectives to be paid by the city while they were actually teaching college courses.

Although they were investigated thoroughly, none of the clerk's sexual harassment complaints were sustained and the maintenance employee she previously accused was exonerated. However, her other charges exploded into a ten-month investigation that culminated in what the press dubbed "Bloody Thursday."

The ten-month investigation was exceptionally meticulous. It began with specific allegations by the clerk that the major in charge of the unit and one of its most experienced detectives taught police-related classes at the nearby junior college during on-duty hours and received payment from both the college and the city. As the investigation evolved, more discrepancies emerged. The college-teaching hours of all vice and narcotics officers were compared with the on-duty hours of employment they claimed. This led to a scrupulous audit of all financial records in the Vice and Narcotics Unit and resulted in the discipline of eight employees.

On July 9, 1998 six members of the St. Petersburg Police Department's Vice and Narcotics Unit – a major, two lieutenants, a sergeant and two detectives – were fired, demoted, or forced to resign, another detective was suspended, two others received letters of reprimand, and two others were counseled for misconduct. Eleven officers out of the twenty one who composed the Vice and Narcotics Unit were disciplined, the largest number of St. Petersburg officers disciplined in a single case in anyone's memory.

BLOODY THURSDAY – THE RESPONSES

The discipline visited on Bloody Thursday provoked a variety of responses. One of the most immediate was from the police union, which objected strongly to the department's plea bargain tactic of deciding to terminate officers, then offering them lesser penalties if they agreed not to appeal the disciplinary decision. The department had a history of having its disciplinary decisions reversed on appeal and this strategy appeared to be a way around that consequence. The union railed against the tactic and threatened to appeal the decisions on the grounds that the "voluntary" waivers of the right to appeal were actually coerced.²⁸ However, the Union's threats rung hollow when the only officer willing to be fired rather than accept the department's plea bargain offer lost his case on appeal.

Frustrated in this effort, the Union took the step of publicly echoing the defense offered by most of the Bloody Thursday officers, all of whom claimed they received no inappropriate financial gain from the defects and inaccuracies in their payroll records. The union maintained that flexing time informally and working hours that were not recorded actually was a widespread practice in the entire agency. Although the Chief originally had announced that there would be no further investigation of time sheet issues, the Union's complaints forced him to take action. A week after Bloody Thursday he agreed to ask city bookkeepers to audit a sample of department payroll records.²⁹ However, before the city bookkeepers could begin their review the *St. Petersburg Times* conducted its own audit of the payroll and teaching records of sixteen other St. Petersburg police officers who also taught college courses. The *Times* audit found that the Union's "everybody's doing it" defense might, in fact, be right. All of the sixteen officers audited appeared to travel to or from their college teaching jobs on city time and a number of employees, including an Internal Affairs Officer who was central to the Bloody Thursday Investigation, taught college courses on days when the division that they worked for did not require them to document the full eight hours of city work time they also claimed on the same day.³⁰ The conclusion of the *Times* audit was supported by the results of a city

²⁸ Leanora Minai, Mike Brassfield, and Kris Mayes, "Vice Squad Rattled With Demotions, Two Firings." *St. Petersburg Times*. July 10, 1998.

²⁹ Leanora Minai, "Chief asks auditors to investigate payrolls." *St. Petersburg Times*. 17 July 1998.

³⁰ Leanora Minai and Constance Humberg, "Police timecard troubles extend past vice squad." *St. Petersburg Times*. August 9, 1998.

audit of the pay records of 192 randomly selected police department employees. It found that although the pay sheets were materially and adequately correct, in nearly half the cases the records of the hours worked “did not agree with the hours paid.”³¹ Of the sixteen officers found to have discrepancies in their payroll records only one received any discipline – a notice of reprimand. The Chief explained his action to a *Times* reporter by saying that “A discrepancy does not mean you have done anything wrong” and refused to engage in comparisons between the discipline he chose to give in the vice and narcotics unit and the near absence of discipline in the 16 cases of payroll discrepancies the audit had discovered.³²

The union was willing to offer an explanation of the difference in treatment and so was the major formerly in charge of the Vice and Narcotics Unit. Within two days of Bloody Thursday, the major charged that his dismissal was part of the Chief’s vendetta against those who had supported Curtsinger.³³ He also blamed the Chief’s actions on the fact that the Chief knew that the major and others in his Unit had opposed his decision to refuse to accept Weed and Seed money to increase drug enforcement. The union saw it as reverse discrimination.

In August of 1998 the major sued the city charging that he had not been accorded due process because no one other than the chief reviewed his case. The major’s immediate supervisor was excluded from his review board, and so were any of his peers. In March of 1999 the city council voted 6-2 to settle his lawsuit by reinstating him back to duty at the rank of a police officer, retroactive to Bloody Thursday, the day he was dismissed. He received some \$25,000 in back pay and would be retained and paid at the patrol officer rank until he retired after 25 years of service on June 2, 1999. During this time he would be assigned to work as a special liaison with the Pinellas County Sheriff’s Office, a position he already held since November of 1998 when the Sheriff hired him as a deputy in his training division. At the time the Sheriff observed that he had looked at the officer’s St. Petersburg file and “could not see any evidence of corrupt intent.”³⁴

On the day the city council decided to settle the major’s lawsuit, Davis announced that his department would be conducting a thorough investigation of what was called the “Chicken Hawk” video, a humorous but rather crude video made by some members of the Vice and Narcotics Unit in December of 1996 to show at their annual Christmas party. The tape, which was shown to council members in closed session immediately before they were to decide the major’s case, featured the exploits of a hapless crime fighter in a chicken suit with two potatoes hanging from his crotch. It featured both black and white officers from the Vice and Narcotics Unit in skits full of sexual humor, ethnic stereotypes, and inside jokes. One scene featured Chicken

³¹ Leanora Minai, “Police union questions time sheet reprimand.” *St. Petersburg Times*. February 19, 2000.

³² *ibid.*

³³ Leanora Minai, Mike Brassfield, and Kris Mayes. “Police official blames vendetta for firing” *St. Petersburg Times*. July 11, 1998.

³⁴ Stephen Thompson, “Sheriff Likely to Hire Fired Cop,” *The Tampa Tribune*. Florida/Metro. p. 1. November 19, 1998.

Man's bungling incompetence at handling the previous month's riot. The Chief, who maintained that the video was evidence of the "divisiveness, racial and gender insensitivity, cliques, favoritism, a disregard for rules and regulations, a loss of mission, and inefficient management" that marked the Vice and Narcotics Unit, also released copies of the video to the press.³⁵

In response, the Union demanded that the Chief be investigated by the State's Attorney for releasing a copy of the video while the investigation was still underway. Within two weeks of the Chief's announcement that the whole Chicken Hawk videotape incident would be thoroughly investigated, he announced that no discipline would follow from it. Instead, Davis declared, "It is my desire to use the tape as a teaching tool rather than as a disciplinary tool." Explaining that he now concluded that the tape had not been produced with malicious intent, he announced that he would bring in a labor lawyer to train police officers on appropriate workplace behavior. In a memo to all agency personnel, the Chief declared, "Inappropriate and offensive material in the form of cartoons, videotapes, caricatures, etc. or in any other form will not be tolerated in the workplace."³⁶

IN CONCLUSION

A department culture that for a time had been marked by "Leroy" jokes and taught to "color outside the lines" by its chief of eight years earlier thus evolves to a place where mocking play action and what appears to be pandering to a radical community is scandal. That evolution consistently illustrates why we were advised by every administrator we interviewed that to understand the current state of integrity in the St Petersburg police department we would have to understand a history that began well before we had arrived. At the time, we did not appreciate how necessary that history would also be to understanding integrity issues that would arise while we were there as well as those that continued after we left.

There is a great deal to be learned from the contours and dynamics of the culture of integrity in the St. Petersburg police department. Having said so much about the integrity problems that arose during our period of fieldwork, we should like to conclude this chapter by emphasizing two very general points. The first is that the detail we have provided about each incident is no more than is available to any citizen of St. Petersburg or, in fact, any citizen in the world with an internet connection. In fact, there is substantially more detail publicly available on every event and every incident described in this chapter. Anyone interested need only look for it. In August of 2000, entering "Curt Curtsinger" in a *Lexis(c)-Nexis(c)* search of U.S. newspapers will yield the full text of more than 600 articles, of "Darrel Stephens" more than 700, and "Goliath Davis" another 600.

This is an extraordinary technological achievement, but it is equally the direct product of Florida's truly extraordinary public records law and the policing in the

³⁵ Kelly Ryan, "Offensive police videos to be investigated." *St. Petersburg Times*. March 2, 1999.

³⁶ Leanora Minai, "Police Chief, No Discipline for Videotapes." *St. Petersburg Times*. March 16, 1999.

sunshine it so strongly encourages. For the formula to work, individuals, interest groups, and especially the press must take full advantage of the intimate access the public records law invites. When this formula works, as it does in St. Petersburg, it not only places enormous pressure on the police to learn to conduct themselves with the highest standards of integrity but also forces them to learn to suffer very publicly their mistakes, shortcomings, and most embarrassing moments. In the process they must even learn to expect that, on occasion, these public exposures will be magnified, distorted, or employed as weapons by people who bear them ill will.

Although we do not believe that we magnified or distorted our portrayal of the St. Petersburg police integrity profile, Darrel Stephens, Goliath Davis, and a number of members of our study groups were displeased by our account of certain events, particularly our characterizations of the decision to refuse to weed, the handling of Chunky Sunday, the dismissal of John Womer, or the offer of reduced sentences to officers who waived their right to appeal as issues of integrity. Wherever they made their objections explicit we have tried to give their objections a fair voice. Other former and current members of the St. Petersburg police department were highly laudatory and expressed approval for the accuracy and candor of our accounts, though many of them were unwilling to make these opinions known publicly. Ultimately, we are well-aware that the issues we discuss in this chapter are somewhat delicate and sensitive; in some cases, there was less than full consensus even among team members; in such instances, we have consistently presented the majority view.

The second general point that we should like to make in conclusion on the contours of integrity in St. Petersburg is that while all of the integrity problems we described were major events in the history of the department and some took extraordinarily heavy tolls on the lives and careers of the police officers and citizens involved in them, they are exactly the type and level of integrity problem one should expect to find in a police agency of integrity. Although our catalog of integrity problems may at first make it appear otherwise, every one of the incidents that arose in St. Petersburg became an issue because St. Petersburg held itself to an exceptionally high standard of integrity. Should police use foul language in speaking to citizens under any circumstances? Should officers be trusted to use their own discretion relatively free from direct supervision in working with communities? Should drug enforcement efforts focus disproportionately on black neighborhoods, if drug sales and distribution are rampant there? Should loud and annoying gatherings of blacks receive special tolerance in a city with a recent history of violent black protest? Should radical race activists receive special treatment by police? Should senior members of a police department be terminated for an historical connection with a divisive political opponent? Should senior members of a police administration be "exempt" employees who can be dismissed without cause and with no claim to continue employment at a lower rank? Should a supervisor be sanctioned severely for allowing a subordinate to willingly work extra hours without claiming payment? Should a supervisor be fired for allowing a subordinate officer to claim an extra overtime hour in reimbursement for the purchase of a small piece of equipment

for the department? Should department discipline be tempered, if the sanctioned officer agrees not to appeal? Should discipline be made especially severe, so as to induce officers to accept no-appeal plea bargain deals for reduction in its severity? If a police department of integrity is going to have a major scandal in its drug unit, it is difficult to imagine one that reflects higher standards of integrity than one that is almost exclusively concerned with discrepancies in the payroll records of drug officers teaching college courses.

Such questions and incidents encourage police to scrutinize and reflect on their own conduct. At the same time, they invite us to elevate our expectations for a police agency of integrity. Both processes take police agencies of integrity into an ethical and political territory where they properly belong. Neither police nor citizens should be under any illusion that it is a territory without conflict.

CHAPTER 7

THE SECOND SURVEY

One of the initial objectives of our study of the three police agencies we selected was to verify whether the image of integrity we formed of them on the basis of the first survey was, in fact, true. Had they, accurately answered our questions about seriousness, appropriateness and expectations of discipline, and willingness to report, or had they merely told us a “stork story” which they thought would please outsiders?

Our fieldwork, interviews, and examination of internal documents in each agency all were means to discovering and verifying a full and proper answer to this question. In other parts of this book we discuss the answers we received via those methods. In this chapter we report the results of a still different method of testing our initial impressions of integrity, a second survey that alleviates some of the flaws in the first.

The simplest way to employ a second survey as a test of the reliability of the earlier inquiry is what is sometimes called a “test-retest” strategy. It involves distributing a second survey after sufficient time has passed for respondents to forget the answers they had given on a first survey and then comparing the results. If answers to the same questions on both surveys are identical, or differ only in ways that are explainable by some obvious event, it is evidence that respondents are answering honestly. The first survey was completed in all three agencies in the summer of 1996. The second survey, the results of which we present in this chapter, was distributed and completed in each of the three departments in the summer of 1998. The likelihood that officers could have answered the second survey based on their recollection of what they had answered two years earlier is remote.

We also used the second survey to correct a fundamental operational limitation that was reflected in the first. Broadly speaking, police integrity is the normative inclination among police to resist temptations to abuse the prerogatives of their office. The limitation of the first survey was that, with a single exception, it measured only one category of temptation, gain. Police abuse of their office can occur for many other reasons. Because of this narrow operationalization of “temptation,” our first survey measured only that part of integrity which comprises resistance to corruption. That is an important achievement on its own, but it does not meet our present aspiration to fully measure integrity.

To address this issue, we had to design scenarios for the second survey in which police abuses of their position were motivated by a range of motives other than gain. Moreover, the motives had to be unambiguous, compelling to the officers who read them, and easily expressed within the two or three short sentences of the scenarios of our survey. In Exhibit 7.1 we display the eleven scenarios we

used in our second survey. Five of those scenarios were essentially the same as those we had asked on the first survey. We repeated them on the second survey as a test-retest reliability measure. The six additional questions (shaded in Exhibit 7.1) each probe a temptation to abuse the prerogatives of the police office based on a motive other than gain. Exhibit 7.2 presents case scenario assessment options.

In constructing the six new scenarios we drew on our own police experience. Although every one of the new scenarios we described was based on an incident we had been involved with in one way or another during our careers, as police officers or analysts of the police, we benefited greatly from discussions with our study groups in all three agencies about exactly how to phrase the description of each incident. Some of those discussions involved choosing words that removed any ambiguity about what actually happened, others involved conversations about ambiguities in motive. In the case of planting evidence on a drug dealer, not intervening in the beating of a child molester, not arresting a friend with a warrant, and calling an offensive person an asshole, neither we nor any member of our study groups found any ambiguity or difficulty with our description these types of police misconduct or the motives for it.

The case of the male officer who punched a prisoner who had previously hurt his female partner disturbed some female officers in our St. Petersburg Study Group. They objected to the “chivalrous-male-defense-of-the-weaker-sex” motive that this incident implied. We conceded that this was indeed a motive in this incident, but as such it supplemented the primary sentiment hostile to anyone who assaults a police officer, and particularly one’s partner. This, they recognized, was plausible. They then raised the objection that too few women appeared in our scenarios, to which we responded that “policing is still a male-dominated occupation”. Our making the offending officer in the scenario a woman might introduce unanticipated complications or interpretations.

The most serious objection to a scenario was raised by members of the Charlotte-Mecklenburg study group with reference to Case 4 – the deadly force scenario in which an officer who has just returned to duty after being seriously beaten by an offender shoots a man in the back as he is running away. In the original version we concluded with the line, “The officer fatally shoots the person, who was unarmed, striking him in the back.” The Charlotte-Mecklenburg study group objected to this scenario on the general grounds that it did not provide sufficient detail, especially in regard to the specific point that the officer could not have known at the time of the shooting that the perpetrator was unarmed.

Neither we nor the members of our Charleston and St. Petersburg study groups were persuaded by either argument and thought that both arguments were attempts to avoid a deeper and more troubling issue. The general argument about more detail failed because it could be said about any scenario. There was no more need for extra detail here than in any other. We found the speculation that the thrown gym bag might be full of weights to be unreasonably strained. Their specific argument failed because, in fact, it didn’t matter whether the person who was shot was armed or unarmed. The officer in the scenario would have had no right to

Exhibit 7.1

Survey II – Measuring Police Integrity

- Case 1 – A police officer is widely liked in the community. Local merchants and restaurant owners regularly show their appreciation for his attention by giving him gifts of food, cigarettes, and other items of small value.
- Case 2 – A police officer is aware that there is a felony warrant for a long time friend of his. Although he sees his friend frequently over a period of more than a week and warns his friend of its existence, he does not arrest him.
- Case 3 – A police officer discovers a burglary of a hardware store. The display cases are smashed and many items have obviously been taken. While searching the store, he takes an expensive pocketknife and slips it into his pocket. He reports that the knife has been stolen during the burglary.
- Case 4 – An officer who was severely beaten by a person resisting arrest, has just returned to duty. On patrol, the officer approaches a person standing in a dimly lit alley. Suddenly, the person throws a gym bag at the officer and begins to run away. The officer fatally shoots the person, striking him in the back. It was later determined that the person was unarmed.
- Case 5 – A police officer is scheduled to work during coming holidays. The supervisor offers to give him these days off, if he agrees to run some personal errands for the supervisor. Evaluate the SUPERVISOR'S behavior.
- Case 6 – In responding with her male partner to a fight in a bar, a young, female officer receives a black eye from one of the male combatants. The man is arrested, handcuffed, and, as he is led into the cells, the male member of the team punches him very hard in the kidney area saying, "hurts, doesn't it."
- Case 7 – A police officer stops a motorist for speeding. As the officer approaches the vehicle, the driver yells, "What the hell are you stopping me for?" The officer replies, "Because today is 'Arrest an Asshole Day.'"
- Case 8 – At 2:00 A.M. a police officer, who is on duty, is driving his patrol car on a deserted road. He sees a vehicle that has been driven off the road and is stuck in a ditch. He approaches the vehicle and observes that the driver is not hurt but is obviously intoxicated. He also finds that the driver is a police officer. Instead of reporting this accident and offense, he transports the driver to his home.
- Case 9 – A police officer has a private arrangement with a local auto body shop to refer the owners of cars damaged in accidents to the shop. In exchange for each referral, he receives a payment of 5% of the repair bill from the shop owner.
- Case 10 – A police officer arrests two drug dealers involved in a street fight. One has a large quantity of heroin on his person. In order to charge them both with serious offenses, the officer falsely reports that the heroin was found on both men.
- Case 11 – A police sergeant, without intervening, watches officers under his supervision repeatedly strike and kick a man arrested for child abuse. The man has previous child abuse arrests. Evaluate the SERGEANT'S behavior.

Exhibit 7.2

CASE SCENARIO ASSESSMENT OPTIONS

1. How serious do YOU consider this behavior to be?

Not at all				Very
serious				serious
1	2	3	4	5
2. How serious do MOST POLICE OFFICERS IN YOUR AGENCY consider this behavior to be?

Not at all				Very
serious				serious
1	2	3	4	5
3. Would this behavior be regarded as a violation of official policy in your agency?
 1) Yes _____ 2) No _____ 3) Not Sure _____
4. If an officer in your agency engaged in this behavior and was discovered doing so, what if any discipline do YOU think *SHOULD* follow.

1. NONE	4. PERIOD OF SUSPENSION
2. VERBAL REPRIMAND	WITHOUT PAY
3. WRITTEN REPRIMAND	5. DEMOTION IN RANK
6. DISMISSAL	
5. If an officer in your agency engaged in this behavior and was discovered doing so, what if any discipline do YOU think *WOULD* follow.

1. NONE	4. PERIOD OF SUSPENSION
2. VERBAL REPRIMAND	WITHOUT PAY
3. WRITTEN REPRIMAND	5. DEMOTION IN RANK
6. DISMISSAL	
6. Do you think YOU would report a fellow police officer who engaged in this behavior?

Definitely				Definitely
not				yes
1	2	3	4	5
7. Do you think MOST POLICE OFFICERS IN YOUR AGENCY would report a fellow police officer who engaged in this behavior?

Definitely				Definitely
not				yes
1	2	3	4	5

shoot him, armed or unarmed, as he was running away. Our suspicion, and that of the members of the other study groups, was that they simply did not want to confront the problem of punishing a fellow officer for making a fatal wrong decision out of fear. It was a fear that they may well have felt at times in their own careers and one that was particularly troublesome if his department contributed to it by returning him to duty before he was fully ready. In our opinion, it was exactly that

tension that made it a good integrity scenario and we left it in the second survey. However, as a compromise with the Charlotte-Mecklenburg Study Group, we added the unnecessary sentence to this scenario: "It was later determined that the person was unarmed."

Before leaving the topic of the motives we built into the new scenarios, we note that all of them are normal and quite healthy human motives: drug dealers and child molesters ought to be punished; friends ought to be helped; people who act like fools should suffer being told as much. People who assault others deserve a taste of their own medicine in return, particularly so in the case of a man who hits a woman. While police should be expected to feel these normal human sentiments, the obligations of their office prohibit them from acting on them. Our new scenarios are specifically designed to exploit the tensions with the police role that these normal, healthy, human sentiments induce.

Finally, in the second survey we corrected a technical error in the assessment options we offered for each scenario. In the first survey we offered respondents a five-point range of responses from "definitely not" to "definitely yes" for the question "Would this behavior be regarded as a violation of official policy in your agency?" This range of choices complicated interpreting officer responses because the meaning of responses other than "1" or "5" was somewhat unclear. Consequently, in the second survey we replaced the "1-5" range of options for this question with three simple fixed options of "yes," "no," or "not sure." As we show later in this chapter, this change made analysis of officer responses to this question particularly useful to police administrators.

SURVEY RESPONSE

At least in part because we knew much more about each of the three departments and how they worked and had a number of study group members who were quite willing to support our survey in those parts of the agency for which they were responsible, in every agency, we were able to achieve a better response rate on the second survey than we had on the first survey two years earlier. As Table 7.1 illustrates, the response rates we received ranged from 70 to 83% of the population of sworn officers in each agency. Given the problems of officers away on vacation during the summer, officers who work flexed time and rotating shifts, as well as officers on a variety of special assignments, we regard these response rates as quite satisfactory.

TEST-RETEST RELIABILITY

Tables 7.2, 7.3 and 7.4 compare the mean scores of answers to the five common questions officers in each agency gave on Survey 1 and 2. The purpose of these comparisons is to detect, as a check on the reliability of our survey instrument, whether officers had changed their opinions, or would report changing their opinions, about the scenarios after the passage of two years. In determining whether

Table 7.1. Police Agency Sample Sizes and Response Rates, Surveys 1 and 2

	Charleston		St. Petersburg		Charlotte-Mecklenburg	
	<i>Sample Size</i>	<i>Response Rate</i>	<i>Sample Size</i>	<i>Response Rate</i>	<i>Sample Size</i>	<i>Response Rate</i>
Survey 1	171	53%	371	72%	756	61%
Survey 2	246	76%	425	83%	873	70%
Total Sworn Officers	324		512		1,248	

a genuine change was reflected in the survey responses, we regarded any change of the average response of one-half a point or more to reflect a meaningful change. We disregarded differences of less than that amount, as they likely were mere statistical or measurement “noise.”

The Charleston comparison (Table 7.2) finds no meaningful difference in officer assessments of seriousness, discipline, or willingness to report on any of the five scenarios common to Surveys 1 and 2. In fact, most differences in Charleston responses are of the order of a minuscule one or two tenths of a point on our four or five point measurement scales.

Such a finding is exactly what one would expect if officers reported their assessments of seriousness, discipline, and willingness to report accurately, and if their assessments had not changed. Charleston is a department that has been under the same administration with the same rules about corruption for a very long time. We know of no change in policy or integrity-relevant event in Charleston that would change officer attitudes during the two-year period between surveys.

Charlotte-Mecklenburg also showed almost no change in any attitudes toward corruption in the two years between the first and second survey. With one exception, almost all of the differences in mean scores were, like Charleston, in the trivial range of a one or two tenths of a point difference. As Table 7.3 illustrates, we did find officers reporting a meaningful increase in their own assessments of the seriousness of accepting free meals and gifts. We know of no integrity relevant events or changes in policy that might have caused this change. Moreover, though the officers in Charlotte-Mecklenburg reported a meaningful change in their own estimates of seriousness, they did not report meaningful change in other officer’s estimates of seriousness, discipline, or willingness to report. Out of thirty possible comparisons between Survey 1 and 2 that might have shown a meaningful difference, only this comparison did so, and only by exactly one half of a point, our minimum standard for a meaningful difference.

The comparison of 1st and 2nd survey scores for St. Petersburg (Table 7.4) shows four meaningful increases. Three of the four changes are in their responses to Case 1, the scenario that describes an officer who accepts free meals and small gifts from merchants on his beat. On the second survey they claim that most officers

Table 7.3. Survey 1 and 2 Comparison, Corruption Scenarios: Charlotte

	Seriousness						Discipline						Willingness to Report					
	1st Survey		2nd Survey		1st Survey		2nd Survey		1st Survey		2nd Survey		1st Survey		2nd Survey			
	Own	Other	Own	Other	Should	Would	Should	Would	Own	Other	Own	Other	Own	Other	Own	Other		
Case 1	Rank=1	Rank=1	Rank=1	Rank=1	Mean=1.67	Mean=1.94	Mean=1.88	Mean=2.19	Rank=1	Rank=1	Rank=1	Rank=1	Rank=1	Rank=1	Rank=1	Rank=1		
Free Meals/ Gifts from Merchants on Beat	Mean=1.94	Mean=1.76	Mean=2.44	Mean=2.22	SD=0.84	SD=0.94	SD=0.87	SD=1.02	Mean=1.45	Mean=1.40	Mean=1.85	Mean=1.79	Mean=1.45	Mean=1.40	Mean=1.85	Mean=1.79		
	SD=1.10	SD=0.92	SD=1.18	SD=1.01	Mode= None	Mode= None	Mode= Verbal Rep	Mode= Verbal Rep	SD=0.89	SD=0.76	SD=1.10	SD=0.94	SD=0.89	SD=0.76	SD=1.10	SD=0.94		
Case 2	Rank=2	Rank=2	Rank=2	Rank=2	Mean=2.86	Mean=3.36	Mean=2.66	Mean=3.15	Rank=2	Rank=2	Rank=2	Rank=2	Rank=2	Rank=2	Rank=2	Rank=2		
Cover Up of Police DUI and Accident	Mean=2.99	Mean=2.87	Mean=3.02	Mean=2.88	SD=1.36	SD=1.29	SD=1.29	SD=1.23	Mean=2.25	Mean=2.26	Mean=2.35	Mean=2.29	Mean=2.25	Mean=2.26	Mean=2.35	Mean=2.29		
	SD=1.39	SD=1.22	SD=1.31	SD=1.21	Mode= Suspension	Mode= Suspension	Mode= Suspension	Mode= Suspension	SD=1.40	SD=1.29	SD=1.35	SD=1.14	SD=1.40	SD=1.29	SD=1.35	SD=1.14		
Case 5	Rank=3	Rank=3	Rank=3	Rank=3	Mean=3.59	Mean=3.47	Mean=3.35	Mean=3.13	Rank=3	Rank=3	Rank=3	Rank=3	Rank=3	Rank=3	Rank=3	Rank=3		
Supervisor Officers Holiday for Errands/ Tune-up	Mean=4.13	Mean=3.90	Mean=4.03	Mean=3.78	SD=1.19	SD=1.19	SD=1.19	SD=1.15	Mean=3.38	Mean=3.21	Mean=3.24	Mean=3.06	Mean=3.38	Mean=3.21	Mean=3.24	Mean=3.06		
	SD=1.07	SD=1.11	SD=1.12	SD=1.11	Mode= Writ Rep	Mode= Suspension	Mode= Writ Rep	Mode= Rep	SD=1.39	SD=1.28	SD=1.37	SD=1.21	SD=1.39	SD=1.28	SD=1.37	SD=1.21		
Case 9	Rank=4	Rank=4	Rank=4	Rank=4	Mean=4.34	Mean=4.45	Mean=4.14	Mean=4.24	Rank=4	Rank=4	Rank=4	Rank=4	Rank=4	Rank=4	Rank=4	Rank=4		
Auto Body Shop 5% Kickback	Mean=4.44	Mean=4.17	Mean=4.37	Mean=4.14	SD=1.28	SD=1.23	SD=1.33	SD=1.25	Mean=3.97	Mean=3.70	Mean=3.66	Mean=3.39	Mean=3.97	Mean=3.70	Mean=3.66	Mean=3.39		
	SD=0.90	SD=0.96	SD=0.94	SD=1.01	Mode= Suspension	Mode= Suspension	Mode= Suspension	Mode= Suspension	SD=1.25	SD=1.14	SD=1.30	SD=1.20	SD=1.25	SD=1.14	SD=1.30	SD=1.20		
Case 3	Rank=5	Rank=5	Rank=5	Rank=5	Mean=5.75	Mean=5.71	Mean=5.37	Mean=5.26	Rank=5	Rank=5	Rank=5	Rank=5	Rank=5	Rank=5	Rank=5	Rank=5		
Theft From Crime Scene (Watch/Knife)	Mean=4.97	Mean=4.91	Mean=4.92	Mean=4.79	SD=0.69	SD=0.74	SD=1.01	SD=1.07	Mean=4.69	Mean=4.41	Mean=4.51	Mean=4.18	Mean=4.69	Mean=4.41	Mean=4.51	Mean=4.18		
	SD=0.24	SD=0.36	SD=0.37	SD=0.49	Mode= Dismissal	Mode= Dismissal	Mode= Dismissal	Mode= Dismissal	SD=0.76	SD=0.83	SD=0.84	SD=0.87	SD=0.76	SD=0.83	SD=0.84	SD=0.87		

Table 7.4. Survey 1 and Survey 2 Comparison, Corruption Scenarios: St. Petersburg

	Seriousness				Discipline				Willingness to Report			
	1st Survey		2nd Survey		1st Survey		2nd Survey		1st Survey		2nd Survey	
	Own	Other	Own	Other	Should	Would	Should	Would	Own	Other	Own	Other
Case 1	Rank=1	Rank=1	Rank=2	Rank=1	Mean=2.49	Mean=2.77	Mean=2.66	Mean=3.18	Rank=1	Rank=1	Rank=2	Rank=1
Free	Mean=3.03	Mean=2.53	Mean=3.46	Mean=3.10	SD=0.98	SD=0.95	SD=0.95	SD=0.95	Mean=2.41	Mean=2.07	Mean=2.91	Mean=2.6
Meals/	SD=1.28	SD=1.12	SD=1.16	SD=1.07	Mode=	Mode=	Mode=	Mode=	SD=1.41	SD=1.08	SD=1.30	SD=1.07
Gifts from		Verbal Rep	Verbal Rep	Verbal Rep	Verbal Rep	Verbal Rep	Verbal Rep	Verbal Rep				
Merchants												
on Beat												
Case 2	Rank=2	Rank=2	Rank=1	Rank=2	Mean=2.85	Mean=3.33	Mean=3.10	Mean=3.60	Rank=2	Rank=2	Rank=1	Rank=2
Cover Up	Mean=3.15	Mean=2.82	Mean=3.30	Mean=3.17	SD=1.13	SD=1.05	SD=1.10	SD=0.97	Mean=2.65	Mean=2.40	Mean=2.88	Mean=2.75
of Police	SD=1.27	SD=1.13	SD=1.25	SD=1.13	Mode=	Mode=	Mode=	Mode=	SD=1.44	SD=1.11	SD=1.36	SD=1.16
DUI and					Writ Rep	Suspension	Writ Rep*	Suspension				
Accident												
Case 5	Rank=3	Rank=3	Rank=3	Rank=3	Mean=3.58	Mean=3.23	Mean=3.81	Mean=3.71	Rank=3	Rank=3	Rank=3	Rank=3
Supervisor	Mean=4.14	Mean=3.84	Mean=4.32	Mean=3.98	SD=1.24	SD=1.28	SD=1.11	SD=1.13	Mean=3.66	Mean=3.33	Mean=3.90	Mean=3.59
Officers	SD=1.01	SD=1.10	SD=0.85	SD=1.00	Mode=	Mode=	Mode=	Mode=	SD=1.36	SD=1.26	SD=1.19	SD=1.14
Holiday for					Writ Rep	Writ Rep	Writ Rep	Suspension				
Errands/ Tune-up												
Case 5	Rank=4	Rank=4	Rank=4	Rank=4	Mean=4.40	Mean=4.43	Mean=4.33	Mean=4.42	Rank=4	Rank=4	Rank=4	Rank=4
Auto Body	Mean=4.57	Mean=4.30	Mean=4.64	Mean=4.38	SD=1.17	SD=1.14	SD=1.18	SD=1.10	Mean=4.37	Mean=3.92	Mean=4.28	Mean=3.96
Shop 5%	SD=0.79	SD=0.90	SD=0.68	SD=0.82	Mode=	Mode=	Mode=	Mode=	SD=1.02	SD=1.03	SD=0.95	SD=0.97
Kickback					Suspension	Suspension	Suspension	Suspension				
Case 3	Rank=5	Rank=5	Rank=5	Rank=5	Mean=5.82	Mean=5.70	Mean=5.62	Mean=5.43	Rank=5	Rank=5	Rank=5	Rank=5
Theft	Mean=4.96	Mean=4.93	Mean=4.99	Mean=4.89	SD=0.63	SD=0.80	SD=0.78	SD=0.90	Mean=4.91	Mean=4.63	Mean=4.86	Mean=4.57
From	SD=0.34	SD=0.37	SD=0.12	SD=0.33	Mode=	Mode=	Mode=	Mode=	SD=0.44	SD=0.64	SD=0.41	SD=0.65
Crime					Dismissal	Dismissal	Dismissal	Dismissal				
Scene												
(Watch/Knife)												

* Multiple Modes Exist. The Smallest Value Is Shown.

take it more seriously and that they and most other officers would be more likely to report it than they were to report it on the first survey. These changes are consistent with a new emphasis on discipline and integrity that the new chief introduced into the agency, beginning in June of 1997. Moreover, an essay question posed on the sergeants' exam (given before we distributed the survey in St. Petersburg) asked all applicants to write a short essay about what they would do if they overheard two fellow officers in a police locker room talking about the availability of free meals at a local restaurant. They were awarded promotional points for saying that they would intervene aggressively in this situation. It is possible that the new chief's tightening up on discipline, his emphasis on integrity, and the exam question may have had an impact on the responses to this question.

The other case on the 2nd survey in St. Petersburg that received a meaningfully different response from the first survey was Case 5, involving a supervisor who offers to give a subordinate upcoming holidays off, if he agrees to run some personal errands for the supervisor. On Survey 2, responses remained the same on the seriousness of the conduct, the likelihood of reporting, or how the conduct *should* be punished, but it differed on how the conduct *would* be punished. This change is also consistent with the new chief's emphasis on discipline. It is a change that also might be construed as one of the lessons to be learned from the suspension and dismissal of the drug unit supervisors for abuse of their positions on the so-called "Bloody Thursday," an event that shook the Department in 1998 (See Chapter 6).

Both the similarities and differences in officers' evaluations of the cases common to the first and second survey give us confidence in the instruments's ability to measure and to detect small changes in the normative inclination of officers to resist temptations to corruption. Except for the fact that there is indication that St. Petersburg tightened up its disciplinary environment and tried to make it clear that even the free cup of coffee will not be tolerated, there is nothing in the 2nd survey to suggest that the attitudes toward corruption, its seriousness, its discipline, and the willingness to report it were different than we had learned from the time of the 1st survey.

It is, of course, possible that an agency can be quite intolerant of corruption among its ranks and quite tolerant of other abuses such as abuse of force, abuse of arrest discretion, and verbal abuse. To explore how those specific issues of integrity are regarded in the three agencies, we will now turn to the analysis of the five new questions on the second survey.

Seriousness – Table 7.5 and Chart 8.1 display the mean scores of officers in each of the three police agencies on the five new scenarios created for the second survey. Three of these scenarios (Case 4, Case 6, and Case 11) involve abuses of the police right to use force, two involve abuse of arrest (Case 2 and Case 10), and one involves the verbal abuse of a citizen (Case 7). If we employ the rule of thumb of a 0.5-point or more difference in scores as denoting a real difference in agency attitudes, St. Petersburg distinguishes itself from Charlotte-Mecklenburg in only one instance by evaluating this case as being more serious. This difference is with

Table 7.5. Second Survey: New Questions, Seriousness

	Charleston		Charlotte-Mecklenburg		St. Petersburg	
	<i>Own</i>	<i>Others</i>	<i>Own</i>	<i>Others</i>	<i>Own</i>	<i>Others</i>
Case 2- No Arrest Friend	Rank=7 Mean=4.52 SD=0.79	Rank=8.5 Mean=4.45 SD=0.81	Rank=6 Mean=4.18 SD=0.98	Rank=6 Mean=3.96 SD=0.97	Rank=5 Mean=4.44 SD=0.87	Rank=5 Mean=4.18 SD=0.90
Case 4- Deadly Force Mistake	Rank=9 Mean=4.80 SD=0.56	Rank=9 Mean=4.75 SD=0.59	Rank=9 Mean=4.67 SD=0.76	Rank=10 Mean=4.60 SD=0.79	Rank=9 Mean=4.81 SD=0.58	Rank=9 Mean=4.74 SD=0.63
Case 6- Prisoner Who Hurt Partner Hit	Rank=4 Mean=4.13 SD=1.10	Rank=5 Mean=3.88 SD=1.04	Rank=4 Mean=3.99 SD=1.17	Rank=4 Mean=3.72 SD=1.11	Rank=6 Mean=4.53 SD=0.75	Rank=6 Mean=4.20 SD=0.87
Case 7- Verbal Abuse of Motorist	Rank=1 Mean=3.60 SD=1.24	Rank=1 Mean=3.45 SD=1.24	Rank=3 Mean=3.36 SD=1.23	Rank=3 Mean=3.14 SD=1.15	Rank=3 Mean=3.70 SD=1.05	Rank=3 Mean=3.42 SD=1.04
Case 10- False Drug Possession Report	Rank=8 Mean=4.62 SD=0.83	Rank=8.5 Mean=4.45 SD=0.89	Rank=10 Mean=4.80 SD=0.53	Rank=9 Mean=4.59 SD=0.71	Rank=10 Mean=4.96 SD=0.20	Rank=10 Mean=4.83 SD=0.44
Case 11- Sgt. OK's Beating of Abuser	Rank=5 Mean=4.40 SD=1.05	Rank=6 Mean=4.30 SD=1.00	Rank=7 Mean=4.36 SD=1.00	Rank=8 Mean=4.16 SD=1.03	Rank=8 Mean=4.76 SD=0.54	Rank=8 Mean=4.61 SD=0.66

respect to officers' own opinions of the seriousness of Case 6, the case in which a police officer punches a prisoner for hurting the officer's female partner. In all other cases, including the two others involving excessive force, there are no other meaningful differences among the three agencies with respect to their estimates of seriousness.

Discipline – Table 7.6 displays the mean scores of officers in each of the three agencies on the discipline they expected (*would receive*) and thought appropriate (*should receive*) for the behavior described in the new scenarios on survey 2. In three of the six new scenarios there were meaningful differences in officer opinions about discipline. In Case 2, involving an officer who fails to arrest a friend on a felony warrant and, instead, warns him of its existence, officers in Charleston believed that this offense should and would be punished far more severely than did officers in either Charlotte-Mecklenburg or St. Petersburg. In two other cases, Cases 10 and 11, officers in St. Petersburg expect and endorse substantially more severe discipline than officers in Charlotte-Mecklenburg.

Despite the fact that there are differences in the perceived severity of discipline in the three agencies, comparison of “discipline would” and “discipline should” scores reveals a high degree of support for the severity of discipline in each agency. As Table 7.6 illustrates, there is not a single instance in any of the three agencies

Table 7.6. Second Survey: Discipline – New Scenarios

	Charleston		Charlotte-Mecklenburg		St. Petersburg	
	<i>Would</i>	<i>Should</i>	<i>Would</i>	<i>Should</i>	<i>Would</i>	<i>Should</i>
Case 2- No Arrest Friend	Mean=4.64 SD=1.21 Mode= Suspension	Mean=4.62 SD=1.25 Mode= Dismissal	Mean=3.46 SD=1.02 Mode= Suspension	Mean=3.38 SD=1.07 Mode= Suspension	Mean=3.82 SD=1.06 Mode= Suspension	Mean=3.76 SD=1.09 Mode= Suspension
Case 4- Deadly Force Mistake	Mean=5.55 SD=1.09 Mode= Dismissal	Mean=5.45 SD=1.16 Mode= Dismissal	Mean=5.44 SD=1.23 Mode= Dismissal	Mean=5.26 SD=1.35 Mode= Dismissal	Mean=5.69 SD=0.87 Mode= Dismissal	Mean=5.53 SD=1.05 Mode= Dismissal
Case 6- Prisoner Who Hurt Partner Hit	Mean=4.17 SD=1.11 Mode= Suspension	Mean=3.93 SD=1.22 Mode= Suspension	Mean=3.94 SD=0.87 Mode= Suspension	Mean=3.57 SD=1.09 Mode= Suspension	Mean=4.43 SD=0.94 Mode= Suspension	Mean=4.16 SD=0.91 Mode= Suspension
Case 7- Verbal Abuse of Motorist	Mean=3.40 SD=1.07 Mode= Suspension	Mean=3.13 SD=1.16 Mode= Suspension	Mean=3.14 SD=0.79 Mode= Written Rep.	Mean=2.81 SD=0.89 Mode= Written Rep.	Mean=3.42 SD=0.77 Mode= Suspension	Mean=3.08 SD=0.81 Mode= Written Rep.
Case 10- False Drug Possession Report	Mean=5.04 SD=1.22 Mode= Dismissal	Mean=4.99 SD=1.30 Mode= Dismissal	Mean=4.97 SD=1.16 Mode= Dismissal	Mean=4.96 SD=1.18 Mode= Dismissal	Mean=5.56 SD=0.84 Mode= Dismissal	Mean=5.58 SD=0.84 Mode= Dismissal
Case 11- Sgt. OK's Beating of Abuser	Mean=4.86 SD=1.08 Mode= Demotion	Mean=4.71 SD=1.15 Mode= Demotion	Mean=4.49 SD=1.11 Mode= Suspension	Mean=4.32 SD=1.29 Mode= Suspension	Mean=5.09 SD=0.85 Mode= Demotion	Mean=4.97 SD=0.92 Mode= Demotion

* Multiple Modes Exist. The Smallest Value Is Shown.

where the mean difference between the mean expected and appropriate discipline exceeds four tenths of a point on our six-point scale.

The same point is illustrated by the findings reported in Table 7.7. In this table we report for each of the new scenarios the percentage of officers in each agency who rated discipline too harsh, fair, or too lenient by subtracting their individual “discipline would” scores from their “discipline should” scores. If the difference was positive, we interpreted that difference as expressing the opinion that the discipline was too harsh; if negative, too lenient; and if zero, fair. In every case, there is overwhelming support for the level of severity of discipline in each department, even though, as we have indicated, the level of discipline is perceived to be more severe in some agencies and in some cases (e.g., Cases 6 and 7) more so than in others.

Willingness to Report – In five of the six new scenarios there were meaningful differences in officer willingness to report. In all five scenarios police officers in

Table 7.7. Second Survey – Fairness of Discipline, Individual Officer Opinions – New Scenarios

	Charleston			Charlotte-Mecklenburg			St. Petersburg		
	<i>Too Harsh</i>	<i>Fair</i>	<i>Too Lenient</i>	<i>Too Harsh</i>	<i>Fair</i>	<i>Too Lenient</i>	<i>Too Harsh</i>	<i>Fair</i>	<i>Too Lenient</i>
Case 2- No Arrest Friend	17.0%	70.1%	12.9%	19.7%	68.6%	11.7%	17.4%	71.7%	11.0%
Case 4- Deadly Force Mistake	9.3%	87.3%	3.4%	12.1%	84.7%	3.2%	9.6%	87.4%	3.0%
Case 6- Prisoner Who Hurt Partner Hit	20.8%	70.4%	8.8%	25.1%	71.1%	3.8%	18.0%	77.3%	4.7%
Case 7- Verbal Abuse of Motorist	23.1%	69.8%	7.0%	28.7%	66.4%	5.0%	30.7%	65.8%	3.5%
Case 10- False Drug Possession Report	10.7%	80.7%	8.6%	8.8%	83.9%	7.3%	5.5%	88.6%	5.9%
Case 11- Sgt. OK's Beating of Abuser	15.6%	77.4%	7.0%	18.6%	70.5%	10.9%	15.9%	76.0%	8.2%

CMPD were less likely to express their willingness to report than officers one or both of the other agencies (Table 7.8). Charlotte-Mecklenburg officers claimed to be less willing to report the verbal abuse of a citizen or a fellow officer who failed to arrest a friend on a felony warrant than officers in Charleston and St. Petersburg. They were also substantially less willing than officers in St. Petersburg to report an officer who struck a prisoner, an officer who planted drugs on a drug dealer, or a sergeant who allowed officers under his command to beat a child molester. In their relative reluctance to report these three incidents, their attitudes were not dissimilar from those of officers in Charleston. In fact, with respect to these three scenarios, it is probably better to interpret the difference as the product of superior integrity standards in St. Petersburg rather than inferior integrity standards in Charlotte-Mecklenburg.

Moreover, CMPD study group members and focus group participants argued strenuously on several occasions that officers' reluctance to run to a sergeant over a first-time or relatively minor offense did not mean that the observing officers were reluctant to intervene peer-to-peer in order to try to stem the offensive behavior. They argued further that, if the offending behavior persisted, peers would then let a supervisor know. Whether this characterization of peer level

Table 7.8. Second Survey: Willingness to Report

	Charleston		Charlotte-Mecklenburg		St. Petersburg	
	<i>Own</i>	<i>Others</i>	<i>Own</i>	<i>Others</i>	<i>Own</i>	<i>Others</i>
Case 2- No Arrest Friend	Rank=8 Mean=4.09 SD=1.13	Rank=9 Mean=3.98 SD=1.02	Rank=6 Mean=3.33 SD=1.35	Rank=6 Mean=3.09 SD=1.16	Rank=5 Mean=4.00 SD=1.19	Rank= Mean=3.64 SD=1.11
Case 4- Deadly Force Mistake	Rank=11 Mean=4.65 SD=0.81	Rank=11 Mean=4.58 SD=0.80	Rank=11 Mean=4.63 SD=0.85	Rank=11 Mean=4.51 SD=0.86	Rank=10.5 Mean=4.86 SD=0.48	Rank=10 Mean=4.76 SD=0.58
Case 6- Prisoner Who Hurt Partner Hit	Rank=5 Mean=3.50 SD=1.28	Rank=5 Mean=3.38 SD=1.13	Rank=5 Mean=3.30 SD=1.39	Rank=4 Mean=3.05 SD=1.19	Rank=6 Mean=4.24 SD=1.02	Rank=6 Mean=3.80 SD=1.00
Case 7- Verbal Abuse of Motorist	Rank=1 Mean=2.97 SD=1.30	Rank=1 Mean=2.88 SD=1.19	Rank=3 Mean=2.56 SD=1.33	Rank=3 Mean=2.39 SD=1.13	Rank=3 Mean=3.17 SD=1.31	Rank=3 Mean=2.85 SD=1.16
Case 10- False Drug Possession Report	Rank=9 Mean=4.22 SD=1.14	Rank=8 Mean=3.95 SD=1.10	Rank=9 Mean=4.23 SD=1.04	Rank=9 Mean=3.94 SD=1.03	Rank=9 Mean=4.83 SD=0.51	Rank=9 Mean=4.56 SD=0.69
Case 11- Sgt. OK's Beating of Abuser	Rank=6 Mean=3.96 SD=1.23	Rank=6 Mean=3.80 SD=1.13	Rank=8 Mean=3.75 SD=1.32	Rank=8 Mean=3.54 SD=1.18	Rank=8 Mean=4.55 SD=0.82	Rank=8 Mean=4.24 SD=0.89

enforcement of integrity in the CMPD was accurate in actual practice is difficult to determine given the methods of inquiry we employed. Although lower CMPD seriousness and discipline scores suggest otherwise, there is the possibility that the CMPD is an agency whose integrity enforcement mechanisms depends reasonably heavily on a first-line of informal defense—for relatively minor infractions—consisting of unrecorded peer pressure to avoid misconduct. It is important to emphasize that neither our study group nor focus group respondents suggested any reluctance to report formally misconduct perceived as serious or chronic to supervisors.

EXPECTED, APPROPRIATE, AND ACTUAL DISCIPLINE

The final strategy that we employed to verify the accuracy of our survey was to compare the estimates of discipline that officers reported on the survey with the actual discipline that incidents of that type had received in their agency. In Charleston, we obtained copies of 248 investigative reports in which charges were sustained and discipline given between 1990 and 1998. The vast majority of those reports were drawn from the five-year period between 1993 and 1998. In St. Petersburg, our analysis was based on 444 capsule summaries of cases in which charges were sustained between 1992 and 1998. Although we had access to all Charlotte-Mecklenburg internal affairs cases between 1992 and 1998, limitations

on coding resources forced us to base our analysis on 543 reports of internal affairs cases occurring between 1996 and 1998.

It was, of course, not possible to compare the results of what discipline officers predicted would occur with the discipline that did occur in most cases. Recorded incidents comparable to the more serious misconduct we described in our survey simply did not exist in these agencies of integrity. Moreover, we were forced to exclude from comparison a number of incidents that contained behavior similar to that which was described in our survey but at the same time included other behavior that was also a violation of agency policy and, no doubt, contributed to the severity of the discipline administered in the case.

In comparing the results officers predicted on our survey with the actual discipline administered we also had to make some compromises with the disciplinary options we offered on our survey and those that were actually employed in the three agencies. We considered disciplinary decisions of “counseling” or “employee notice” equivalent to our survey category of “verbal warning.” We recognize that this approach unduly discounts the difference between a brief, entirely negative verbal warning (e.g., “don’t do it again or we’ll throw the book at you”) and a serious counseling approach. We believe the difference between these two types of intervention can be very significant; it is simply the case that we had to use the data available to us to explore the issues at hand. Likewise, we treated “memo of counseling,” “notice of non-preventable,” and “notice of preventable,” and an “oral written warning” as equivalents to our survey’s category of “written warning.”

Using these rules to filter, classify, and compare cases, we report the results of our comparisons in Table 7.9 (Charleston), Table 7.10 (Charlotte-Mecklenburg), and Table 7.11 (St. Petersburg).

Charleston – Of the 248 cases we examined from Charleston, we could identify only seven cases that were equivalent to cases in either of our surveys. The first was a case of receiving food from a local merchant. The case description read:

An officer violated General Order 1.1 when he accepted several items (food/punch) from a local convenient [sic] store without paying for some. During an interview, the officer admitted that he has accepted such items on previous occasions at other convenient stores located in the _____ area.

The officer received a suspension for this behavior. There was an additional Charleston case involving an officer accepting a gift from a merchant:

An officer went to a furniture company to purchase a sofa. A store salesman purchased the sofa for the accused officer using his employee discount, which is in violation of General Order 1.1. Approximately one week later, the officer was contacted by the same salesman in reference to a traffic ticket and asked for help to dismiss it. The accused officer contacted the issuing officer and had the ticket dismissed which is in violation of General Order 31.2.1 and 41.2.3- Traffic Citation Accountability

Table 7.9. Charleston – Appropriate, Expected, and 1990–1998 Actual Discipline

Case # & Description	<i>Discipline should Receive</i>	<i>Discipline would Receive</i>	<i>Discipline did Receive</i>
Survey 1 – Case 2 Free Meals and Discounts on Beat	Mean=3.23 SD=1.27 Mode: Verbal Reprimand	Mean=3.85 SD=1.15 Mode: Suspension	
Survey 1 – Case 4 Holiday Gifts from Merchants	Mean=3.53 SD=1.37 Mode: Suspension	Mean=4.11 SD=1.20 Mode: Suspension	Suspension: 1
Survey 2 – Case 1 Free Meals/Gifts	Mean=3.18 SD=1.13 Mode=Written Reprimand	Mean=3.71 SD=1.14 Mode=Suspension	
Survey 1 – Case 10 Excessive Force on Car Thief	Mean=4.16 SD=1.25 Mode: Suspension	Mean=4.45 SD=1.11 Mode: Suspension	Suspension: 1
Survey 2 – Case 6- Prisoner Who Hurt Partner Hit	Mean=4.17 SD=1.12 Mode=Suspension	Mean=3.93 SD=1.23 Mode=Suspension	
Survey 2 – Case 7- Verbal Abuse of Motorist	Mean=3.39 SD=1.08 Mode=Suspension	Mean=3.12 SD=1.17 Mode=Suspension	Suspension: 2

DISCIPLINE SCALE: 0=None, 1=Verbal Reprimand, 2=Written Reprimand, 3=Suspension, 4=Demotion, 5=Dismissal

In this case the officer also received a suspension for his behavior, but as it involved a second offense it is not precisely comparable with the survey cases.

Charleston internal affairs records also contained a sustained case of excessive force that appeared to us to be generally similar to the excessive force cases described in our survey, at least in the sense that no serious injury resulted:

“... the accused [officer] grabbed and choked a handcuffed prisoner after the prisoner had been recaptured by a fellow officer. Furthermore, [the officer] approached the prisoner to question him while choking him.”

This incident resulted in a suspension for the officer involved, the amount of discipline Charleston officers predicted similar behavior should and would receive.

Finally, the Charleston internal affairs records yielded two cases in which officers used abusive language towards citizens that impressed us as similar to the behavior

Table 7.10. Charlotte-Mecklenburg – Appropriate, Expected, and Actual Discipline

Case # & Description	<i>Discipline</i>	<i>Discipline</i>	<i>Discipline</i>
Survey 1 – Case 10 Excessive Force on Car Thief	Mean = 3.69 SD = 1.23 Mode = Suspension	Mean = 4.00 SD = 1.10 Mode = Suspension	Written Reprimand: 1 Suspension: 1
Survey 2 – Case 6 - Prisoner Who Hurt Partner Hit	Mean = 3.94 SD = 0.87 Mode = Suspension	Mean = 3.57 SD = 1.09 Mode = Suspension	
Survey 2 – Case 7 - Verbal Abuse of Motorist	Mean = 3.14 SD = 0.79 Mode=Written Reprimand	Mean = 2.81 SD = 0.89 Mode=Written Reprimand	Written Reprimand: 2 Suspension: 1

DISCIPLINE SCALE: 0=None, 1=Verbal Reprimand, 2=Written Reprimand, 3=Suspension, 4=Demotion, 5=Dismissal

of the officer described in The Second Survey, Case 7. The two comparable cases are described in the internal affairs records of the Charleston department as follows:

That the accused did use profanity while admonishing a citizen in the course of his duty assignment.

While transferring a call regarding an animal control complaint, the accused officer referred to the complainant as an “Asshole.” The comment was heard by the citizen.

The officers involved in both of these incidents received penalties of suspensions, penalties that Charleston officers thought they should and would receive in the similar case presented in the Second Survey.

Charlotte-Mecklenburg – During 1996–1998 the internal affairs division of the Charlotte-Mecklenburg Police Department reports handling 543 cases of police misconduct in which some form of discipline was administered. Although officers in Charlotte-Mecklenburg regularly accepted half-price meals and other police discounts in violation of official department policy, there were no occasions on which a Charlotte-Mecklenburg officer was ever prosecuted or disciplined for such conduct.

On 22 occasions in the 1996–1998 time period we examined Charlotte-Mecklenburg officers were found guilty of verbally abusing citizens. In many of these incidents, similar to the incident in our survey, the officers’ verbal abuse consisted of using profane language. Examples of such verbal abuse incidents from the Charlotte-Mecklenburg case files include:

Violation of ROC #25(C) Courtesy. Captain _____ allegedly is said to have yelled and cursed an employee in front of citizens

Table 7.11. St. Petersburg – Appropriate, Expected, and Actual Discipline

Case # & Description	<i>Discipline should Receive</i>	<i>Discipline would Receive</i>	<i>Discipline did Receive</i>
Survey 2 Case 7- Verbal Abuse of Motorist	Mode=Suspension Mean=3.42 SD=0.77	Mode=Written Reprimand Mean=3.09 SD=0.82	Written Reprimand: 42
Survey 1 Case 1- Off Duty Alarm System Business	Mode= None Mean= 1.70 SD= 1.05	Mode= None Mean= 1.46 SD= 0.92	Verbal Reprimand: 1
Survey 2 Case 6- Prisoner Who Hurt Partner Hit	Mode= Suspension Mean=4.43 SD=0.94	Mode= Suspension Mean=4.16 SD=0.91	Suspension: 4
Survey 1 Case 10 – Excessive Force on Car Thief	Mode: Suspension Mean=3.96 SD=0.98	Mode: Suspension Mean=4.11 SD=0.84	

DISCIPLINE SCALE: 0=None, 1=Verbal Reprimand, 2=Written Reprimand, 3=Suspension, 4=Demotion, 5=Dismissal

Violation of ROC #25(A) Courtesy. R/P alleges that after Officer almost struck R/P with his vehicle, he used profound [sic] language.

Violation of ROC #25(C). 8/31/97 It is alleged that Officer _____ used profanity and intentionally insulting language in dealing with another police department employee.

In all 22 incidents of verbal abuse, except one, the offending officers received a written warning. In the incident that received a suspension rather than a written warning, the officer had written a profane message on the department’s mobile digital terminal. This made his behavior a misuse of agency equipment as well as a discourtesy and for this reason earned him the more severe penalty.

We also found during this three-year period two instances of officers disciplined for their use of excessive force. One received a written reprimand and the other a two-day suspension.

St. Petersburg – The seven years of internal affairs records, from 1992 to the first six months of 1998, contained reports of forty-two cases in which officers were found to have behaved in a discourteous manner, one case in which an officer was sanctioned for promoting his own security business, and four cases of excessive force. All forty-two of the discourtesy complaints received written reprimands, exactly the punishment St. Petersburg police officers believed that they should and would receive. As was the case in Charleston and Charlotte-Mecklenburg many of these cases involved officers using profane language, but a large number were

cases in which the officer simply conducted himself in an unprofessional manner. Among the 42 cases of discourtesy cases were the following:

Officer _____ responded to a neighborhood dispute at _____. While he was there the parties involved became agitated and the complainant _____ went inside her residence to retrieve a butcher knife. Once she came outside with the knife, (Officer) _____ allegedly told her to “get on the fucking porch.” Acting Sergeant _____ sustained the allegation against Officer _____. (Officer) _____’s chain of command concurred. Sergeant _____ verbally counseled Officer _____ and encouraged him to use positive commands as opposed to negative even when confronted with stressful circumstances such as this. Allegation: discourtesy finding: sustained action: memo of counseling.

[Officers] were dispatched to a domestic disturbance at _____ Avenue north. While investigating the circumstances of the incident, [officer] told [citizen] to stop acting like a baby.” [Officer] then spelled out “b-a-b-y” for [citizen] who stated he was going to write it down. During the encounter [citizen] requested a supervisor respond to the residence and [acting supervisor _____] arrived. [Acting supervisor _____] met with [citizen _____], his wife and [officer & officer]. [Officers] submitted memorandums which both indicated [officer _____] made the comment. [Acting supervisor _____] determined the comment was inappropriate. He sustained the complaint and counseled [officer _____]. Case status: sustained. Action taken: counseled.

The com. [plainant] was at a rally at the womens health center protesting abortion. She alleged [officer _____, officer ____ & officer _____] were discourteous by advising protestors they were children, asked a priest if he was a property holder or taxpayer, and asked how many murderers and rapists would not be caught because they had to respond to this incident. Further, [officer _____] allegedly said he needed to discipline them like he would his four-year-old child. [Supervisor] conducted an investigation and found that [officer _____] was sustained for discourtesy and counseled.

[Citizen] called internal affairs to complain on the conduct and/or comment made by an officer. He said his employees told him an officer investigating a complaint at the business stated, “I can shut this fuckin’ bar down.” It was learned [officer _____] was the involved officer. An investigation was done and several witnesses attested to hearing [officer] make a comment using the profane language. [Officer _____] acknowledged he used a poor choice of words. He was counseled on the matter and other alternatives in lieu of profanity were discussed with him. [Supervisor _____] sustained the allegations and [officer _____’s] chain of command concurred. (Officer _____) had no other sustained complaints within the past 18 months. Status: sustained.

In addition to the 42 discourtesy cases St. Petersburg files contained four cases of excessive force that were comparable to the excessive force scenarios in our surveys. The four cases, all of which received penalties of suspension, are summarized briefly below:

Officer _____ was at _____ hospital waiting for a Baker Act to be medically cleared. At one point, the subject advised that he was going to leave, even though he was handcuffed. Officer _____ instructed him to sit down, and when the subject failed to do so, Off. _____ employed pain compliance and also kned the subject in the common peroneal. These tactics were ineffective, and Officer _____ then struck the subject in the leg with his asp baton. He reported this action to his supervisor, Sgt. _____. A chain of command board convened,

and sustained a finding of unnecessary force against officer _____. He received a ten-day suspension, an employee notice, and defensive tactics retraining.

The comp. alleged Officer _____ used unnecessary force when he grabbed his throat, removed his handcuffs and challenged him to strike him. (Ofc. _____). A Chain of Command Board convened and sustained Officer _____ on the complaint, giving him a three-day suspension. It is alleged Officer _____ used unnecessary force while handling a prisoner on _____ while transferring him to the transport van. Officer _____ was given one day suspension and an employee notice by an assistant chief's board.

Officers _____ and _____ were dispatched to _____ in reference to an arrest on warrant on Mr. _____. Mr. _____ had evidently eluded capture earlier in the day by the Pinellas county sheriff's office, and another caller advised that Mr. _____ was by his house. Officer _____ obtained an eyeball on the residence, and observed Mr. _____ outside. Tape transcripts from "juliet" channel show Officer _____ saying "He's going into the house." Units converged on the house and Officer _____ then kicked in the front door but did not announce his purpose of an arrest warrant. Officer _____ then entered the residence with his k-9 and challenged the house ordering Mr. _____ out. Officer _____ observed Mr. _____ run from one area of the house and into the bathroom when he released his k-9. The dog apprehended Mr. _____ and bit him in the legs. A chain of command board convened and the following action was taken: improper procedures were sustained against Officer _____ and he received an employee notice and training. Officer _____ received a three-day suspension for the sustained charge of unnecessary force and violating k-9 sop which states that the k-9 shall be permitted to bite "to prevent the escape of a known felon after all other measures have been taken and failed.

As was the case with the discourtesy incidents, St. Petersburg predicted correctly that the discipline for the excessive force incidents was likely to be a period of suspension.

Finally, there is one other case in the St. Petersburg internal affairs file that appears comparable to a scenario in our survey. It reads:

Officer _____ investigated a commercial burglary where the com. works. Officer _____ later contacted the com. and advised her he installs burglary alarms as a side business. The com. felt the officer's conduct may be a conflict of interest. Sgt _____ investigated the incident and counseled Off. _____.

The parallel incident is Case One from our first survey, which read:

A police officer runs his own private business in which he sells and installs security devices, such as alarms, special locks, etc. He does this work during his off-duty hours.

The difference between these two cases is that in the latter case there is no mention of the officer soliciting victims of crimes he has investigated. It would not be a violation of St. Petersburg policy for an officer to operate such an off-duty business.

Overall, the comparison demonstrates that officers' answers on both versions of our survey were quite accurate. But, while their answers bolster our confidence in the accuracy of our surveys they also tell us that officers in all three agencies are able to predict with great accuracy the severity of punishments that their department will visit on them if they violate its rules.

Such a finding deserves special emphasis as well as additional exploration. The emphasis is that members of the department are aware of the details of its disciplinary threat whether the department broadcasts it openly as it does in St. Petersburg or keeps it officially confidential as it does in Charleston and Charlotte-Mecklenburg.

Efforts to conceal the substance of discipline fail in both Charleston and Charlotte-Mecklenburg because officers in both agencies violated the rules of confidentiality that are supposed to prevail in disciplinary hearings. Officers other than the accused officer told persons not directly involved in the conduct review process about the discipline imposed for a sustained complaint. Personnel commit these breaches of confidentiality rules in response to a demand for that information from colleagues who want to know the disciplinary threat the agency makes and whether that threat was exercised fairly in the case in question. In disciplinary decisions it is both the accused and the department who are on trial. In agencies like Charleston and Charlotte-Mecklenburg, word of disciplinary outcomes is also spread by the subject officers at the conclusion of their administrative reviews. When officers tell their own stories in this way, they do not violate the departments' employee privacy rules.

OFFICIAL AND UNOFFICIAL POLICY

In addition to the questions we asked each police officer about seriousness, appropriate and expected discipline, and their willingness to report the behavior described in each scenario, we also asked whether the behavior constituted a violation of the official policy of the agency. Our question permitted answers of "Yes," "No," or "Not Sure." In Table 7.12 below we display the answers to that question that we received in each agency.

In fact, every one of the scenarios in our second survey constituted a violation of the official policy of each agency. Ideally, 100% of officers should have answered "yes" to every question. We realize that some "noise" will be introduced into the answers from each agency by officers who intentionally or by accident answer incorrectly. In light of this consideration we regarded any question to which 10% or more of officers responded either "No" or "Not Sure" as problematic. In any agency in which "No" or "Not sure" answers constituted 10% or more of the answers we received for any scenario, one of four interpretive possibilities were possible: 1) the official agency policy was unclear, 2) training in that policy was inadequate, 3) the department actually followed informal rules different from the official policy, or 4) our scenario was ambiguous. We cannot, from the survey itself, determine which of these interpretations properly obtains. However, based on interviews and observations in each agency we will suggest what we believe to be appropriate interpretations.

Supervisor Exploitation of Position – There were two scenarios on the second survey in which at least ten percent of officers from all three agencies mistakenly reported that the scenario was not a violation of department policy, or they were

Table 7.12. Officer Responses to "IS THIS BEHAVIOR A VIOLATION OF AGENCY POLICY?" by Agency

	Case1- Free Meals/ Gifts fromMer- chants	Case 2- Fail to Arrest Friend with Warrant	Case 3- Theft of Knife From Crime Scene	Case 4- Unjusti- fiable Use of Deadly Force	Case 5- Super- visor: Holiday Off For Errands	Case 6- Officer Strikes Prisoner Who Hurt Partner	Case 7- Verbal Abuse -- "Arrest Asshole Day"	Case 8- Cover Up Police DUI and Accident	Case 9- Auto Body Shop 5% Kickback on Dealer	Case 10 False Report of Drug Halt	Case 11 SGT. Fails to Beat Halt
	Yes 245	228	238	223	194	234	215	207	230	236	239
	99.2%	92.7%	96.7%	91.8%	79.8%	95.5%	88.1%	85.2%	93.1%	95.9%	97.6%
Charleston	No 2	5	2	6	18	5	5	16	6	3	3
	0.8%	2.0%	0.8%	2.4%	7.4%	2.0%	2.0%	6.6%	0.80%	1.2%	1.2%
	Not 0	13	8	14	31	6	24	20	8	7	3
	Sure 0.0%	5.3%	2.4%	5.8%	12.8%	2.4%	9.8%	8.2%	3.2%	2.8%	1.2%
	Yes 416	378	424	381	346	424	421	352	417	421	408
	98.1%	89.4%	99.8%	92.3%	86.7%	100%	99.1%	83.8%	98.6%	99.8%	98.1%
St.Petersburg	No 3	5	0	4	5	0	1	16	1	0	4
	0.7%	1.2%	0.0%	1.0%	1.2%	0.0%	0.2%	3.8%	0.2%	0.0%	1.0%
	Not 5	40	1	28	51	0	3	52	5	1	4
	Sure 1.2%	9.5%	0.2%	6.8%	12.1%	0.0%	0.7%	12.4%	1.2%	0.2%	1.0%
	Yes 521	731	857	730	708	845	809	593	798	847	852
	60.2%	84.1%	98.6%	85.5%	81.8%	97.5%	93.2%	68.3%	92.0%	97.8%	98.3%
Charlotte Mecklenburg	No 200	29	6	28	46	8	23	124	13	9	6
	23.1%	3.3%	0.7%	3.3%	5.3%	0.9%	2.6%	14.3%	1.5%	1.0%	0.7%
	Not 144	109	6	96	112	14	36	151	56	10	9
	Sure 16.6%	12.5%	0.7%	11.2%	12.9%	1.6%	4.1%	17.4%	6.5%	1.2%	1.0%

not sure if it was. These were Case 5 (time off for personal errands) and Case 8 (the DUI cover-up). The first of these scenarios was Case 5 that read:

Case 5 – A police officer is scheduled to work during coming holidays. The supervisor offers to give him these days off, if he agrees to run some personal errands for the supervisor. Evaluate the SUPERVISOR’S behavior.

Slightly more than 7% percent of Charleston officers reported that this was not a violation of agency policy and nearly 13% said that they were not sure if it was. While one in five Charleston police officers do not know or do not believe this is a violation of agency policy. A total of 18% of Charlotte-Mecklenburg and 13% of St. Petersburg officers were similarly mistaken. Although during the design phase of questionnaire construction our study groups assured us that officers would have no problem identifying the actions of the sergeant as a violation of official policy, we considered the possibility that the problem was not policy, training or unofficial practice but that the concept of “personal errands” introduced an ambiguity into the scenario that was the actual source of the high error rates. To test this possibility, we compared the answers officers in each agency gave to this question with the evaluations of a similar scenario that officers from the same agency furnished on the first survey. That scenario on the first survey read:

A police officer, who happens to be a very good auto mechanic, is scheduled to work during coming holidays. A supervisor offers to give him these days off, if he agrees to tune-up his supervisor’s personal car. Evaluate the SUPERVISOR’S behavior.

This question involves the same type of violation as the scenario in the second survey but makes the nature of the “personal errand” quite specific. As we can see from Table 7.13, in all three departments the number of officers who answered unequivocally that the scenario described a violation of agency policy was *fewer* on the first survey, where the personal service of tuning up the supervisor’s private vehicle was specified.

This finding suggests that the problem is not with the scenario but with training, or practice that allows a substantial portion of officers in these departments to believe that such behavior may be permitted by department policy. Our interpretation of this finding is that it was a matter of training, but one without important consequences in any of the departments we studied. We suspect that a relatively small number of officers in each department were unaware of this policy because they never actually had to confront it. If they did, they would have found no less than 80% of officers in their department who knew it was wrong.

Case 8 – Police DUI and Accident Cover Up – Another case on the second survey presented officers in all three departments with a scenario that a substantial minority did not know was a violation of agency policy. It read:

At 2:00 A.M. a police officer, who is on duty, is driving his patrol car on a deserted road. He sees a vehicle that has been driven off the road and is stuck in a ditch. He approaches the vehicle and observes that the driver is not hurt but is obviously intoxicated. He also finds

Table 7.13. Comparison of Agency Responses to “Would this behavior be regarded as a violation of official policy in your agency?”, Survey 1, Case 7 and Survey 2, Case 5

	Charleston			Charlotte-Mecklenburg			St. Petersburg		
Survey 1 - Case 7	Def. Not	1.3%	(3)	Def. No	1.7%	(12)	Def. Not	2.5%	(9)
Supervisor	2	5.1%	(7)	2	4.7%	(34)	2	2.0%	(7)
Offers Holiday	3	9.4%	(15)	3	9.7%	(70)	3	10.7%	(38)
Off for Auto	4	13.2%	(21)	4	19.9%	(144)	4	18.6%	(66)
Tune Up	Def. Yes	71.1%	(159)	Def. Yes	64.1%	(465)	Def. Yes	66.2%	(235)
Survey 2 - Case 5									
Supervisor	Yes	79.8%	(194)	Yes	81.8%	(708)	Yes	86.7%	(346)
Offers Holiday	No	7.4%	(18)	No	5.3%	(28)	No	1.2%	(5)
Off for Personal	Not Sure	12.8%	(31)	Not Sure	12.9%	(112)	Not Sure	12.1%	(51)
Errands									

Survey One Response Options: Would this be considered as a violation of official policy in your agency?

Definitely Not			Definitely Yes		
1	2	3	4	5	

that the driver is a police officer. Instead of reporting this accident and offense, he transports the driver to his home.

Approximately 15% of officers in Charleston and St. Petersburg reported either that they did not know or were not sure that such behavior was a violation of official agency policy. In Charlotte-Mecklenburg the proportion of officers who reported that they did not know that this would be a violation of official policy exceeded 30%.

Both study group and focus group participants in Charlotte-Mecklenburg explained that, in an accident without personal or property damage, they had a reasonable ambit of discretion about whether to make an arrest for drunken driving. They also insisted that they would apply their discretion in a parallel fashion regardless of whether the motorist was a police officer or a member of the public. The most common reason they cited that would motivate them to issue the ticket was if the motorist was abusive at the time of the encounter. To be sure, one could harbor reasonable doubts that this is the straight story. However, there was a remarkable consistency across independent focus groups in urging this selective enforcement philosophy on our research team.

In virtually all police agencies there is a reluctance to enforce the law against fellow police officers. Sometimes called “professional courtesy,” it is a sentiment nurtured by feelings of both camaraderie and self-interest. It flourishes especially under conditions in which the offense is minor, a non-enforcement decision would be of low visibility and police officers routinely exercise the same discretion when the perpetrator is a civilian. All of these conditions apply with respect to the scenario we posed and a substantial number of officers in all three departments, but particularly in Charlotte-Mecklenburg, were not sure covering it up was a violation.

Case 2 – Failing to Arrest a Friend with a Felony Warrant and Warning Him of Its Existence – Just over ten percent of officers in St. Petersburg and slightly more than fifteen percent of Charlotte-Mecklenburg police officers did not know that if they saw a longtime friend and warned him that a felony warrant existed for his arrest and failed to arrest him that they were in violation of agency policy. As in the previous case, this scenario involves a low visibility non-enforcement decision and strong sentiment in favor of the accused. However, the offense was not minor and officers did not regularly exercise arrest discretion when the felony offense involves a civilian.

In our interviews in the three departments we learned that the confusion in this scenario may well be a training problem. Officers in all three departments are discouraged from becoming involved in enforcement issues in their own neighborhoods or in cases that involve their own friends or family. Some officers may have read this scenario in that light.

“Arrest an Asshole Day” – It is no small irony that in Charleston, the department which punishes the use of abusive language most severely and, in fact, had recently suspended an officer who was overheard by a citizen when he called her an “asshole,” nearly 12% of officers claimed not to know it is a violation of policy. Our interpretation of this finding is also that it was a training problem, but one that is complicated by the often salty rhetoric of its chief. While the Charleston chief insisted that his officers did not use profane language in dealing with citizens, he did not place the same restraint on himself when dealing with his officers.

Nearly 99% of the officers in St. Petersburg surveyed knew it was a violation of agency policy. This is extraordinarily strong evidence of how clear that policy has been made to officers in that agency.

Case 1 – Free Meals and Gifts from Merchants – Charlotte-Mecklenburg Policy

Case 1 on our second survey reads:

Case 1 – A police officer is widely liked in the community. Local merchants and restaurant owners regularly show their appreciation for his attention by giving him gifts of food, cigarettes, and other items of small value.

In Charleston 99.2% and in St. Petersburg 98.1% of officers who responded to the second survey identified this behavior as a violation of the official policy in their agency. In Charlotte-Mecklenburg only 60% could do so. This confusion is probably primarily a reflection of the discrepancy between the official and unofficial policy in the CMPD.

The Charlotte-Mecklenburg policy on accepting gifts and gratuities reads:

Gifts and Gratuities

Employees will not use their position to solicit any form of gift, gratuity, or service for gain. Employees will not accept from any person, business, or organization any gift if it may reasonably be inferred that the person, business, or organization:

1. Seeks to influence an official action or to affect the performance of an official function.
2. Has an interest which may be substantially affected, either directly or indirectly, by the performance or non-performance of an official function.

It is openly acknowledged that Charlotte-Mecklenburg officers accept half price meals and other gifts from merchants. They defend the practice as an expression of Southern hospitality. They argue that it is not coercive nor does it influence the service they deliver.

We will not evaluate any of those arguments here. It may well be true that in the typical discounted meal encounter, the CMPD officer does not solicit the discount and that the merchant does not have a specific expectation of extra police service in response. What is clear, however, is that every one of the merchants from whom the Charlotte-Mecklenburg officers routinely take gifts “has an interest which may be substantially affected” by how the Charlotte-Mecklenburg police do their jobs. That provision makes accepting such gifts a violation of official policy at the same time that the department openly endorses doing so. This contradiction may not be a particularly important problem when it involves accepting police discounts or half price meals. However, the problem of maintaining an official and an unofficial policy that are openly in conflict may present a more grave problem when the department wishes to have its policies taken with the utmost seriousness.

Case 4 – Unjustifiable Use of Deadly Force

Case four on the Second Survey reads:

An officer who was severely beaten by a person resisting arrest, has just returned to duty. On patrol, the officer approaches a person standing in a dimly lit alley. Suddenly, the person throws a gym bag at the officer and begins to run away. The officer fatally shoots the person, striking him in the back. It was later determined that the person was unarmed.

The Charlotte-Mecklenburg policy on the use of deadly force reads:

Deadly Force

A law enforcement officer is justified in using deadly physical force upon another person. . . . only when it is reasonably necessary thereby:

1. To defend himself/herself or a third person from what the officer reasonably believes to be the use or imminent use of deadly force;
2. To effect an arrest or to prevent the escape from custody of a person who the officer reasonably believes is attempting to escape by means of a deadly weapon, or who by their conduct or any other means indicates that the person presents an imminent threat of death or serious physical injury to others unless apprehended without delay.

Slightly less than fifteen percent of Charlotte-Mecklenburg police officers could not correctly determine that the behavior of the officer described in Case 4 was a violation of their agency’s official policy. Their inability is not the product of a defective scenario or a defective policy. This portion of our second survey suggests either that training in this area is insufficient or that a proportion of officers cannot identify which agency policies are to be taken seriously and which are not.

CONCLUSION

The second survey, developed and administered with the assistance and support of the study groups in all three agencies, had three objectives. The first was to serve as a retest of the first survey, testing its reliability. We found that in all three agencies the officers' answers either did not change between the first and second survey or changed in ways that were easily predictable as a product of major events that had occurred in some of the agencies between the first and second test administrations. This finding gave strong support to our belief in the reliability of the survey mechanism.

With the second survey we were also able to compare officer predictions of the discipline incidents would receive with the discipline that similar incidents actually did receive. Although the severity of discipline was different in different agencies, officer predictions of the level of discipline were remarkably accurate. Because we were dealing with agencies of integrity, we were limited in the number and type of actual cases of misconduct we could use for comparison. Nevertheless, this finding enhanced our confidence in the accuracy of the second survey at the same time it illustrated the sensitivity of officers in each agency to the disciplinary threat each agency levels for misconduct.

The second survey also permitted us to expand our measures of resistance to misconduct to include motives other than gain. This made our second survey a much more comprehensive measure of integrity. At the same time, it confirmed our impressions that the integrity of the three departments we had chosen for study, at least with respect to the types of misconduct described in the questionnaire we had established that all three were highly resistant to corruption. On the basis of the second survey it is possible to assert as well that officers in all three agencies also display intolerance for the verbal or legal abuse of citizens and for the use of excessive force. This finding not only gives us confidence in our description of all three agencies as agencies of integrity but gives us the ability to identify areas in each agency where standards of integrity are particularly strong.

Finally, the second survey permitted us to identify a few areas in these agencies of integrity where policy, training, or rule enforcement might be improved so as to be certain that every officer in the agency understands and more readily complies with the agency's expectations.

CHAPTER 8

RECRUITMENT, SELECTION, AND TRAINING

Recruitment, selection, and training are key components shaping the environment of integrity within a police agency. Every subject taught during training can have an integrity component, not only the obvious modules dedicated to subjects such as ethics and diversity awareness. For example, training on use of force or traffic regulations must address the potential for abuse and misuse of power inherent in the authority of police profession. In addition, even the most sophisticated and inclusive training program will fail if standards for recruitment and selection are compromised by a lack of resources or trained personnel of high integrity, inadequate hiring standards or their application, and/or lack of qualified candidates for police officer positions.

This chapter analyzes how the three profiled police agencies address recruitment, selection and training issues. All three made substantial, albeit different types of commitment to recruitment, selection, and training, and each used a different training model. The Charleston, South Carolina, department sent its recruits to a state-run, state-wide police academy. St. Petersburg, Florida's recruits attended a regional training academy located at a local junior college, and Charlotte-Mecklenburg trained the recruits at its own in-house academy. Each had very different programs for field training of new officers, and each offered quite different types of in-service training to its employees. This chapter reviews each of these efforts for its influence and bearing on police integrity.

RECRUITMENT

The overall endeavor devoted to the recruitment process indicates whether a given agency views the outreach effort as an important component of its infrastructure. The most powerful message is sent by agencies that invest significant resources to the selection process and training facilities, and which extensively engage in proactive recruitment by reaching out to applicants of diverse socio-economic, educational, ethnic, and racial backgrounds. When recruitment staff consists solely of a small and unmotivated office, it signals a lack of priority. A team of selectively chosen, career-oriented officers project an image of professionalism and high standards. Recruitment offices located in temporary or poorly maintained facilities and equipped with old or broken furniture convey neglect. Well-equipped and modern offices project a sense of importance and priority about the activities taking place inside. In addition to these resource issues, four factors can be used

to compare recruitment efforts: marketing, planning, intensity, and variety of their recruitment efforts. Table 8.1 presents the analysis of the recruitment efforts across the three police agencies.

How the police department promotes its career possibilities can be summarized as the term *marketing*. Of the three police agencies, Charleston, South Carolina, gave the most serious attention to marketing. It organized recruitment trips to colleges, with special attention given to minority and female colleges. Handouts, videotapes, and display photographs were used for recruitment, in addition to conversations. It emphasizes attractive incentives such as the salary and tuition reimbursement. Lastly, the CPD has a volunteer cadet program which functions as a stepping stone into the recruitment program. Charlotte-Mecklenburg, North Carolina's marketing efforts were less intense. The same personnel are responsible for marketing and background investigations of recruits, which makes it difficult for them to spend much time on either of these tasks. St. Petersburg, Florida devotes little effort to marketing the department to potential recruits – it's marketing strategy is relatively passive. New recruits learn about opportunities through a friend, a personal contact, or a newspaper advertisement. The department did conduct limited outreach into a community with history of problems with local law enforcement and primarily populated by minorities, an initiative called *Challenge 2001*.

The recruitment effort can also be compared by how much *planning* is devoted to its strategies. In Charleston, South Carolina, much time and effort is spent on planning. Given its extensive recruitment efforts, such planning is a necessity and is excellent. In St. Petersburg, Florida, the agency started some plans for outreach, by putting together a recruitment handout and, in addition, planning to use an RV-type vehicle in the future. In Charlotte-Mecklenburg, North Carolina, determination and intention is there, but not enough is being done.

Another factor of comparison is the *intensity* of the recruitment effort. In Charleston, South Carolina, the intensity of the recruitment is high, and as example the agency's website had nearly 60,000 visitors during a two-year period from July 1995–1997. In Charlotte-Mecklenburg, North Carolina, there is relatively little active outreach for recruitment, even though there is a strong desire to supplement staff. In St. Petersburg, the intensity is minimal. The department is not required to hire according to gender and race, and there is a lack of effort in reaching out to the community.

Departments differ in the *variety* of their recruitment techniques. In Charleston, South Carolina, the department uses many means for recruitment such as the Internet, job fairs, and the visibility of their own Chief. In Charlotte-Mecklenburg, North Carolina the Internet plays an important role, and eight to ten job fairs are arranged in the area each year. In St. Petersburg, Florida, recruits practically must to come to the department in order to be recruited.

When all these factors are looked at together, overall, the seriousness of the Charleston-South Carolina agency and the variety of efforts in bringing in new recruits has resulted in high quality recruitment. The Charlotte-Mecklenburg North

Table 8.1. Recruitment-related efforts

Efforts	Charlotte-Mecklenburg, North Carolina	St. Petersburg, Florida	Charleston, South Carolina
Marketing techniques	<i>Medium:</i> The same personnel are responsible for marketing and back-ground investigations of recruits, which makes it difficult to spend enough time on either of the two	<i>Non-existent:</i> New recruits learn about the opportunity through a friend, a personal contact, or a newspaper advertisement. There is no effort of going out into the community to recruit, except from a minority area called <i>Challenge 2001</i>	<i>Serious:</i> There are recruitment trips to colleges, with special attention given to minority and female colleges. Handouts, videotapes, and display photographs are used for recruitment, in addition to conversation. The major attractions are the salary and tuition reimbursement. Lastly, the CPD has a volunteer cadet program which functions as a steppingstone into the recruitment program
Planning	<i>Rhetorical:</i> The determination and intention is there, but not enough is being done	<i>Minimal:</i> The agency has put together a recruitment handout and, in addition, it plans to use of a RV type vehicle in the future	<i>Serious:</i> Due to the extensive recruitment efforts, the planning is superb. Much time and effort is spent on planning
Intensity	<i>Minimal:</i> There is relatively little active outreach for recruitment, even though there is a strong desire to supplement staff	<i>Non-existent:</i> The department is not required to hire according to gender and race, and there is a lack of effort in reaching out	<i>Serious:</i> The intensity of the recruitment is high, and as example the agency's Internet page had nearly 60,000 visitors in two years (7/95-7/97)
Variety	<i>Medium:</i> The Internet plays an important role, and eight to ten job fairs are arranged in the area each year	<i>Minimal:</i> Recruits basically has to come to the department in order to be recruited	<i>Serious:</i> The department uses a variety of means for recruitment such as the Internet, work fairs, and the visibility of their own Chief
Overall quality	<i>Mediocre:</i> The standards of recruitment are reportedly high, but the housing of the Recruitment Unit, located in a trailer, is regrettable	<i>Low:</i> There is little effort to recruit (mostly locals and visitors apply) such that the department only has a small pool of recruits to choose among	<i>High:</i> The seriousness of the agency and the variety of efforts in bringing in new recruits, has resulted in a high quality recruitment

Carolina standards of recruitment are reportedly high, but the housing of the Recruitment Unit, located in a trailer, is regrettable. In St. Petersburg, Florida, little effort is devoted to recruitment and, as a result, the department only has a small pool of recruits from which to choose.

SELECTION

Where there might be a theoretical debate about the characteristics that would allow police agencies to identify those applicants most likely to be good police officers of high integrity, the reality is that police agencies need to specify such personal characteristics to fill in the ranks. Typical requirements include a clean criminal record, education, age, physical health, and U.S. citizenship.

The requirement that law enforcement officers have clean criminal records (at least as far as serious crimes are concerned) has obvious relevance. A requirement of an associate's or a bachelor's degree is based on the assumption that higher education enables a police officer to communicate more effectively with the public. The minimum age requirement alludes to a certain degree of maturity that may facilitate better self-control and judgment. Being in good physical health enables the applicant to perform the duties of police officer with minimal health-related obstructions, which might otherwise impact integrity (e.g., through an extensive absenteeism rate). The requirement of the U.S. citizenship implies that one holds allegiance to his/her country, the legal system, and the government (including the police).

Each of the three agencies studied had indeed set "minimum qualifications" (or qualifiers) applicants have to meet to be "screened in" (or out) and thus be considered for recruit training and subsequent employment. We not only highlight a number of such "qualifiers" in each of these three police programs in an attempt to identify critical, integrity-related qualities, but also analyze the extent of the efforts each agency has devoted to the selection process.

Charlotte Mecklenburg Police Department.— Since 1997, the CMPD has traditionally hired approximately 100 or 10 percent of the approximately 1,000 annual applicants. The recruitment brochure given to the applicants lists the "*minimum qualifications*" to be considered for employment:

- 1) a high school diploma or a GED
- 2) at least 21 years old
- 3) have or be able to obtain a North Carolina Driver's License
- 4) have no felony or serious misdemeanor convictions
- 5) be in good physical health
- 6) be a U.S. citizen
- 7) have an honorable military discharge (if applicable)
- 8) pass an extensive background investigation, including polygraph examination, psychological screening, drug test and medical examination

The CMPD has a “process map” of the functions performed as part of the hiring process. Following are the nine steps a person has to go through when applying for a position within the police force:

- 1) The applicant fills out application for the Recruiting Unit
- 2) The application is reviewed by no fewer than three investigators, all of whom are sworn personnel.
- 3) The applicant takes the Job-Related Physical Agility Test
- 4) The applicant has an oral interview lasting for one to two hours, with 100 questions, conducted by two investigators (among the areas covered are: personal history, family background, problem solving and perceptions)
- 5) Background check, conducted in person for local applicants, and by phone and mail for others
- 6) Synopsis of the investigation is written (about 8–15 pages)
- 7) The Sergeant and Captain in Recruiting Unit review the synopsis
- 8) Applicant meets with Civil Service Board
- 9) Several tests (including oral, psychological, polygraphs, medical and drug tests).

The brochure states that the “selection process takes approximately three to four months,” but recruiters from the CMPD told us that the estimated length of the overall process is four to six months. Each applicant is treated as a “case” and is assigned to be investigated from start to finish by the same investigator. An investigator has between six and ten cases open at any given time.

St. Petersburg Police Department – The minimum standards for an applicant to the St. Petersburg police department are:

- 1) be at least 19 years of age
- 2) have U.S. citizenship
- 3) have a high-school diploma with an additional 60 credit hours completed at an accredited college or university
- 4) have a valid drivers license
- 5) have vision of 20/100 uncorrected in each eye, corrected to 20/50.

Applicants become ineligible for the position if they have been caught falsifying any document, been convicted of a felony crime, been convicted of any felony or misdemeanor involving perjury or a false statement, or been convicted of a misdemeanor that is contrary to the moral conscience of the general public. Further disqualifying criteria are dishonorable discharge from the armed forces, history of drug addiction, as well as any history of use or experimentation with drugs classified as controlled substances or any other illegal drugs, except marijuana, while not under the care of a licensed physician. Marijuana use does not disqualify, but its most recent use must have occurred more than 12 months prior to application for employment and the use must not have exceeded ten incidents. Any person who has sold, offered for sale, induced or attempted to induce another person in the use

of illegal drugs is disqualified. According to the forms distributed in the personnel department, “[a]n applicant who has been or is associated with a person involved in illegal activities will be removed from consideration, as such a relationship could be detrimental to the effectiveness of the police department.”¹

The person must also be of a “good moral character.” Activities that can contribute to an evaluation of moral unfitness include illegal gambling, poor employment records, marital problems, poor credit ratings, poor driving records, unlawful sexual behavior, excessive drinking (all of which may conflict with job duties).

The screening and selection process begins by a person submitting an application to the Employee Relations Department of the City of St. Petersburg. The initial application asks about education, employment history, some simple personal data, conviction record, driving record, and veteran’s experience. The applications are also reviewed in an attempt to consider diversity in the group. Priority consideration was given to whether the applicant is from the minority *Challenge 2001* area. Preliminary screening, done by the City employees who have no law enforcement background, determines whether candidates report anything that automatically disqualifies them.

Once all of these materials are assembled, they are presented to a panel—the Hiring Committee—composed of the Chief of Police, the three Assistant Chiefs, the polygrapher, the person in charge of the Employee Relations Office, the psychologist, and the Major responsible for training. The only voting members of the Hiring Committee are the Chief and the three Assistant Chiefs. There are two possible decisions: to “continue” or “discontinue” the application process. Approximately 30% of the people whose files are presented at a hiring meeting are eventually hired.²

Until recently, the recruitment effort of the St Petersburg police department was at best modest; St. Petersburg is the only one of the three departments that relies heavily upon the city and its civilian clerks to handle all of its recruitment and screening efforts. This fact may have an effect of applicants because although screening efforts are rigorous, the department does not attract an adequate applicant pool. Furthermore, the department is unlikely to handle even that economically and expeditiously. As a result, some hiring decisions may be less than fully informed.

Charleston Police Department – The process starts with the submission of the application, followed by a criminal record check, and then, if appropriate, the candidate’s preliminary screening.

Once all the material is assembled, the candidate’s file is passed to the Police Chief who, without the assistance or counsel of anyone else, makes the final hiring decisions. Interviews with the command staff suggest that the Police Chief takes a variety of factors into consideration when making hiring decisions. Among them are:

¹ Haberfeld, M. (1998). Field Notes, Cities of St. Petersburg, Florida, Charleston, South Carolina, and Charlotte-Mecklenburg, North Carolina.

² Klockars, C.B., W.Geller, S. Kutnjak Ivkovich, M. R. Haberfeld and A. Uydess (2001). *Enhancing Police Integrity – Three Case Studies*. Final report to the National Institute of Justice.

- 1) Education: the rule is that virtually no one without a college degree is hired
- 2) Other law enforcement background: the Chief has made a point of hiring people who have previously been state troopers or police officers
- 3) Geographic diversity: the Chief likes to advertise that they have officers from close to 48 different states and 6 foreign countries.
- 4) Military experience (either prior military experience or a military orientation). Military experience still appears to be a very appealing despite the overall emphasis on the implementation of Community-Oriented Policing.

In the past, selected applicants underwent a two-week pre-academy orientation in the department. The orientation was put in place for two reasons: (1) to familiarize the person with the department and its operations, and (2) to fill in the time until the next academy training session commences. However, this pre-academy training session was eliminated in the mid-1990s. The contemporary police applicant begins his/her training at the State Academy.

Tables 8.2 and 8.3 compare the three departments' minimum qualifications. They were ranked from "very important" to "no consideration given" depending on the degree to which consideration of such qualifications mattered in the hiring process.

Table 8.2. Minimum Qualifiers

Minimum Qualifiers	Charlotte-Mecklenburg, NC	St. Petersburg, FL	Charleston, SC
Criminal history	<i>Very important – no felonies or serious misdemeanors</i>	<i>Very important – no felonies or serious misdemeanors</i>	<i>Important – no felonies or serious misdemeanors within the past 5 years</i>
Military record	<i>Very Important</i>	<i>Very important</i>	<i>Very important</i>
Relevant Work experience	<i>Not emphasized</i>	<i>Not emphasized</i>	<i>Emphasized</i>
Education	<i>Important</i>	<i>Important</i>	<i>Very important</i>
Physical agility	<i>Important but compromised due to lowering of standards for females</i>	<i>Not important</i>	<i>Important but compromised due to lowering of standards for females</i>
Age	<i>Important</i>	<i>Not important</i>	<i>Not important</i>
Medical history	<i>Important</i>	<i>Very important</i>	<i>Not important</i>
Drug use	<i>Very important</i>	<i>Important – but allows for prior marijuana use</i>	<i>Very important</i>

Table 8.3. Pre-Employment Testing

Efforts	Charlotte-Mecklenburg, NC	St. Petersburg, FL	Charleston, SC
Agility test	<p><i>Serious:</i> There is one uniform physical test which is accommodated to the female recruit. However, 25% of female candidates still fail the test compared to 8% of the male candidates</p>	<p><i>Minimal:</i> The physical test consists of three parts: the ability use a 9mm Glock, running a certain distance, and able to do a number push ups and chin ups</p>	<p><i>Serious:</i> Takes place after the applicant has passed the criminal history screening and consists of five parts: jumping over a wall and a ditch, dragging a bag a certain distance, climbing a ladder, carrying two bags of sand, and running three hundred yards</p>
Oral interview	<p><i>Ostensible:</i> The applicant goes through a one to two hour-long interview consisting of 100 questions. Two investigators conduct the interview.</p>	<p><i>Thorough:</i> (not performed by the PD): Most of the oral interviewing consists of a psychiatric evaluation and a polygraph examination</p>	<p><i>Mediocre:</i> There is little structured oral interviewing, most of the information is gathered through other means. A psychological interview is administered by the police department.</p>
Background interview and other tests	<p><i>Thorough:</i> In addition to using information obtained from the oral interview, the department reviews references and verifies official records, such as arrest history, credit history and job history</p>	<p><i>Thorough:</i> (not performed by the PD): One or two investigators from the employment office conduct the background interview. In addition, the applicant is required to fill out a Personal History Questionnaire – includes items on history of drug abuse, arrests, jobs, and finances – which is carefully checked</p>	<p><i>Thorough:</i> An extensive criminal record check is conducted as soon as the application is received. Later, if the applicant passes the physical test, a polygraph is conducted in which criminal history, prior employment and substance abuse is addressed. The applicant is also required to pass a simple written test.</p>

Table 8.3 covers in more detail the various ways departments test their applicants. The departments differed significantly in the emphasis they placed on oral interviews and physical characteristics; all devoted significant efforts to the background check.

BASIC TRAINING

Charlotte-Mecklenburg Police Department – The North Carolina Basic Law Enforcement Training Consortium designed the standardized curriculum for law enforcement agencies in North Carolina (last revised in 1992). There are a minimum of thirty-one topical areas contained in the basic training course. The trainees are expected to become proficient in all topics. Integrity-related topics are incorporated into every training module but are specifically emphasized in some, including Constitutional Law and Ethics for Professional Law Enforcement, Law Enforcement Communications and Information Systems, First Responder, Special Populations, and Dealing with Victims and the Public.

The most interesting module from the integrity perspective—*Ethics for Professional Law Enforcement*—consists of four hours of instruction. The relatively short length of the module raises questions as to the extent to which the students' views held prior to hiring can be changed. The module is designed to address and introduce principles of professional and ethical conduct in the law enforcement community. The topics to be covered include: definition of ethics and morals, professionalism, and police duties. During the module, the *Code of Ethics*, the *Canons of Police Ethics*, and the *Oath of Office* are also examined. Using scenarios and videotapes, recruits discuss concepts of loyalty and personal integrity, honesty and truthfulness, use of force and use of deadly force. For example, when the topic of the day centers on gratuities, students are presented with a hypothetical scenario and discuss the differences between a gratuity and a bribe.

The CMPD runs its own training academy and has expanded upon the basic state mandated training curriculum by both adding a significant number of subjects and re-designing the modules. Each class of *Basic Law Enforcement* training consists of six hundred and sixty seven hours of training, which translates into about 4 months of instruction. Several of the courses, both classroom and practical, require multiple instructors, including in-service personnel, specially recruited training staff, and outside instructors. The CMPD's Basic Law Enforcement Training Curriculum is divided into seventy-seven subject modules. On top of the traditional Ethics for Professional Law Enforcement module, modules on community policing, dealing with victims and the public, domestic violence, and breaking barriers offer opportunity for ethics training.

From the very first day of training, the instructors, including the director of the Training Academy, cover rules and regulations and the mission statement of the department. The instructors talk about police integrity and how powerful an influence even one police officer can be on the image of the entire department. Both professional and personal conduct is discussed. While teaching this module,

the instructors make use of training videos containing hypothetical scenarios. Interactive discussion follows the video presentations. The instructors for this module are chosen on the basis of the criteria developed by the Training Director. Police officers are tested regarding this specific block of instructions – the only occasion police recruits are tested on policing integrity issues.³

Especially interesting is the order in which this particular module is taught. The State recommends this module be placed toward the end of the academy training. Yet, the CMPD decided differently. In a 1998 training curriculum audit, a suggestion was made to incorporate this topic as one of the first to be covered. The argument was that the recruits should be aware of what is expected from them from the very start (Countering views hold that the closer recruits are to the real challenge of actually policing the streets, the more appropriate it is to introduce the ethical problems they are going to face).

St. Petersburg Police Department – The St. Petersburg Police Department in Florida, with more than 500 sworn police officers, is typical of large, local law enforcement agencies in North America (according to the U.S. Department of Justice, LEMAS reports-1996, only 0.3% of U.S. local police department have a total number of sworn officers ranging between 500 to 900). Based on the size of the department, among other considerations, it uses a model of regional police training (college-sponsored).

St. Petersburg is one of the relatively few police departments across the U.S.A. that offers pre-academy training. During the pre-academy stage, each recruit participates in a four-hour session during which General Orders are reviewed and discussed. In addition, in a separate session, entitled Internal Affairs, the cadets are exposed to four hours of training on the function of the Internal Affairs Office, ethics, and sexual harassment. Corruption and misconduct are also covered during this part of the pre-academy training.

The department sends its new recruits to a regional training academy, also located in St. Petersburg: the St. Petersburg Junior College Criminal Justice Institute. The Academy is part of the State's higher education system and is funded by the state. Instructors are selected based on their experience and education, and include in-service officers, retired officers, and civilians. Some of the instructors are members of the St. Petersburg Police Department.

The Florida Criminal Justice Standards and Training Commission is responsible for developing effective and efficient job-related training programs for recruits in law enforcement, corrections, and correctional probation. To this end, it adopted a systems approach to curriculum development. The result is a basic recruit curriculum revised many times based upon the job these officers perform. Thus, program represents a model case of police training curriculum updated on a relatively frequent basis.

³ Haberfeld, M. (1998b). Field Notes, Cities of St. Petersburg, Florida, Charleston, South Carolina, and Charlotte-Mecklenburg, North Carolina.

The *Basic Law Enforcement Training Curriculum* is divided into twelve courses – each course divided into separate modules, each of which addresses a different topic. Four groups of modules are particularly relevant to policing integrity. The *Ethical and Professional Behavior* module addresses, among other topics, issues related to dishonesty, brutality, prejudice, gratuities, violation of civil rights and discourteous conduct. The *Use of Force* modules focus on, among other topics, moral and legal limitations on use of force, suspect’s demeanor and actions, and potential danger to the officer and others. Despite the fact that the topics addressed are of major importance to the issue of police integrity, the number of hours devoted to training in these particular modules is minimal, on average between one and two hours.

While a typical regional academy is less under the influence of a given police chief, this one, located in the same city, definitely affords the Chief opportunities for input. Based on our conversations with the Academy staff, it was apparent that such input indeed occurs from time to time.

Charleston Police Department – The Charleston Police Department is a relatively large police organization with approximately 320 sworn police officers. The size of the department and the nature of basic police training in South Carolina offer only one alternative: the state academy. One of the consequences of police recruit training in a state academy is that a police chief or the police department has little, if any, discretion regarding the mandatory curriculum. The Department used to have a pre-academy police training program. It was abandoned because the pre-academy training was instituted to “burn the time” between the initial recruitment and the academy training.

The State of South Carolina offers a mandatory police training program in its State Academy. The training program initially lasted for about eight weeks. Based on the recommendation of the local P.O.S.T., it was revised in 1999 and extended to nine and a half weeks, which still lags far behind an average length of police academy training in the United States.⁴

Despite the fact that the new recruits in Charleston are carefully selected, the length of police academy training is barely adequate to master even the most general concepts of the theory of police work. Furthermore, the topics included in the State Academy’s curriculum are only remotely related to the issues of integrity, if at all. In the pre-1999 recruit training curriculum, for example, 8 hours were devoted to a topic of *Human Relations* and 20 hours to a loosely-defined module entitled *Practical Problems*. In the revised curriculum, *Use of Force* is addressed for 2 hours, and *Ethics* for 3 hours. The burden, therefore, for police integrity-socialization is delegated, in the first stage, to the Field Training and Evaluation Program. The State Academy does have a module called *Recruitment Orientation*,

⁴ Haberfeld. M.R. (2002). *Critical Issues in Law Enforcement Training*. Upper Saddle River, NJ: Prentice Hall Publishing Company.

which lasts approximately two weeks, but its only integrity-related component is *Use of Force*, tied to *Firearms Safety*.

FIELD TRAINING OFFICER PROGRAM

Charlotte-Mecklenburg Police Department – The FTO program is part of an in-service training designed and run by the Training Academy. The Training Captain who heads the Academy is also directly responsible for the Field Training Officer Program. An ongoing assessment of the training curriculum is part of this Academy's structure.

In 1996, then-Chief Nowicki, requested the Training Academy Staff to review the existing Field Training program and thereby assist the Academy Staff in providing improved "customer" service. Academy staff researched field training programs from numerous other police agencies (including the popular San Jose model); they then drafted and revised CMPD Field Training Program. The new FTO program was finalized and adopted in April of 1997. It is task-oriented and designed to produce an employee that is competent in performing the essential functions of a police officer.

The FTO program lasts twelve weeks. A probationary officer is assigned to three different field training officers (FTOs), one for each training phase. Initially, the probationary officers were to be assigned to more than one district to enable them to experience working in various neighborhoods. However, in response to resistance from the command staff, the recruits are now assigned to one district only. An attempt is made to place the probationary officers on each of the three shifts, but this is not always feasible.

The FTO program is divided into three four-week phases. In Phase I the probationary officer's performance is evaluated daily. In week one the recruit only observes the FTO, but in week two the recruit is allowed to intervene with permission from the FTO. The two officers function as a one-man-unit, (for example, they cannot respond to a call that requires two officers). Grading ranges from "exceeds" (top) to "needs development" (failing). In Phase II the recruit is assigned to a new FTO for evaluation, and training focuses on new aspects of fifteen required tasks. The last four weeks are divided into two periods. During the first two weeks of Phase III the recruit continues to be evaluated, but during the last two weeks the recruit is assigned to a new FTO and s/he is expected to handle every task and any other situation in an immediate and correct manner.

The FTOs evaluate and grade the recruits during all the phases using the same performance appraisal format. A review of the probationary officer's training file occurs at, or as close as feasible to, the end of the field training phase for each recruit class and at the end of each remedial training period. A final end-of-phase evaluation form is presented to the Review Board in the Training Division, comprised of the Training Captain (the Director of the Charlotte-Mecklenburg Police Academy), FTO Sergeants, and a Major in charge of the patrol district to which the probationary officer was assigned. During the final review, an overall

assessment of each recruit's performance, as well as the performance of each FTO and the Evaluator, is discussed. The standard for competency for a probationary officer is whether the probationary officer is able to perform all aspects of the police officer's job without assistance from the FTO, unless unusual circumstances exist. Probationary officers who are unable to attain this level of competency are recommended for remedial training that lasts up to eight weeks, or are recommended for termination.

The CMPD has identified 31 essential job functions to be effectively demonstrated by the FTOs. The essential job functions appear to be both theory-anchored and practically-based, as they reflect a combination of hypothetical situations and actual field experiences. Among these functions, several are integrity-related (e.g., effective communication with people; ability to hold the CMPD, its policies, rules, regulations, general orders and goals, and objectives in high esteem as evidenced by their speech, actions, attitudes, appearance, and overall personal demeanor; present a positive role model and a neat, professional appearance at all times; possess a positive attitude, desire and motivation towards his/her work, career and the department).

While the selection of FTOs is a joint responsibility of both the Training Academy staff and each patrol district, the training of the FTOs is the sole responsibility of the Training Academy. The candidates for the FTOs are selected based on several criteria, including history of disciplinary violations, record of attendance and punctuality, ability to communicate, performance appraisals during at least the last two years, and a demonstrated commitment to department's mission statement and policy toward community policing and problem solving. For example, a sustained violation of an "A" category (the most serious violation) within three years results in ineligibility, as do two "A" violations in a five-year period. The candidates must be recommended by their supervisors. There are many incentives offered to potential FTOs, from a three percent pay increase, to use of patrol vehicle for off-duty use, to being among the first groups of officers exposed to new training or presented with new equipment.

A prospective FTO faces the Selection Committee comprised of the Training Captain and a representative—usually a Major—from each of the patrol districts. The officer can be tested (e.g., writing and grammar, practical skills) as part of the selection process. After the initial selection, the candidate must complete a forty-hour training session at the Charlotte-Mecklenburg Police Academy. Officers successfully completing all phases of the testing/selection process are held in reserve status until they are placed into active FTO status or until the next application process is completed, whichever comes first.

The Training Academy staff maintains the list of all FTOs successfully completing all phases of the selection process and, upon request to fill a vacant FTO position, provides each service area Major or Deputy Chief with the name of the eligible officers in their service area. As the need arises, officers on the eligibility list may be asked to serve in the active FTO status to accommodate any departmental training requirements. These officers are compensated as "active" FTOs from the time they are placed in the active status until they are returned to the

eligibility list. This temporary service is taken into consideration when additional officers are needed to fill “active” FTO status positions.

All FTOs are tested annually to ensure competency to continue serving in the FTP. They are required to attend periodic training updates, as determined by the Training Academy staff. These training sessions are utilized to introduce FTOs to new field training methods/ideas and to present the opportunity for any FTOs to submit any comments, suggestions, and/or problems to the Training Academy staff and other FTOs for discussion.

Each FTO is held accountable for the FTO program he or she participates in or administers. This encompasses both training administered in the field-training program and training provided in any other fashion within the department (FTOs are expected to serve willingly in any extra capacity deemed necessary by either his/her chain of command and/or the commander in charge of the training Academy). In addition to being evaluated each year as police officers, FTOs are evaluated by probationary officers they have supervised and by a field training sergeant from each patrol district. A low evaluation by either group disqualifies an FTO.

St. Petersburg Police Department – The Field Training and Evaluation Program in St. Petersburg is based on the San Jose Police Department FTO program – a model adopted so seriously that in the early 1980s, police officers from San Jose came to St. Petersburg to advise the department on implementing their program. According to the Lieutenant in charge of the FTO Unit, its only function was training and it had significant numbers of staff allocated solely to this unit. Furthermore, to be part of the FTO unit was considered to be “*the place*” in the Department, but later lost its appeal with the appearance of community policing.

Today, the basic FTO program consists of four phases; the first three are 28 days long, Phase IV lasts 14 days. In Phase I, emphasis is on training (90%) and evaluation (10%) and the main topic is high liability. Potential sources and examples of complaints are explored. One FTO is assigned to the probationary officer during this period; the same FTO will also be assigned to Phase IV. Phase II is characterized by 50% training and 50% evaluation. The probationary officer is assigned to a new FTO and the focus is “real work” situation. The officer is also introduced to the three geographical areas of the city. In Phase III, face evaluation takes up 90% of the time, while training accounts for the remaining 10%. The probationary officer is assigned to a new FTO, and the candidate learns the new streets and the new area of his or her assignment. The last 14-day period of field training, Phase IV, is only for evaluation purposes and the probationary officer is reassigned to the first FTO. The FTO rides along with the candidate, who is expected to take full charge of any situation that arises.

After completion of Phase IV, officers are introduced to the informal stages of the field training program—developed by the St. Petersburg Police Department—also known as Phase V and Phase VI. Each lasts 14 days. In Phase V, the officer rides with the Traffic Division and investigates accidents, especially DWI (Driving While Intoxicated) incidents. In Phase VI, the officer is assigned to a

Community Oriented Officer (COO) in the area in which s/he will be assigned permanently.

During these two informal stages, the probationary officers are not evaluated by the FTO. Rather, they are assigned to community-oriented officers (COOs). The evaluation form is a generic form submitted by the COO once a week to the FTO Unit. Both phases can be postponed, based on the availability of resources and/or officers.

FTOs have to complete a daily observation report. The FTO Sergeant reviews the form with the probationary officer, his or her Sergeant, and the Administrative Sergeant before sending it to the FTO Lieutenant. On alternate Fridays the probationary officers receive additional training, known as "*hands on training*." This can include, for example, a lecture from an officer assigned to the "K-9" Unit. The recruits are evaluated during these Fridays as well.

To be able to perform "solo" with the full capacity of a sworn officer, the probationary officer has to demonstrate that he or she is able to do so and his or her FTO must submit a positive report to the FTO Sergeant who, in turn, makes the recommendations to the FTO Lieutenant. The final decision is to be made by the FTO Lieutenant, jointly with the FTO Sergeant.

When there is an opening for an FTO position, a general order is sent around, as is done for any specialized unit. The memorandum listing all the criteria, skills, desired training, and all other relevant information is put up. The FTO applicants must be experienced officers who have been in service at least three years (post probation). Applicants must also have a good record, and not have had any disciplinary charges filed against them during the past 18 months. Although the salary does not formally increase with the appointment, the FTOs are paid overtime for their work. This bonus can add up to a significant amount of money, sometimes as much as five percent of their salary.

The prospective FTO applies by filling out the forms. The process is fairly bureaucratic and straightforward: the officer applies to his/her Sergeant, who sends the application to the Lieutenant, who in turn sends the application to the Major, and finally the Major sends it to the Assistant Chief. To become an FTO, one must go through a one-week training course, a combination of academy and in-house training. The focus of the training is on the officer's evaluation and teaching skills. If the prospective FTO does not perform well, the FTO can be sent back for additional training to improve in a designated area or can be fired as an FTO.

The FTO Lieutenant drives 4 hours with the FTO and the police officer to observe the interaction between the two. The relationship between an FTO and a probationary officer should be strictly a work-related professional one; the FTO and the probationary officer should not socialize outside of the department. According to the norms of the police culture, friendship that extends beyond "office hours" could compromise the objectivity of the FTOs and put them in uncomfortable situations while attempting to objectively evaluate the probationary officers. The FTOs definitely feel the burden of responsibility when they need to decide whether

to advance somebody who should not be advanced. “*It would be a big embarrassment – the streets are rough out there,*” explained the FTO Lieutenant.

Charleston Police Department – The CPD has instituted a *Field Training and Evaluation Program* with the following three purposes in mind: (1) to identify specific weaknesses or deficiencies of the probationary officers under actual field conditions; (2) to develop remedial training programs to address and correct the deficiencies; and (3) to identify and remove those individuals who are unable to attain the level of proficiency expected of a Charleston Police Officer⁵

The probationary officers are assigned to an FTO in the Uniform Patrol Division after graduating from the eight-week State Academy Training in South Carolina. The length of training is twelve weeks, which is divided into four phases. The first phase lasts 14 days. The first week of this phase is “Orientation,” in which the recruit becomes familiar with the new environment. Training and evaluation starts on the first day the following week. At this point, the recruit mainly observes the assigned FTO, and the two function as a one-man unit. Phase II lasts two months. Both training and evaluation occur in this phase, which is characterized by having the probationary officer demonstrate his/her abilities without the guidance or leadership of the FTO. This phase may be extended with the approval of the Training Division. At the end of weeks 2, 6, and 10, the probationary officer will rotate to a new FTO, ending with the original FTO for their final evaluation. This evaluation period is Phase III, which lasts 14 days. The recruit is expected to operate on his/her own without interference from the FTO. Towards the end of the phase the FTO will dress in plain clothes. Recruits who do not successfully pass this phase are recommended for termination. Phase IV is the recruit’s 24 month probationary period. The recruit is assigned to a one-man unit where s/he is closely observed by the shift supervisors. The recruit will be evaluated on a monthly basis, and the final decision of whether or not to hire the recruit is made by the Shift Supervisor, Team Lieutenant, and Training Division.

An FTO is selected by a team commander and his/her supervisor, and must have at least two years of police experience. However, the CPD experiences a high rate of turnover, so officers who are a couple of weeks or even months short of the two-year requirement become FTOs, while they are themselves either still on probation or have barely completed their probationary period. On the other end, there is no maximum length of service that would disqualify a potential candidate from becoming an FTO. Both extremes can result in FTOs unprepared or ineffective as models for police integrity. On the early end of the spectrum, those officers who are “barely out of probation” do not yet have the expertise and maturity necessary for being a role model. On the other end, those who have “worked too long” on the force risk presenting a model of cynicism, and overall fatigue.

The CPD does not provide any formal training to new FTOs. A training manual for the prospective FTO candidates presents guidelines. Unfortunately, the FTO are not tested on how well they have mastered the topics included in the FTO Manual.

⁵ Field Training Manual, 1996.

CONCLUSION

This chapter has highlighted three interrelated components of the socialization process into police culture in three police agencies. It has presented a process beginning with recruitment, followed by selection, and training – both pedagogic and in-house. What role do these components play in the development of a police agency of high integrity?

Allocation of resources (be it human resources, time, or budget) is definitely indicative of the importance that an organization places on its recruitment, selection, and training processes. However, there is also an ever-present reality that budgetary, temporal, and human constraints do not always allow for proper distribution of resources, even to priority goals. Establishing a set of clearly defined standards such as refusal to hire recruits with a prior felony conviction or unwillingness to hire recruits who did not pass the physical agility test serve as an indication that the organization addresses the integrity-related components with the utmost seriousness. Thus, despite different approaches to achieving the task of police agency of high integrity, there is one clearly defined theme that seems to be present in all three police departments: they are all intolerant of prior serious criminal records, bigotry, and irresponsible personal and professional behavior.

The component of police training is somewhat more problematic. Police training is a process of socializing a group of outsiders into police work during which rules and values of a given organization, as well as the organizational structure and culture are communicated to the recruits. Given the fact that each state mandates the number of hours and the mandatory topics each academy has to include in its training, the choice of additional topics essentially is a matter of discretion for the training director and/or police chief. Two of the police departments do not have their own police academy and training is left to other institutions. The Chief of the Charleston Police Department has little impact on the nature and extent of police training his recruits are getting at the state police academy. Similarly, although the Chief of the St. Petersburg Police Department is in a somewhat better position, he is still quite limited in what he can do to influence police training offered to his recruits at the local college.

Only the CMPD has its own in-house police academy. It is the only department of the three that has invested and maintained real input into the key aspects of basic police training: the curriculum, number of hours allocated to a given topic, and the selection of instructors, instructional materials, and facilities. In the course of training, certain situations and behaviors are addressed, and the instructors are mandated and responsible for showing police recruits how to behave and/or respond under a range of challenging and often times complex circumstances, and how to do this without sacrificing either ones personal and/or police organizational integrity.

All three departments provide the field training officer program for new employees who have graduated from the police academy. These are crucial periods for new police recruits, where departmental values are tested by officers through practice, rather than rhetoric. Programs typically have an initial phase where the new officer is primarily an observer, and their autonomy is gradually increased

and evaluated. Such programs are particularly important for departments that do not have their own in-house academy. As a result, one would expect an intensified effort from the St. Petersburg and Charleston departments.

Charlotte-Mecklenburg, whose department has its own academy, has in-service training that lasts 12 weeks. The first four-week stage is a gradual introduction of the officer to action, and evaluation of the officer's performance begins after that four week stage. St. Petersburg, however, has a much more extended in-service training component; lasting 18 weeks. The officer only begins "real work" in the second four week period, and training continues well into the third phase. In Charleston, the initial phase lasts two weeks, and is basically an introduction to the department. By the end of the second phase, which lasts two months, recruits are expected to operate on his or her own without interference from the field training officer; during this period they are evaluated, however the probationary period lasts an additional 24 months.

Ethical behavior is addressed by the police departments at different stages. In Charlotte Mecklenburg, ethical behavior is addressed from the beginning due to its own in-house academy, and focused upon throughout the duration of the recruit's basic training. In St. Petersburg, the ethical theme is "picked" by the FTO Unit, which has both the manpower and resources (includes the Friday meeting, which stands as a model for other agencies). Additionally, ethical behavior is explored through the advanced on-the-job training. In Charleston, ethical behavior is addressed under the in-service training. Experts in the field of organizational and, specifically, police ethics, are invited to deliver lectures, local conferences are organized, and some officers are sent out to other agencies to study their organizational behavior and structure.

What, therefore, constitutes a formula for "the triangle of police integrity" of recruitment, selection and training in each one of these departments? Charlotte-Mecklenburg has a relatively weak recruitment strategy, and training on police integrity and values is made possible through the in-house academy. Updating the program is the responsibility of carefully selected instructors and training directors. St. Petersburg has a poor mechanism of recruitment, and the responsibility for instilling police integrity and other needed values lies with the FTO Unit. This Unit is based on the spirit of volunteerism, and the personal values of the trainers serve as safeguards for achieving and maintaining integrity. The Charleston Police department has very high recruitment standards and a Police Chief that influences the issue of police integrity with personal values. This combination results in the most intense, and diversified, advanced on-the-job training.

This "triangle of integrity" in the domains of recruitment, selection, and training represents only one of the prongs that help create the three agencies of high integrity. There are other aspects that these police agencies emphasize as well, from the investigation of misconduct and punishment of police officers engaging in rule-violating behavior, to the establishment of official rules and control of the code of silence. We now turn our attention to the processes used by these three agencies to address citizens' complaints.

CHAPTER 9

PROCESSING CITIZEN COMPLAINTS

Although the social and political environment in which a police agency operates plays an important role, in most jurisdictions its organizational culture is shaped primarily and directly by the police agency itself. Recruitment, selection, and training; the creation, communication, and teaching of agency rules and procedures; detection, investigation, and discipline of misconduct; and circumscription of the code of silence are all primarily police agency functions.

The process of detection, investigation, and discipline of misconduct typically begins with complaints submitted by the citizens. Citizens complain when they think that police officers' actions violated their rights. Many times, this is the first word to the police agency about possible police misconduct. However, agencies vary greatly in the level of sincerity with which they are interested in hearing from the public about misconduct by their police officers, shortcomings in the quality of the services they provide, and the effectiveness of their efforts to control officer misconduct.

Police agencies determine how a complaint can be submitted, what the follow-up procedure is, who within the police agency makes the decision about the complaint, and what the possible outcomes are. This chapter examines the complaint procedures in each of the three agencies by describing and analyzing the level of seriousness agencies attach to complaints, the number of obstacles they raise to potential complainants, the rights they provide to the complainants and the police officers they accuse, the degree to which they establish procedures guaranteeing fair decision-making in their systems, and the extent to which they provide feedback to individual complainants and to the public in general.

THE COMPLAINT PROCESSES

Each of the three agencies tried to ensure that complainants, especially those alleging serious violations of the agency's rules, could be heard. Although the complaint procedures differ somewhat from agency to agency, these processes can be organized and described according to a number of common activities (Table 9.1).

SUBMISSION OF A COMPLAINT

The complaint submission and the subsequent departmental procedures in all three departments were described in informational flyers distributed widely to community members. These flyers and brochures were prepared and circulated publicly via

Table 9.1. Complaint Process

	Charleston Police Department	Charlotte-Mecklenburg Police Department	St. Petersburg Police Department
Methods used to inform citizens about complaints	<ul style="list-style-type: none"> * Informational flyer 	<ul style="list-style-type: none"> * Informational flyer * Citizen Police Academy * City's web site * Community Relations Committee 	<ul style="list-style-type: none"> * Informational flyer * TV stations * Citizens Review Committee * Citizen Police Academy
Ways of filing complaints	<ul style="list-style-type: none"> * by phone * in person * by mail 	<ul style="list-style-type: none"> * Public relations education campaign (media) * by phone * in person * by mail (Rule 200-001 IV A) * yes 	<ul style="list-style-type: none"> * by phone * in person * by mail (Rule IA II 2 I) * reviewed by the Chief before proceeding with an investigation (Rule IA II 2 I)
Anonymous complaints	<ul style="list-style-type: none"> * Chief's decision on whether or not to investigate (Rule 100.2L) 	<ul style="list-style-type: none"> * prefer a formal statement, if possible and must sign the form (Rule 200-001 IV A) 	<ul style="list-style-type: none"> * sign a sworn statement (the Internal Affairs Unit will not proceed otherwise except as directed by the Chief; Rule IA II-2 I C)
Sign, swear, or notarize complaints	<ul style="list-style-type: none"> * written statement, sworn to, and signed; warned about filing a false complaint (Rule 100.3B) 		
Location for the submission of complaints	<ul style="list-style-type: none"> * Internal Affairs Unit * Department Headquarters * Any supervisor 	<ul style="list-style-type: none"> * Internal Affairs Section * Police Headquarters * Any police officer (supervisors) * Any field bureau office * Community Relations Committee * Mayor's office 	<ul style="list-style-type: none"> * Internal Affairs Section * Police Headquarters * Any police officer * Citizen Review Committee * City Manager's office

Time when complaints can be filed	*24 hours	*24 hours *8 AM – 5 PM for Community Relations Committee	*24 hours
Time limit to file a complaint	*none	*none	*none
Citizens involved in the process	*no	*yes – Community Relations Committee accepts complaints + observes “A”-violation hearings; complainants’ appeals addressed to Citizen Review Board	*yes – Citizen Review Committee reviews completed IA investigations
Classification of complaints	*by street supervisors, command staff duty officer, or IA depending on where the complaint was received	*either the supervisor or the IA will classify the complaint (the IA major reviews the classification)	*the supervisors, the Watch Commander, or the IA
Units or persons conducting the investigation	*more serious (excessive force, illegal acts, disrespectful conduct, or violations of civil rights) – IA *less serious (rudeness or discourtesy) – officer’s supervisor	*more serious (“A”-violations) – IA *less serious (“B,” “C,” and “D”-violations) – officer’s supervisor	*more serious (“of a formal nature”) – IA *less serious (“of an informal nature”) – officer’s supervisor

(Continued)

Table 9.1. (Continued)

	Charleston Police Department	Charlotte-Mecklenburg Police Department	St. Petersburg Police Department
Time limit for completion of the investigation	*30 days for IA investigations (Rule 100.1)	*none	*all formal investigations should be completed within 30 calendar days + extensions (Rule II-10 IV-C2.b) *all informal investigations should be completed within 10 calendar days and sent to IA commander for review (Rule II-10 IV-C1.b)
Content of investigations	*interview the complainant *interview witnesses *collect other evidence *written statement + an interview the police officer (recorded) *medical, psychological, and other tests *polygraph examination	*interview the complainant (recorded, transcribed) *interview witnesses *collect other evidence *interview the police officer (recorded, transcribed) *medical, psychological, and other tests *polygraph examination	*interview the complainant (recorded) *interview the police officer (recorded) *interview witnesses *collect other evidence *polygraph examination
May officers refuse to provide information during administrative investigation	*no	*no *polygraph examination	*no

<p>Rights & obligations of the police officer</p>	<p>*be interviewed at a reasonable place at a reasonable hour</p> <p>*informed of the name and rank of the officer in charge</p> <p>*informed in writing of the nature of the investigations and specifics of the allegation; name of complainant and all witnesses</p>	<p>*be interviewed at a reasonable place at a reasonable hour</p> <p>*informed of the name and rank of the officer in charge</p> <p>*be informed about the nature of investigation</p>	<p>*be interviewed at a reasonable place at a reasonable hour</p> <p>*informed of the name and rank of the officer in charge</p> <p>*informed in writing of the nature of the investigations and specifics of the allegation; name of complainant and all witnesses</p>
<p>*interviews recorded + copy available may be punished for refusal to take medical or other tests, provide documents, or take the polygraph</p> <p>*may be punished for refusal to answer questions (Garrity principles)[#]</p> <p>*may have an attorney or a representative</p>	<p>*interviews recorded</p> <p>*may be punished for refusal to take medical or other tests, provide documents, or take the polygraph</p> <p>*may be punished for refusal to answer questions (Garrity principles)</p> <p>*may not have an attorney or a representative, but may have a supervisor present</p>	<p>*interviews recorded</p> <p>*may be punished for refusal to take medical or other tests, provide documents, or take the polygraph</p> <p>*may be punished for refusal to answer questions (Garrity principles)</p> <p>*may have an attorney or a representative</p>	

(Continued)

Table 9.1. (Continued)

	Charleston Police Department	Charlotte-Mecklenburg Police Department	St. Petersburg Police Department
Conclusion of investigation	*findings about facts + recommendations concerning complaints to the Chief (Rule 100.3 G)	*"A"-cases – IA recommendations for review to the IA major	*completed formal case reports signed by the IA supervisor and forwarded to the Major of Staff Inspections for review and approval, then to Deputy Chief, and the Chief (Rule II-10 IV-C.2.d)
Decision about the complaint (if likely valid, based on the review at the conclusion of investigation)	*the police officer may accept the IA/supervisor findings or *request a Police Trial Board hearing (granted by the Chief; Rule 100.3H) to determine guilt or innocence *the Chief may initiate the Police Trial Board to review the complaint (Rule 100.3I) *Chief has the final say (Rule 100.3J)	*"B," "C," and "D"-cases – supervisor prepares the file for the chain of command *for "A" cases: the police officer may accept the findings or *the case is reviewed by the Chain of Command Review Board – recommendation for complaints *for "B" and "C" cases: the police officer may accept the findings or *the case is reviewed by the bureau-level Chain of Command Review Board *for "D" cases: the police officer may accept the findings or the chain of command in writing *final review of all cases by the Chief (Rule 200.001 III-9)	*completed informal cases are reviewed by the IA commander (Rule II-10 IV-C.1.c) *formal cases: decided by either the Chain of Command Board or the Assistant Chief's Board *informal cases: supervisor + the chain of command *final review of all cases by the Chief (1997 Annual Report, p. 9)

Outcome	*proper conduct *improper conduct *policy failure *insufficient evidence *unfounded complaint (Rule 100.3G)	*sustained *unfounded *not sustained *exonerated *information file – for “A”-cases	*sustained *unfounded *not sustained *exonerated *not involved (1997 Annual Report, p. 8)
Duty to notify the complainant	*phone calls during the investigation if longer and *a formal letter at the end of investigation	*a formal letter at the end of investigation *if appealable to the Citizen Review Board, letter includes facts + the outcome *otherwise, just the facts (no outcome)	*a formal letter at the end of investigation *complainants may review completed cases, unless there is an on-going criminal investigation
Appeal by the complainant	*yes: Ombudsman’s Office for the City of Charleston; suggestions: NAACP, ACLU, SLED, FBI	*yes but only in some cases (i.e., excessive force, conduct unbecoming): Citizens Review Board	
Record of complaints at the centralized location	*IA – only those handled by the IA	*IA – all completed cases	*IA – all completed formal and informal cases
Dissemination of complaint rates & dispositions	*IA Annual Report	*no	*Unit Annual Report

#The Supreme Court held in *Garrity* that in the criminal investigation police agencies cannot force police officers under the threat of dismissal to waive their 5th Amendment rights. This rule does not apply to the internal administrative investigation.

community groups, members of the police agencies, and the police agencies or cities' web sites. In addition, the Charlotte-Mecklenburg Police Department used the Citizen Police Academy, the City Community Relations Committee, and a televised public relations education campaign to provide information about the complaint process to an even wider audience (see Table 9.1). Similarly, the St. Petersburg Police Department used local public access television and the work of the Citizen Review Committee to breed familiarity with complaint procedures.

In addition to the formal avenues of filing a complaint, a potential complainant can decide to discuss the problem with a friend, neighbor, or acquaintance who is a police officer in the department. Highly-ranked members of a police organization – captains, majors, deputy chiefs, and chiefs – tend to be well-known in their communities and the level of their credibility can induce potential complainants either to actually file a formal complaint or approach them (or other members of the department) personally to discuss the matter informally. For example, a highly prominent police chief like Reuben Greenberg (who had been on the job for 21 years, has not only local, but also national reputation as a police chief, and is perceived by the public as credible and interested in listening¹) may have a favorable impact on the citizens' willingness to report misconduct.

All three agencies tried to keep their doors open to potential complainants. A potential complainant could file a complaint by phone, in person, or by mail at more than one location (e.g., department headquarters, Internal Affairs Office, with any supervisor), 24 hours a day (see Table 9.1). The complainants could submit the complaint to one of several offices within the police agency—from internal affairs to headquarters—as well as to any supervisor. In addition, citizens in Charlotte could file a complaint with the Community Relations Committee or the Mayor's office. Citizens in St. Petersburg could file with the Citizen Review Committee or in the City Manager's Office.

There was no time pressure to make a decision on whether to submit a complaint: none of the three agencies imposed a time limit to file a complaint (Table 9.1). While the agencies would like to know about potential police misconduct as soon as possible, they would nevertheless want to know about potential misconduct even if it is not so recent.

Complainants in Charleston normally needed to sign a written statement; they were also sworn and warned about the criminality of filing a false report or complaint. The Charlotte-Mecklenburg Police Department preferred a formal signed statement, but would proceed without it. Investigation in the St. Petersburg Police Department, on the other hand, did not proceed without a sworn statement by the complainant except if especially directed by the Chief (Table 9.1). While all three agencies preferred written or even sworn statements (see Table 9.1), they nevertheless accepted anonymous complaints. In Charleston and St. Petersburg the

¹ Chief Greenberg, a highly articulate, conservative, black, Jewish police Chief in the heart of the South appears frequently on national television. His views on policing and crime are described in Reuben Greenberg (with Arthur Gordon), *Let's Take Back Our Streets* (Contemporary Books, Chicago: 1989).

decision on whether to proceed with the investigation based on an anonymous complaint rested with the Chief.

Although our primary goal in this chapter is to describe and analyze the processes that lead toward the establishment and maintenance of an organizational culture of integrity *within* each of the three agencies, we also sought to make comparisons *across* the three agencies. To adjust for the difference in agency size, we compared the complaint rates per 1,000 police officers across the three agencies.

The initial question is simple: are higher complaint rates a positive sign for an agency (reflecting a high level of trust by the community, good relationship with the minority groups in the community), a negative sign (reflecting a high rate of misconduct, a failure of the methods of informal handling and conciliation, or a result of recent highly publicized individual act of misconduct), or a mixture of the two that simply cannot be disentangled? The question can be asked in its inverse: how should one interpret low complaint rates? Are they a good or a bad sign for an agency?

Unfortunately, the reality of such comparisons across agencies is that they are extremely difficult, if not impossible, to perform. For example, Pate and Hamilton conclude in their seminal research on six large police agencies in the United States (*The Big Six*) that “methods of filing and investigating complaints vary notably across departments. As a result, data concerning the disposition of complaints are not comparable. . .”² Similarly, while discussing the cross-jurisdictional comparisons in general, Perez emphasizes:

- Comparing numbers across jurisdiction is extremely problematic, however. This may be because of differences in citizen perceptions of police officer conduct, variations in media coverage (or lack of coverage), malpractice, extreme diversity in the socioeconomic makeup of the local population, and so forth. People who are more educated, more economically secure, more socially elevated in station, and more adept at dealing with powerful governmental actors tend to complain less.
- Other factors influence complaint statistics. Differences in complaint input structures can affect complaint numbers greatly. Some review systems allow a great deal of latitude within which to deal with complaints informally. In such locations, such as in Los Angeles during the 1980s, complaint numbers appear inordinately low, because only those complaints that cannot be dealt with informally turn into statistics for review.³

Indeed, the number of complaints and rates of complaints per 1,000 sworn police officers in each of the three agencies, shown in Table 9.2, illustrate the challenges of cross-agency comparisons and problems in drawing meaningful conclusions. In all the three agencies we studied, the receipt of complaints is highly decentralized – in reality anyone in the agency may take a complaint – and, not surprisingly, not each and every complaint ends up in the formal records, especially if handled informally.

The wide range in the rates of complaints, from 40.88 in the Charleston Police Department to 612.52 in the St. Petersburg Police Department can *at best* be used as evidence of different complaint intake and recording procedures in the three

² Antony M. Pate and Edwin E. Hamilton, *Big Six: Policing America's Largest Cities* 142 (1991).

³ Douglas W. Perez, *Common Sense About Police Review* 28–29 (1994).

Table 9.2. Complaints

Charleston Police Department		Charlotte- Mecklenburg Police Department		St. Petersburg Police Department		
Number of complaints <i>investigated</i> by Internal Affairs	Rate per 1,000 police officers	Number of complaints <i>to Internal</i> <i>Affairs</i>	Rate per 1,000 police officers	Number of complaints <i>whose</i> <i>investigation was</i> coordinated by Internal Affairs	Rate per 1,000 police officers	
1995	20	62.89	662	514.77	283	553.82
1996	16	50.31	611	475.12	245	479.45
1997	13	40.88	658	511.66	313	612.52
	(192)*	(603.77)				

* Total number of complaints *received* by Internal Affairs.

agencies, rather than as any measure of citizens' satisfaction with an agency's performance. While the Charleston Police Department records the total number of complaints investigated by Internal Affairs (and, more recently, the total number of complaints received, as shown for year 1997 in Table 9.2), the Charlotte-Mecklenburg Police Department records the number of complaints to Internal Affairs, and the St. Petersburg Police Department reports investigations into allegations of misconduct coordinated by the Internal Affairs Unit.⁴ The data are the most uniform in 1997: the number of complaints received by the Internal Affairs, Charleston Police Department was 192 (604 per 1,000 police officers). That same year, 658 complaints (512 per 1,000 police officers) were filed with the Internal Affairs Office in the Charlotte-Mecklenburg Police Department (Table 9.2). In the same year, the number of complaints whose investigation was coordinated by the Internal Affairs within the St. Petersburg Police Department was 313 (613 per 1,000 police officers).

INVESTIGATION OF COMPLAINTS

Once a complaint is filed, the wheels are set in motion to investigate the accuracy of the allegation. The first step in the process is to decide who will be in charge of investigating the complaint. One of the common features of the complaint procedures in all three agencies is that they assign the less serious cases to be investigated by immediate supervisors, whereas the more serious cases are left in the care of Internal Affairs investigators (Table 9.1). The key issue, then, is how to determine which cases are more serious and who makes such a determination. Classification of complaints in all three agencies is left in the hands of the IA supervisor, the

⁴ *The Internal Affairs Annual Report 1* (1996).

watch commander, and street supervisors, depending on where the complaint is filed (see Table 9.1). However, the definition of what constitutes a more serious violation differs across the three agencies.

The Charleston Police Department explicitly enumerated the types of cases for which the investigation of complaints was to be performed by Internal Affairs. Rule 100.1 of the *Charleston Police Department General Orders, Policies, and Procedures Manual* specified that these cases include “allegations of physical abuse, allegations of the use of profanity, allegations of racial or sexual verbal abuse or discrimination, and allegations involving the pointing or use of firearms.” Moreover, it emphasized that the activities of Internal Affairs were not limited only to the explicitly enumerated activities and types of violations. Less serious violations, such as rudeness or discourtesy, were investigated by immediate supervisors.

The Charlotte-Mecklenburg Police Department provided *Rules of Conduct*, the violation of which is pre-assigned a letter from “A” to “D,” depending on the level of severity. The most serious, “A”-violations, included violations in connection with insubordination, unsatisfactory performance, unbecoming conduct, absence from duty, nonconformance to laws, use of alcohol on duty or in uniform, possession and use of drugs, abuse of position, use of force, improper use of property and evidence, solicitation of gifts and gratuities, and truthfulness. The less serious, “B”-violations, included neglect of duty, visits to prohibited establishments (e.g., houses of prostitution, gambling houses), and illegal search and seizure. “C”-violations included preventing citizens from filing complaints, engaging in an unauthorized investigation, discourtesy, and use of tobacco. The least serious, “D”-violations, included violations such as failure to report for duty, inappropriate personal appearance, and failure to carry the identification card. The most serious violations (“A”) were investigated by Internal Affairs, while less serious violations (“B,” “C,” and “D”) were investigated by the supervisors.

Section II-10 of the St. Petersburg Police Department *General Order* identified two types of complaints: informal and formal. A formal complaint was “of a serious nature and required a detailed investigation, e.g., unnecessary or excessive force, conduct unbecoming an employee.”⁵ Informal complaints are those “where the misconduct is of a minor nature and did not require a detailed formal investigation. It is further described as a degree of misconduct which may require corrective counseling or remedial training, rather than more formal disciplinary measures, e.g., discourtesy, rudeness.”⁶ Formal complaints, more serious in nature, were investigated by Internal Affairs, while informal complaints were investigated by the officer’s supervisor.

The Charleston Police Department and the St. Petersburg Police Department imposed a time limit for the completion of investigations concerning more serious complaints (those investigated by the Internal Affairs). In both departments the limit was set to 30 days (with the possibility of extension in the St. Petersburg Police Department; see Table 9.1). The Charlotte-Mecklenburg Police Department

⁵ Section II-10, St. Petersburg Police Department *General Order*.

⁶ Rule II-10 IIA of the STPPD *General Order*, 1989.

did not impose any guidance on timeliness for completion of such investigations at the time of our field work. The KPMG consulting report highlighted the lack of time boundaries as a flaw of the CMPD disciplinary system and concluded that the “results of detailed file reviews indicated that many investigations were not completed within a reasonable time period following the receipt of a complaint.”⁷ KPMG’s definition of a reasonable time period was 45–90 days. An analysis by the KPMG resulted in the finding that one of the major reasons for such a delay, if not *the* major reason, was the practice of recording and transcribing each and every interview conducted by Internal Affairs. As a consequence, the CMPD decided to do two things: first, establish a 45-day target for internal investigations and, second, establish a different practice of dealing with taped interviews:

We are now using a private transcription service to transcribe tapes. They handle our backlog of tapes when our staff cannot complete the work on a timely basis. We are also not reviewing each transcript for accuracy, but are including the draft transcriptions in the file. We have the actual tape if needed.⁸

The investigation in all three agencies starts with an interview of the complainant, followed by the collection of evidence and interviews of the witnesses in the case (Table 9.1). The police officer under investigation is also interviewed, although the timing of the interview may be scheduled earlier or later in the process, depending on the discretion of the investigating officer. Investigations follow the provisions of the proposed *Police Officers’ Bill of Rights*, which includes such protections as such as the right to be interviewed at a reasonable place and hour, the right to be informed of the name and rank of the officer in charge of investigation; the right to be informed of the nature of the investigation; the right not to be subjected to offensive language or to be threatened with transfer, dismissal, or disciplinary action; and the right to have the interview recorded.⁹ Both the Charleston Police Department and the St. Petersburg Police Department allow the police officer to

⁷ 1998, P. 33.

⁸ CMPD, Recommendations from the 1997 Review, 2000, p. 21.

⁹ Previous versions of the *Police Officers’ Bill of Rights* were submitted under different names to both Houses of Congress over the last decade (e.g., Law Enforcement Officers’ Bill Of Rights Of 1991, S. 321, 102nd Cong. (1991); Police Officers’ Bill Of Rights Act Of 1991, H.R. 2946, 102nd Cong. (1991); Law Enforcement Responsibility Act Of 1991, H.R. 2532, 102nd Cong. (1991); Omnibus Crime Control & Safe Streets Act Amendments, H.R. 642, 102nd Cong. (1991)). The most recent versions of the *Police Officers’ Bill of Rights* have been introduced to the both Houses of Congress (State and Local Law Enforcement Discipline, Accountability and Due Process Act of 2000, H.R. 3896, 106th Cong. (2000); State and Local Law Enforcement Discipline, Accountability and Due Process Act of 2000, S. 2256, 106th Cong. (2000)) and are currently with the House of Representatives Committee on the Judiciary and the Senate Committee on the Judiciary. One of the purposes of the Act – *State and Local Law Enforcement Discipline, Accountability, and Due Process Act of 2000* – is to establish that state and local police officers are provided due process rights when involved in a case that may lead to their dismissal, demotion, suspension, or transfer. One of the states that have already enacted a form of the Police Officers’ Bill of Rights is Florida (See Fla.. Stat.. tit X, §112.532 & 111.533 (1999)).

have an attorney or a representative present. The Charlotte-Mecklenburg Police Department does not allow an attorney to be present during these investigative steps, but does provide the officer with the right to have a supervisor present during the interview. The Charleston Police Department also guarantees the police officer the right to be informed about the name of the complainant and all witnesses, unless they are confidential informants. Departments differ on the extent to which further rights are provided to the police officers, for example obtaining the copy of the interrogation record.

All three agencies require supervisors and the Internal Affairs staff to conduct the interviews with the police officers in accordance with the *Garrity* decision.¹⁰ In the *Garrity* case, police officers were warned of their 5th Amendment right against self-incrimination and then forced to answer questions in a criminal proceeding under the threat of dismissal. The Supreme Court held that in the criminal investigation police agencies cannot force police officers under the threat of dismissal to waive their 5th Amendment rights. However, the outcome of the *Garrity* decision was that police agencies separate investigations into the criminal investigation and the administrative investigation. In the administrative investigation, the 5th Amendment does not apply. Consequently, as part of their administrative investigations, all three agencies could compel statements from officers relating to the performance of their official duties and fitness for duty. Police officers could be required to submit to medical, psychological, and other tests, as well as a polygraph examination¹¹ (Table 9.1). A police officer who refused to submit to such tests or examinations could be punished for failing to do so.

Generally, investigations concluded with the investigator summarizing his or her findings and submitting them for review to someone more senior in the hierarchy. In the Charleston Police Department the investigator made the “conclusion of fact” – either the supervisor or the Internal Affairs sergeant – and, together with

¹⁰ *Garrity v. State of New Jersey*, 385 U.S. 493; 87 S. Ct. 616; 1967 U.S. LEXIS 2882; 17 L. Ed. 2d 562 (1967). The Supreme Court granted certiorari and heard the case involving appellants, police officers in New Jersey boroughs, who were questioned during the course of a state investigation. Before being questioned, each appellant was warned, “(1) that anything he said might be used against him in any state criminal proceeding; (2) that he had the privilege to refuse to answer if the disclosure would tend to incriminate him; but (3) that if he refused to answer he would be subject to removal from office” (*Garrity v. State of New Jersey*, 385 U.S., 493, 494 (1967)). The Supreme Court held that the threat of removal from public office under the forfeiture-of-office statute in order to induce public officials to waive their privilege against self-incrimination rendered their resulting statements involuntary and, consequently, inadmissible in criminal proceedings. The majority concluded that, “[w]e now hold the protection of the individual under the Fourteenth Amendment against coerced statements prohibits use in subsequent proceedings of statements obtained under threat of removal from office, and that it extends to all, whether they are policemen or other members of our body politic” (*Garrity v. State of New Jersey*, 385 U.S., 493, 500 (1967)). The *Garrity* decision, however, does not prohibit police agencies from obtaining statements from police officers under the threat of removal from public office and using those statements in the administrative disciplinary proceedings.

¹¹ All three departments authorize the use of polygraph in the investigation if certain conditions are fulfilled. The use of polygraph is discussed in Chapter 10 (“Circumscribing the Code of Silence”).

the recommendations concerning the complaint, forwarded it to the Chief.¹² The Charlotte-Mecklenburg Police Department separated the process regarding the classification of the complaint depending on the severity of the case. If the investigation was conducted by the Internal Affairs (as it is for all “A” level cases), head of Internal Affairs reviewed the investigation file and recommendations. For all other cases, the investigator prepared the report package and circulated it through the chain-of-command.¹³ The conclusion of an investigation in the St. Petersburg Police Department was more complex. Although the Chief ultimately reviewed the report about the investigation in a formal case, it passed through a number of hands:

The completed investigation report will be signed by the unit’s supervisor and forwarded to the Major of Staff Inspections, for his review and approval. The report will then be forwarded to the accused employee’s Deputy Chief or Division Manager, who will recommend a finding and a course of action, and return the report to the Internal Affairs Unit. The unit’s supervisor will then forward the report to the Chief of Police.¹⁴

DECISION ABOUT THE COMPLAINT

If, based on the review of the investigation, the preliminary conclusion was that it is likely that the complaint was valid, certain mechanisms were set in motion to make the final determination.

Charleston Police Department – A police officer could accept the findings and recommendations resulting from the investigation or request a hearing before the Police Trial Board, which determined the guilt of the officer and initiated or recommended discipline.¹⁵ However, the police officer did not automatically have the right to a Board hearing; this hearing was optional at the Chief’s discretion. When findings suggested a “guilty” determination, the Chief had the right to appoint members to the Police Trial Board to review the complaint.¹⁶ The final review of all cases was done by the Chief.

Charlotte-Mecklenburg Police Department – The form of review depended upon the classification of the case in terms of its seriousness. A Chain of Command Review Board convened and reviewed completed “A,” “B,” and “C” cases, unless the police officer waived the opportunity to have a formal hearing. Members of the Chain of Command Review Board included members of the police officer’s chain of command, a randomly selected peer employee (if requested by the police officer), a Community Relations Committee staff member, and a representative. The Board

¹² Rule 100.3G of the *CPD General Orders, Policies, and Procedures Manual* (1993).

¹³ KMPG Business Ethics Services, Report On Complaint And Use-Of-Force Review Polices And Procedures Of The Charlotte Mecklenburg Police Department 8–9 (1998).

¹⁴ Rule II-10 IV-C.2.d of the *STPPD General Order* (1989).

¹⁵ Rule 100.3H of the *CPD General Orders, Policies, and Procedures Manual* (1993). The Police Trial Board is composed of sworn police officers appointed by the Chief (Rule 100.3I of the *CPD General Orders, Policies, and Procedures Manual* (1993)).

¹⁶ Rule 100.3I of the *CMPD General Orders, Policies, and Procedures Manual* (1993).

made recommendations to the Chief for “A” cases; he made the final decision. Final decisions in lesser cases were made by officers lower in the chain of command: the deputy chief for “B” cases, in the bureau commander for “C” cases; and at the district/section for “D”-violations. The chain of command reviewed completed “D” cases. The chief conducts a final review of all cases.

St. Petersburg Police Department – St. Petersburg also had Chain of Command Boards to review cases where the Chief had reason to believe a violation may have been committed. These must be convened within 30 days; alternatively the chief could remand the case to the Assistant Chief for action. The Chain of Command Board, chaired by the Chief, was composed of the police officer’s chain of command and a peer.¹⁷ The Chief had the option of assigning less serious cases to the Assistant Chief’s Board,¹⁸ which had a maximum term of discipline of five-day suspension. The Assistant Chief’s Board was composed of the members of the chain of command. In an informal case the supervisor investigating the complaint made a recommendation in writing and forwarded it through the chain of command to the Internal Affairs Unit. The Chief conducted a final review of all cases.

Possible outcomes of the review in all three agencies included a range of options, from those that finding the complaint to be sustained, to those that determining that the complaint was unfounded, and failing to resolve the merits of the case because of insufficient evidence. The possible complaint dispositions in each of the three agencies are provided in Table 9.1. The Charlotte-Mecklenburg Police Department and the St. Petersburg Police Department impose discipline for misconduct if the complaint has been *sustained*. Similarly, the Charleston Police Department metes out discipline if the recommendation was a finding of *improper conduct*.

NOTIFICATION OF THE COMPLAINANT

All three agencies state that they notify the complainant in writing about the outcome of the complaint review at the end of investigation (Table 9.1). In addition, the Charleston Police Department also tries to call complainants to keep them updated if the investigation takes longer than usual.

After the Citizens Review Board was established in Charlotte in 1997, the content of the letter sent by the Department became more detailed for cases which could be appealed to the Board. Such information was an exception to the prohibition of the disclosure of the disciplinary records imposed by the North Carolina laws. Unlike the letters in other cases, the cases appealable to the Citizens Review Board contained a summary of the relevant facts of the case and the outcome of the

¹⁷ Rule II-9 III-D of the STPPD *General Order* (1994).

¹⁸ The Chain of Command Board, chaired by the Chief, is composed of the police officer’s chain of command and a peer (Rule II-9 IV-A of the STPPD *General Order* (1994)). The Assistant Chief’s Board is composed of the members of the chain of command (1997 Internal Affairs Unit Annual Report, p. 8 (1997)).

investigation.¹⁹ As a consequence of the “Sunshine Laws,” the completed Internal Affairs investigation reports in Florida became a matter of a public record and, if no related criminal prosecution was pending, were open for examination by the complainant and any other interested parties.

APPEAL BY THE COMPLAINANT

The complainant in the Charleston Police Department was instructed in a flyer (available at the police station and distributed at public functions and meetings): “[i]f you are not satisfied with the way your complainant is handled, you may contact the Ombudsman’s Office for the City of Charleston.” Dissatisfied complainants are also instructed that they have an option of contacting a number of organizations, such as the National Association for the Advancement of Colored People (NAACP), the American Civil Liberties Union (ACLU), the South Carolina State Law Enforcement Division (SLED), or the Federal Bureau of Investigation (FBI), that may advocate on their behalf or continue to investigate their complaint.

As of September 8, 1997, the Charlotte-Mecklenburg Police Department provided dissatisfied complainants the possibility of appeal in certain circumstances (i.e., allegations of misconduct related to use of excessive force, unbecoming conduct, arrest, search, and seizure, or discharge of a firearm resulting in a death or a serious injury). Complainants could obtain help in filing their appeals in the City’s Community Relations Committee Office. Appeals were addressed to the 11-member Citizens Review Board, whose members were appointed by the City Council, Mayor, and City Manager for three-year terms. The Board had the authority to recommend action to the Chief and City Manager, while the final decision is made by the City Manager.

Although the St. Petersburg Police Department has a civilian review board that in theory might provide an outlet for appeal, none of the functions of the Citizen Review Committee included review of the actual cases at the appellate level.²⁰ The Committee reviewed cases with the purpose of checking whether the investigation, findings, and discipline were adequate, but it had no impact on the outcome of a particular case and had only limited power to recommend changes in the departmental policies to the Chief through the Mayor.²¹

RECORDS OF COMPLAINTS AND DISSEMINATION OF INFORMATION ABOUT COMPLAINTS

All three agencies tried to maintain a record of complaints, but the extent of the records kept at any centralized location differed. The Internal Affairs Office in the Charleston

¹⁹ KPMG Business Ethics Services, Report on Complaint and Use-Of-Force Review Polices and Procedures Of The Charlotte Mecklenburg Police Department 11 (1998).

²⁰ City Of St. Petersburg, Citizen Review Committee Activity Report 1992–1996 4 (1997).

²¹ City Of St. Petersburg, Citizen Review Committee Activity Report 1992–1996 4 (1997).

Police Department maintained only the records of the cases and subsequent investigations handled by the Internal Affairs Office, while the Internal Affairs Units in the other two agencies kept the records of all completed investigations in some form. For example, training for newly promoted sergeants in the Charlotte-Mecklenburg Police Department included a course on internal investigations, in which sergeants were instructed to forward the completed file to the Internal Affairs Office.²² If case files for all completed formal and informal cases in the St. Petersburg Police Department were not already with the Internal Affairs Unit, a copy was to be forwarded to it.

The Charleston Police Department published an *Internal Affairs Annual Report* that provided summary statistics on Internal Affairs investigations, including the number of complaints, complaints generated externally and internally, decisions, and disciplinary outcomes. The St. Petersburg Police Department also provided an annual report by the Internal Affairs Unit. Among the statistics provided in the report were the total number of investigations into allegations of misconduct by the type of misconduct, origin of complaints, outcome of investigations, organizational complaint profile, and, in a separate place, outcomes of disciplinary actions taken against police officers. The Charlotte-Mecklenburg Police Department did not compile regular Internal Affairs reports.

CONCLUSION

Citizen complaints can be interpreted in many different ways: as a sign of citizen trust in the police, an indication of the level of police misconduct, a measurement of the agency's willingness to deal with potentially damaging information, a source of learning for the police agency, and a measurement of police democratization. All three agencies we studied engaged in serious attempts to solicit citizen feedback about their performance: they distributed brochures and flyers containing information on complaint submission throughout the community, and, in two of the three agencies, they also conducted public awareness campaigns. Furthermore, they enabled citizens to submit complaints at multiple locations, from the police headquarters, the Internal Affairs Office, to individual supervisors. Dislike for the police, fear of the police, or the lack of confidence in the police may make some citizens reluctant to submit complaints to the police. In two of the three cities citizens had alternative locations outside of the police agencies where the complaints could be submitted: in Charlotte, citizens could file a complaint with the Community Relations Committee or the Mayor's office, whereas the citizens in St. Petersburg could file with the Citizen Review Committee or in the City Manager's Office. Furthermore, the agencies accepted complaints 24/7, by phone, in person or mail. Two of the three agencies—the Charlotte-Mecklenburg Police Department and St. Petersburg Police Department—also allowed for citizen participation in the process: in Charlotte, the Citizen Review Board addressed complainants' appeals, whereas in St. Petersburg, the Citizen Review Committee reviewed completed Internal Affairs investigations.

²² Charlotte Mecklenburg Police Department, Internal Investigations Lesson Plan 10 (1997).

The fact that all three agencies required citizens to provide some version of a formal, written statement adds to the seriousness with which they took complaints, but, at the same time, may have discouraged some complainants for filing a complaint in the first place. To compensate for this weakness, police agencies typically accepted anonymous complaints, but they treated them differently from “regular” complaints, for example by requiring the personal involvement of the Chief.

All three agencies had detailed written rules regulating the subsequent phases in the complaint disposition process. Although the actual distinction between less serious and more serious alleged violations differed substantially across the three agencies, a common feature was that the less serious cases were investigated by supervisors, while more serious cases were investigated by Internal Affairs investigators. Another similarity across the agencies is how the investigation is done: in all three agencies it involved an interview of the complainant, interview of witnesses, collection and examination of other evidence in the case, followed by an interview of the police officer and the medical, psychological, and other tests. Following the *Garrity* ruling, all three agencies separated administrative aspects of their investigations from the criminal part. Consequently, police officers rights during investigation did not include the right to refuse to provide information to their supervisors.

To maintain the objectivity of the decision-maker in a case, the case investigators did not make decisions about the complaints; they only issued recommendations. Although there is variation in who the decision-maker is (the chain of command, a board), the cases are ultimately reviewed by the police chief in all three agencies. Unsatisfied complainants have the opportunity to appeal the decision in the case to an outside agency (e.g., the Ombudsman’s Office in Charleston and the Citizens Review Board in the Charlotte).

However, if the complaint was sustained in Charlotte or St. Petersburg or if the decision was that there was indeed improper conduct in Charleston, the story does not end here. The phase that follows involves the disciplinary procedure for the police officer in question. The next chapter examines of the disciplinary processes in the three agencies.

CHAPTER 10

METING OUT THE DISCIPLINE

In the previous chapter we examined the procedures used by the three police agencies to take and process citizen complaints. This chapter continues the exploration of detection, investigation, and sanctioning of police misconduct, focusing on the disciplinary processes used by the three agencies to discipline police officers who have violated agency rules.

In mobilizing the mechanisms of detection and investigation and in disciplining offending officers, or in failing to do so, the administration sends a message both to its police officers and to the public about the meaning and importance of specific official rules. By detecting and investigating misconduct thoroughly and discipline the violators quickly and effectively, the police agency reaffirms the official message that the agency will not be tolerant of such behavior. Failing to detect or discipline or by not being serious about detecting and investigating misconduct and the disciplining of violators, the police agency trumps the rule prohibiting such behavior and *de facto* legitimizes or at least signals its lack of concern about its violation.

The chapter proceeds with an examination of the fairness of the disciplinary processes used in the three agencies: what violations are disciplined, how serious the typical disciplines are, and how swiftly the discipline is meted out. The chapter also examines an issue crucial for the creation of agencies of high integrity: perceptions about the degree of consistency in the application of discipline.

DISCIPLINE

As discussed earlier, if a complaint was sustained, it was followed by a decision about appropriate discipline for the police officer. Each department provided a range of disciplinary options. Corrective counseling, oral reprimand and re-training were the least serious options; written reprimand and suspension as disciplinary options were in the middle of the scale; and demotion and dismissal were the most serious forms of discipline (Table 10.3). All three agencies deferred the final decision in disciplinary matters to the Chief, but assign the primary decision-making power to the chain of command (see Table 10.1).

Table 10.1. Disciplinary Process

	Charleston Police Department	Charlotte-Mecklenburg Police Department	St. Petersburg Police Department
Purpose of discipline	<p>*to correct or punish employee behavior (Rule 2.18)</p> <p>*some offenses are of such nature that correction or change of behavior not sufficient; in such cases, the best interests of the department may be served by terminating the employee (Rule 2.18)</p>	<p>*utilize counseling techniques whenever possible to train or guide</p> <p>*when such counseling fails to rectify improper action or the employee commits a pronounced deviation, imposition of discipline necessary (Rule 200-001 IIA)</p>	<p>*discipline is not necessarily punitive in nature</p> <p>*intent to modify an employee's behavior when found to be in conflict with the policy of the department</p> <p>*when training not enough or the improper conduct re-occurs, necessary to take some type of formal action to discourage improper behavior (<i>1997 Internal Affairs Unit Report</i>, p. 20)</p>
Initiation of the disciplinary process	<p>*internally or externally generated complaint</p>	<p>*internally or externally generated complaint</p>	<p>*internally or externally generated complaint</p>
Decision-maker about complaint	<p>*police officer accepts the investigation recommendations</p> <p>*Police Trial Board hearing</p>	<p>*police officer accepts the investigation findings</p> <p>*Chain of Command Review Board hearing or chain of command written review</p>	<p>*Chain of Command Board hearing or the Assistant Chief's Board hearing</p> <p>*Chain of Command review</p>

Decision-maker about discipline	<ul style="list-style-type: none"> * dismissal – Chief * sergeants and below may not hold hearings and impose discipline * lieutenants – suspension up to 10 days * captains – suspension up to 15 days * majors – suspension up to 30 days * Chief may be the final arbiter (Rule 2.20) 	<ul style="list-style-type: none"> * Chief may not terminate without a Civil Service Board hearing * Chain of Command Review Board for “A”-cases * Bureau-level Chain of Command Review Board for “B”- and “C”-cases * decision at the district/section level – “D”-cases * Chief may be the final arbiter (Rule 200-001 III-C9) * prior misconduct (Rules 200-001) 	<ul style="list-style-type: none"> * Chain of Command Board for formal cases * Assistant Chief’s Board for formal cases; discipline up to 5 day suspension * the chain of command for informal cases * Chief is the final arbiter (Rule II-9 VI-D3)
Factors taken into account	<ul style="list-style-type: none"> * background information (Rule 2.19) 	<ul style="list-style-type: none"> * employee motivation * the degree of harm * employee experience * intentional/unintentional errors * employee’s past record 	
Progressive disciplinary philosophy	<ul style="list-style-type: none"> * yes (Rule 2.20) 	<ul style="list-style-type: none"> * yes – for each of the categories (“A” through “D”) discipline more severe if the second or the third sustained violation within a year (Rules 200-001) 	<ul style="list-style-type: none"> * yes – “subject to increasingly severe levels of discipline for each successive instance of related misconduct” (<i>Citizen Review Committee Activity Report 1992–1996</i>, p. 16)

(Continued)

Table 10.1. (Continued)

	Charleston Police Department	Charlotte-Mecklenburg Police Department	St. Petersburg Police Department
Disciplinary options	<ul style="list-style-type: none"> *re-training *counseling *oral reprimand *written reprimand *restitution *suspension *demotion *termination (Rule 2.20) *informal hearing before the Chief 	<ul style="list-style-type: none"> *corrective counseling *verbal reprimand *written reprimand *suspension *demotion *termination (Rules 200-001) *alternative corrective action 	<ul style="list-style-type: none"> *re-training *informal counseling *report of oral warning *employee notice (written reprimand) *suspension *demotion *termination (<i>1997 Internal Affairs Unit Report</i>, p. 21)
Appeal	<ul style="list-style-type: none"> *formal hearing before the City of Charleston (Rule 2.20.c) 	<ul style="list-style-type: none"> *Civil Service Board (if suspension) (<i>KPMG</i>, p. 12) 	<ul style="list-style-type: none"> *for the Chain of Command Review Board decision: file an appeal with the Complaint Review Board (and subsequently Step 2 in the Grievance Procedure), Civil Service Board, or may initiate Step 2 of the Grievance Procedure *for the Assistant Chief's Board decision: initiate Step 1 or Step 2 of the Grievance Procedure

DISCIPLINARY PHILOSOPHY

The three police agencies viewed the purpose of discipline as both preventive and retributive, but each department varied in the emphasis it placed on the respective purpose. The Charlotte-Mecklenburg Police Department tended toward the preventive side. Its basic ideas about the disciplinary philosophy were stated as follows:

The philosophy of the Department is to utilize counseling techniques whenever possible to train or guide employees. Imposition of discipline becomes necessary when such counseling fails to rectify improper action or the employee commits a pronounced deviation.¹

The disciplinary philosophy of the St. Petersburg Police Department is also described as corrective in nature:

The discipline philosophy of the St. Petersburg Police Department is not necessarily punitive in nature. The intent of the philosophy is to modify an employee's behavior(s) when found to be in conflict with the policy of the department. This is frequently accomplished by identifying the unacceptable behavior and providing the employee with additional training. At times, training is not enough or the improper conduct re-occurs. In these instances it may be necessary for the department to take some type of formal action to discourage improper behavior on the part of the employee.²

The disciplinary philosophy of the Charleston Police Department has a somewhat stronger emphasis on punishment as the purpose of discipline.³

Departmental discipline is designed to correct or punish employee behavior. Some offenses are of such nature that correction or change of behavior may be deemed not sufficient. In such cases, the best interests of the department may be served by terminating the employee.⁴

To achieve their corrective goals, all three departments subscribed to a philosophy of progressive discipline – the view that the discipline should become more severe for repeat offenders.⁵ With progressive discipline, one's prior record of violations should be taken into account when making a decision about appropriate discipline. A lieutenant from the Charleston Police Department explained his understanding of the rationale for progressive discipline to us: "it is much better to take a longer route and learn why he did it and use progressive punishment." However, the same lieutenant argued that "it is very hard to work with people on a progressive scale.

¹ Rule 200-001 IIA, *CMPD General Order* (1998).

² 1997 Internal Affairs Unit Annual Report 8 (1997).

³ See Chapter 4: Charleston, South Carolina: "It's His House."

⁴ Rule 2.18 of the *CPD General Orders, Policies, and Procedures Manual* (1996).

⁵ See Rule 2.18 of the *CPD General Orders, Policies, and Procedures Manual* (1996) for the Charleston Police Department; Rules 200-001, *CMPD General Order* (1998) for the Charlotte-Mecklenburg Police Department; and City Of St. Petersburg, Citizen Review Committee Activity Report 1992–1996 16 (1997).

It takes listening, hand-holding; it is not easy, but you owe it to the employee. If we do it right, they make us look good and we reap the benefits.” Background information about the police officer in general and prior misconduct in particular become important factors in determining the appropriate discipline in each case. Several respondents from all three agencies stressed the importance of prior record for the final outcome of a disciplinary case:

I think that the punishment that officers receive in many of these situations would not only be based on the severity of the offense, but also on that officer’s past record and conduct (line officer).

On some situations, I feel that actions are a stair step process, e.g., verbal warning, written warning, and then stronger action (line officer).

Please keep in mind that in minor violations we begin by employing progressive discipline – not what I necessarily think should be done (lieutenant).⁶

The St. Petersburg Police Department provided a detailed pre-specified set of factors that may be taken into account in the application of discipline in a particular case:

All of the factors may not be considered in every case because some will not apply to the particular set of circumstances. Also, there may be a tendency to isolate one factor and give it greater importance than another. These factors should generally be thought of as being interactive and having equal weight, unless there are particular circumstances associated with an incident that would give a factor greater or lesser weight. The factors which will be considered in disciplinary matters include: [a] employee motivation...[b] the degree of harm...[c] employee experience...[d] intentional/unintentional errors...[e] employee’s past record...⁷

The Charlotte-Mecklenburg Police Department’s disciplinary system was also structured around the principle of progressive discipline – the rules prescribed that the choice of discipline depends on the severity of violation and the officer’s prior record. “A”-violations, the most serious violations, may result in any discipline, including termination. Discipline for an officer’s first or the second “B”- or “C”-violation (over a 12 month period), is limited to suspension or written reprimand respectively, as these are violations of “moderate” and “minor severity”. The first or the second “D”-violation, being the least severe, is limited to corrective counseling or verbal reprimand, respectively.⁸ The third violation in the same category within 12 months becomes a violation in the next higher category and, in terms of discipline severity, is treated as such.

⁶ These written statements were provided in the “Comments” section of our first survey.

⁷ 1997 Internal Affairs Unit Annual Report APP. D at 2–3 (1997).

⁸ Rule 200-001 IIC, CMPD *General Order* (1998).

COMPARING DISCIPLINARY OUTCOMES ACROSS POLICE AGENCIES

Because each agency is a separate rule-making entity that provides its own official agency rules, interagency comparisons are enormously difficult. Rules differ across agencies in terms of their structure, names assigned to the violations, and the behavior they prohibit. Having in mind the comparative nature of our research – a cross-agency analysis of how the official disciplinary systems treat comparable violations – we sought to provide the “common ground.” Consequently, because the St. Petersburg Police Department data set was the most limited of the three,⁹ we “translated” violation titles we found in the Charleston Police Department and the Charlotte-Mecklenburg Police Department disciplinary files to fit the St. Petersburg Police Department classification as closely as possible (Table 10.2).

Because the agencies and their recording practices are different, the data sets we compiled in the course of our analyses of discipline are heterogeneous. This heterogeneity poses a considerable challenge in performing cross-agency comparisons. The three data sets are limited by the period they cover,¹⁰ ways of recording and organizing information in a data set,¹¹ and the extent of information provided.¹²

To facilitate the comparison of actual disciplinary records with survey findings, we converted all the disciplinary options in each of the three agencies to the disciplinary options provided in our questionnaires (Table 10.3). Although the formal disciplinary options available to supervisors in each of the three agencies included verbal reprimand, verbal reprimand is typically not recorded in the official disciplinary records. Consequently, the disciplinary data sets contain the disciplinary options more severe than verbal reprimand.¹³

⁹ While we created the disciplinary data sets for the Charleston Police Department and the Charlotte-Mecklenburg Police Department on the basis of the disciplinary records provided by the agencies (and, consequently, had a choice as to what information was to be included in the newly created disciplinary data sets), the St. Petersburg Police Department provided us with an already created data file (thus containing predetermined data fields).

¹⁰ The data sets from the Charleston Police Department and the St. Petersburg Police Department extend over a longer period of time (1993–1997) than the corresponding file from the Charlotte-Mecklenburg Police Department (1996–1998).

¹¹ The data sets from the Charleston Police Department and the Charlotte-Mecklenburg Police Department were organized per police officer, while the disciplinary file from the St. Petersburg Police Department was organized per incident, resulting occasionally in instances of multiple violators recorded. Furthermore, the Charleston the Charlotte-Mecklenburg disciplinary data sets contain records of multiple violations a police officer was charged with and multiple disciplinary options meted out in a case, while the disciplinary file from the St. Petersburg Police Department is limited to the records of single violations and single disciplinary options.

¹² While the outcome of appealing an internally generated disciplinary decision was recorded as a part of the “booking reports” in the Charleston Police Department and was included as a part of the file provided by the St. Petersburg Police Department, this was not the case for the Charlotte-Mecklenburg Police Department. To address this issue, we obtained the appeal data for the Civil Service Board for the Charlotte-Mecklenburg Police Department and matched them with our disciplinary records.

¹³ Although dismissal is one of the available disciplinary options, the official disciplinary reports do not contain information about the cases in which the investigation into alleged misconduct ended because the police officers resigned from the agency before the completion of the investigation.

Table 10.2. Conversion of Violations from the Charleston Police Department and the Charlotte-Mecklenburg Police Department Data Files to the St. Petersburg Police Department Classification

St. Petersburg Classification	Charleston Classifications	Charlotte-Mecklenburg Classification
Accident	Operation of Department Vehicles	
Acc. Discharge of Weapon	Firearm Training Program	
Abuse of Overtime	Officer Conduct-Elements for Disciplinary Action	
Abuse of Sick-Time AWOL	Absence from Duty; Officer Conduct-Relief	Absence from Duty
Convicted of Felony/Misdem.	Conformance to Laws	Conformance to Laws
Carelessness	Attention to Duty	
Civil Case	Legal Process	Legal Process
Chronic Offender Code		
Conduct Unbecoming	Loyalty; Conduct Unbecoming; Officer Conduct; Criticism and Malicious Gossip; Oath of Office; Law Enforcement Code of Ethics; Conduct while Wearing Uniform and at Assigned Schools; Integrity; Professional Standard of Service	Conduct Unbecoming
Discharge of Weapon		
Discourtesy	Courtesy; Conduct Toward the Public; Questions and Requests by Citizens	Courtesy
Falsification of Record	Misrepresentation and Falsification; Officer Conduct-False Information on Records	Truthfulness
Failure to Maintain LIC		
Failure to Report Violation	Accident Reporting and Investigation; Reporting Criminal Activity	
Failure to Appear in Court	Courtroom Attendance	
Harassment	Harassment	Harassment

Improper Conduct	Private Matters on Duty; Intoxicants; Courtroom Demeanor	Abuse of Position; Use of Tobacco; Labor Activity
Improper Procedures	Evidence and Property Handling; Duties of Dispatcher; Warrant/Legal Process Manual; NCIC Manual; Fire Code Enforcement; Improper Procedures; Officer Conduct-Discipline; Obeying Procedures; Officer Conduct-Arrests in Private Matters; Officer Conduct-Leaving the City; Riders; In-Service Training; Off-Duty Employment; Revised Jail Manual; Handling Juvenile Suspects; Internal Affairs and Inter-Department Investigation; Follow-up of Missing Persons Cases; Recall and Emergency Stand-by; Procedures to Recruit and Select Police Officers; Reporting or Appealing Unlawful or Improper Orders; Discharge of Firearm Report; Rights of Employee	Violation of Rules; Employment; Department Reports; Arrest, Search, and Seizure; Identification
Inefficiency	Follow-up Investigations; Accountability; Issuance of Orders; Traffic Citation Accountability; Towing and Inventory of Vehicle; Establishing Elements of Violation	Neglect of Duty; Unsatisfactory Performance
Insubordination	Relations Between Superior and Subordinate; Span of Supervisory Control; Report to Supervisors; Conduct Toward Superiors; Obedience to Orders; Compliance with Lawful Orders	Insubordination; Participation in Administrative Investigations
Misuse of City Property	Misappropriation of Property; Private Use of Vehicles; Traffic Citations Involving Department Vehicles	Use of Department Equipment
Neg. Loss/Damage of City Property	Use of Force	

(Continued)

Table 10.2. (Continued)

St. Petersburg Classification	Charleston Classifications	Charlotte-Mecklenburg Classification
Pursuit Policy Violation	Vehicle Pursuit	
Sleeping on Duty	Sleeping on Duty	
Tardiness	Reporting for and Going off Duty; Roll-Call	Reporting for Duty
Unnecessary Force	Use of Force Policy; Use of Force, Firearms, Chemical Agents, and Other Agents	Use of Force
Violation of Safety Rule/Proc.	Standard Operations for Emergency Response; Emergency Operation of Vehicles	
Incompetence	Use of Force	
Gifts and Gratuities	Acceptance of Gifts and Gratuities; Eating Establishments	
Drugs – Testing	Random Drug Test Program; Random Drug Testing	Possession and Use of Drugs
Improper Display of Weapon	Removal of Weapon from Holster; Security of Firearms	
Personal Appearance	Uniformed Officers Attire	Personal Appearance

The Charleston Data Set – We obtained the disciplinary records– the so-called “booking reports”– from the personnel records for each sworn police officer employed by the Charleston Police Department during any part of the period 1993 – 1997. The

Table 10.3. Conversion of the Disciplinary Options to the Survey Equivalent

Charleston, Charlotte-Mecklenburg, and St. Petersburg Case Dispositions	Survey Equivalent
Counseling	Verbal Reprimand
Employee Notice	Written Reprimand
Memo of Counseling	Written Reprimand
None – No Action Taken	None
Notice of Preventable	Written Reprimand
Oral Written Warning	Written Reprimand
Resignation	Dismissal
Suspension	Suspension
Demotion	Demotion
Termination	Dismissal

form contained information about the police officer charged, the charge itself, the evidence and the witnesses in the case, and the disposition of the case. We developed a detailed coding scheme and subsequently coded 228 reports.

The Charlotte-Mecklenburg Data Set – In the Charlotte-Mecklenburg Police Department, the information and the records about employee misconduct were collected by the Internal Affairs Unit. We selected the “Allegation of Employee Misconduct” forms (A-74-PD 11/95) and “Chain of Command Review” forms (A-75-PD 02/96) from cases alleging misconduct by sworn police officers. These two forms contained the information about the police officer charged, the alleged violation, the persons alleging misconduct, the decision about the violation and the outcome of the case. Using a detailed coding scheme, we coded 543 reports for the period 1996–1998.

The St. Petersburg Data Set – Finally, the St. Petersburg Police Department provided us with a computer data file containing the information about informal cases (25.1%), bureau-investigation cases (26.5%), civil cases (0.1%), formal cases (15.7%), internal-affairs cases (5.7%), pursuit-policy-violation cases (3.6%), and accident cases (23.3%) for the period from 1993 until the first six months of 1998. Because we sought to examine disciplinary decisions, we selected only the “sustained” cases for our analysis, resulting in 444 reports. The data file included the information about the police officer charged, the charge itself, the decision about the charge and the outcome of the case.

GENERAL DESCRIPTION OF OFFICIAL DISCIPLINE IN EACH AGENCY

The data about the official discipline more serious than verbal reprimand, as well as rates per 100 police officers for each of the three agencies, are shown in Table 10.4. Despite the variations across time and agencies, it seems that each year twenty percent or fewer of police officers in each agency are officially disciplined. However, we can conclude very little about these agencies and their discipline without looking further into the characteristics of these violations and the subsequent punishment.

We can draw several conclusions from the types of violations for each agency (Table 10.5). First, police agencies tend to initiate proceedings for police officers for both single and multiple violations¹⁴ (the St. Petersburg Police Department data set did not contain information about multiple violations), although single violations appear to constitute the majority of violations disciplined by the police agencies. Second, the most frequent type of single violation differed by agency. While there was a specific type of single violation police officers were most frequently charged with in the Charlotte-Mecklenburg Police Department (i.e., *AWOL* – Absence from

¹⁴ In the Charleston Police Department and in the Charlotte-Mecklenburg Police Department disciplinary data files we recorded instances of multiple violations. Because these multiple violations approached nearly 40% in some years, we included them in the analyses. Furthermore, the St. Petersburg Police Department data set contains both cases with multiple officers and cases with single officers. Although the majority of the cases involved single officers, the percentage of the cases with multiple officers is not negligible in certain years (up to 30%).

Table 10.4. Total Violations and Rate of Violations by Year

Charleston Police Department		Charlotte-Mecklenburg Police Department		St. Petersburg Police Department		
Frequency	rate per 100 police officers	Frequency	rate per 100 police officers	Frequency	rate per 100 police officers	
1993	24	7.5	-	-	79	15.5
1994	30	9.4	-	-	67	13.1
1995	35	11.0	-	-	69	13.5
1996	66	20.8	178	13.8	65	12.7
1997	45	14.2	197	15.3	106	20.7
1998	-	-	162	12.7	86(est.)*	16.2(est.)*

* The frequency and the rate per 100 police officers are estimated based on the data provided for the first six months of the year.

Duty in the original Charlotte-Mecklenburg Police Department classification) and the St. Petersburg Police Department (i.e., *Inefficiency*), there was no such clear distinction in the Charleston Police Department data. Rather, the most frequent single charges in the Charleston Police Department included *Carelessness*, *Conduct Unbecoming*, and *Improper Procedures* (Table 10.5). Such a finding is by no means surprising because each of the police agencies is an independent disciplinary authority that provides an individual set of rules prohibiting certain behavior by the police officers employed by that agency.

Charleston Police Department – The most frequent *discipline*—in three out of four cases overall—was *suspension*. Although dismissal is overall a rather infrequently exercised disciplinary option (4.6% of all the cases), not surprisingly, it is more likely to be utilized for the cases involving multiple violations and a single discipline (24.1% of the cases with multiple violations and single punishment).

Charlotte-Mecklenburg Police Department – Although *suspension* was the dominant *discipline* (61.9% of all cases), as was the case in the Charleston Police Department, written reprimand played a more prominent role in the disciplinary environment of the Charlotte-Mecklenburg Police Department (34.3% of all cases), while dismissal was exercised infrequently (3.8% of all cases), and it was also more likely to have been utilized for the cases involving multiple violations and a single discipline (38.9% of the cases with multiple violations and single punishment).

As described earlier, the Charlotte-Mecklenburg Police Department divides cases into four categories by their severity. The results suggest a positive relation: the more serious the offense, the more severe the discipline. In particular, while dismissal (the most severe disciplinary option) was most likely for an A-violation (the most serious type of violation), suspension was the most likely discipline for a B-violation, and

Table 10.5. Type of Violation by Agency

Single Violation	CPD (1993–1997)		CMPD (1996–1998)		STPPD (1993–1997)	
	Freq.	Percent	Freq.	Percent	Freq.	Percent
Accident	3	2.0%			9	2.1%
Acc. Discharge of Weapon					1	0.1%
Abuse of Sick-Time					4	1.0%
AWOL	2	1.4%	264	52.1%	3	0.7%
Convicted of Felony/Misdem.			2	0.1%	11	2.6%
Carelessness	35	23.8%			16	3.7%
Chronic Offender Code					1	0.1%
Conduct Unbecoming	22	15.0%	14	2.8%	36	8.4%
Discharge of Weapon					4	1.0%
Discourtesy	2	1.4%	22	4.3%	39	9.1%
Falsification of Record	7	4.8%	1	0.1%	21	4.9%
Failure to Maintain LIC					1	0.1%
Failure to Report Violation	1	0.7%			1	0.1%
Failure to Appear in Court	11	7.5%			10	2.3%
Harassment			2	0.1%	2	0.5%
Improper Conduct	2	1.4%			33	7.7%
Improper Procedures	21	14.3%	48	9.5%	27	6.3%
Inefficiency	6	4.1%	34	6.7%	137	31.9%
Insubordination	11	7.5%	1	0.1%	14	3.3%
Misuse of City Property	1	0.7%			14	3.3%
Neg. Loss/Damage of C. Property					7	1.6%
Pursuit Policy Violation	1	0.7%			4	1.0%
Sleeping on Duty	1	0.7%				
Tardiness	12	8.2%	96	18.9%	19	4.4%
Unnecessary Force			20	3.9%	10	2.3%
Violation of Safety Rule/Proc.	1	0.7%			3	0.7%
Incompetence					16	3.7%
Gifts and Gratuities	6	4.1%				
Drugs – Testing	2	2.0%	2	0.1%		
Improper Display of Weapon	1	0.7%				
Personal Appearance			1	0.1%		
Total for Single Violations	147	(100%)	507	(100%)	429	(100%)
		73.9%		94.4%		100%
Multiple Violations	52	26.1%	30	5.6%		
TOTAL	199	100%	537	100%	429	100%

written reprimand (the least severe of the three disciplinary options) was the most likely discipline for a C- or a D-violation.

St. Petersburg Police Department – The use of *suspension* was restricted to a fairly small subset of all the cases in the data file (2.2%). The most frequently used *discipline*, in the language of our survey, was *written reprimand* (65.4% of all cases), while dismissal was exercised very infrequently (8.6% of all cases).

SWIFTESS OF DISCIPLINE

Theories of deterrence imply that its effectiveness has three elements: swiftness (celerity), certainty, and severity of punishment.¹⁵ Because the forms we used to compile the disciplinary files for the Charleston Police Department and the Charlotte-Mecklenburg Police Department contain information about the date of the incident, the date when the charges were brought, and the date when the decision about the disposition of the case and the disciplinary outcome was made, we have sufficient information to analyze the celerity of discipline imposition in those two agencies.

The period of time from the day an incident took place until the case enters the disciplinary system tended to be shorter for the majority of the cases in the Charlotte-Mecklenburg Police Department than for the majority of the cases in the Charleston Police Department. In 64–65% of Charlotte-Mecklenburg cases the report was written and the police officer charged on the day of the incident, whereas in Charleston less than 21% of cases met the same criteria; see Table 10.6). However, the time of the initial reaction by the agency (from the report to the charging decision) was quite short in both agencies. In particular, in 87% of the cases in the Charleston Police Department and in 65% of the cases in the Charlotte-Mecklenburg Police Department the charging date and the date of the report were the same (Table 10.6).

The processing time from the initial appearance of a case in the system until the disposition of the case and the disciplinary decision (“punishment”) differed across the two agencies, probably as a result of their differences in size, organization, procedural rules and the emphasis on punishment swiftness. For three-quarters of the cases in the Charleston Police Department it took up to three days for the discipline to be meted out once the report was written or a police officer charged. By contrast, only 14% of the cases in the Charlotte-Mecklenburg Police Department were processed within a three-day period, whereas the majority (60.9%) of the cases took between 4 and 32 days (Table 10.6).

Unlike the Charlotte-Mecklenburg Police Department, the Charleston Police Department provides their employees with an opportunity of internal appeal. Two-thirds of these decisions were made on the same day or within one day from the day on which the discipline was meted out (Table 10.6). Furthermore, in over 60%

¹⁵ See Cesare Beccaria, *On Crimes And Punishments* (Henry Paolucci trans., Bobbs-Merrill, 1963) (1764). See, for example, a detailed discussion about current deterrence theories in Stephen E. Brown, Finn-Aage Esbensen, And Gilbert Geis, *Criminology: Explaining Crime And Its Context* 161–209 (2nd ed., 1996).

Table 10.6. Swiftmess of Discipline by Agency

		Charleston Police Department			Charlotte-Mecklenburg Police Department		
		days	%	cum. %	days	%	cum. %
Entering The System	Incident – Report	0	20.7%	20.7%	0	64.0%	64.0%
		1–3	32.5%	53.2%	1–3	15.0%	79.0%
		4–10	29.8%	83.0%	4–10	8.7%	87.7%
		10+	17.0%	100.0%	10+	12.3%	100.0%
		<i>(N = 188)</i>			<i>(N = 405)</i>		
Initial Reaction	Report – Charge	0	86.9%	86.9%	0	65.1%	65.1%
		1–3	9.6%	96.5%	1–3	14.5%	79.6%
		4–10	2.0%	98.5%	4–10	8.6%	88.2%
		10+	1.5%	100.0%	10+	11.8%	100.0%
		<i>(N = 198)</i>			<i>(N = 398)</i>		
	Incident – Discipline	0–3	30.6%	30.6%	0–13	25.5%	25.5%
		4–6	21.9%	52.5%	14–24	25.9%	51.4%
		7–12	22.9%	75.4%	25–54	23.8%	75.2%
		13+	24.6%	100.0%	55+	24.8%	100.0%
		<i>(N = 198)</i>			<i>(N = 424)</i>		
Processing to Decision	Charge – Discipline	0	43.4%	43.4%	0	7.7%	7.7%
		1	20.9%	64.3%	1	2.1%	9.8%
		2–3	13.3%	77.6%	2–3	3.7%	13.5%
		4–8	14.7%	92.3%	4–8	13.1%	26.6%
		9+	7.7%	100.0%	9–17	26.0%	52.6%
		<i>(N = 196)</i>			18–32	22.5%	75.1%
					33+	24.9%	100.0%
					<i>(N = 481)</i>		

of the cases the overall processing time from the time when the case entered the system (either at the time of report or charging) until the decision on appeal was made was quite short – only 4 days or fewer.

RIGHT TO APPEAL

Once discipline is meted out in a particular case, the disciplined police officer in each agency has the right to appeal that decision, but the forum for appeal, the steps involved in getting to the decision-maker, and the access to the decision-maker differ across the three agencies. While the appellate decision in the Charleston Police Department appears to have been, at least in the first step, an internal issue (the decision on appeal was made by the Chief in 90.9% of cases), the issues of appeal are in the hands of the City Manager or the Civil Service Board in the Charlotte-Mecklenburg Police Department and in the hands of the Complaint Review Board, City, or the Civil Service Board in the St. Petersburg Police Department.

Charleston Police Department – A police officer from the Charleston Police Department may appeal a disciplinary decision involving written reprimand, suspension, demotion, or termination. The first step in the process includes the right to an informal hearing before the Chief, and, if the police officer does not agree with the recommendation made by the Chief during that informal hearing, he has the right to a formal hearing before the Charleston City Council.¹⁶

Charlotte-Mecklenburg Police Department – Depending on the discipline outcome, the police officer may appeal to the Civil Service Board or to the City Manager through the City’s grievance process. The Civil Service Board, established by the City Charter, has the final authority over suspensions or terminations of employment of non-probationary police officers and the Board decisions may be appealed to the Superior Court.¹⁷ Alternatively, the police officer may file a grievance (through the chain of command) that will be decided by the City Manager.¹⁸

St. Petersburg Police Department – The extent of the right to appeal in the St. Petersburg Police Department is dependent upon the original decision-maker. If the case was decided by the Chain of Command Board, the police officer is covered by the *Law Enforcement Officers and Correctional Officers Bill of Rights* and has the right to appeal that decision to the Complaint Review Board within ten days.¹⁹ While the Complaint Review Board recommends the disciplinary action, it is the Chief who makes the final decision based on the findings of the Chain of Command Board and the recommendations by the Complaint Review Board.²⁰

The police officer is protected in this process by the prohibition of *reformatio in peius* – “the recommended disciplinary action shall not exceed the disciplinary action imposed by the Chain of Command Board.”²¹ The police officer unsatisfied with the Chief’s decision may initiate grievance procedures, either as provided through the personnel system or through the union.²² Finally, instead of going through the Complaint Review Board, the police officer may in certain cases decide to have the case reviewed by the Civil Service Board.²³ Although similar, the appeal

¹⁶ Rule 2.20.c of the CPD *General Orders, Policies, and Procedures Manual* (1996).

¹⁷ Charlotte Mecklenburg Police Department, Internal Investigations Lesson Plan transparency 85–86 (1997).

¹⁸ Charlotte Mecklenburg Police Department, Internal Investigations Lesson Plan transparency 87 (1997).

¹⁹ The Complaint Review Board is composed of five members, two of whom are selected by the Chief and two by the police officer. The fifth member – the Chairperson – is then selected by the four members of the Board. Rule II-9 IV-D of the STPPD *General Order* (1994).

²⁰ Rule II-9 VI-D. of the STPPD *General Order* (1994).

²¹ Rule II-9 VI-C.2. of the STPPD *General Order* (1994).

²² Rule II-9 VII of the STPPD *General Order* (1994).

²³ Rule II-10 VI-A.2. of the STPPD *General Order* (1994); Notification of Sustained Complaint form IA 12.

process is somewhat different if the original decision was made by the Assistant Chief's Board.²⁴

APPEAL OUTCOMES

Police officers in all three agencies have the right to appeal internal disciplinary decisions. Appellate decisions were made in about 1.1% of the total number of cases in our disciplinary file for the Charlotte-Mecklenburg Police Department and in 2.9% of the total number of cases in the St. Petersburg Police Department disciplinary file. Because appellate decisions in the Charleston Police Department are made internally (which by itself may speed the process up and may provide easier access to the review process²⁵) and the Department is characterized by the swiftness of its disciplinary apparatus in general, it is not surprising that a higher percentage of the total number of cases (13.6%) had appellate cases resolved within the time framework of our data collection and analysis.

The structure of the appellate cases in the Charleston Police Department resembles the overall population of the disciplinary cases we described previously; suspension, the most frequent discipline overall, was used in 76% of the total number of cases. The percentage of appellate cases having suspension as the only original discipline or one of the original multiple disciplines was similar (74%). Dismissal was somewhat less likely among all cases (4.6%) than among appellate cases (9.7%).

While in slightly more than one-half of the appellate cases in the Charleston Police Department the original decision was upheld by the chief, in the cases in which the original decision was changed, it was changed to benefit the accused police officer by being more lenient than the original discipline.

As of the time our data set was complete, appeals were resolved in only six of our data set's cases in the Charlotte-Mecklenburg Police Department. Suspension and the subsequent dismissal was the most frequent type of original discipline in the appellate cases (four cases or 66.7%), while dismissal accounted for only 3.8% of the disciplinary cases overall. In three appellate cases (50%) the original discipline was upheld, while it was reversed in two appellate cases (33.3%).

Finally, the thirteen appellate cases resolved in the St. Petersburg Police Department were also somewhat more likely to include dismissal (23.0%) than all the disciplinary cases in the data file were (2.2%). By contrast, written reprimand was somewhat more frequent as the original discipline in the resolved appellate

²⁴ Union employees dissatisfied with the decision may initiate "Step 1 of the Grievance Procedure outlined in the City Rules and Regulations of the Personnel Management System, or Step 2 of the Grievance Procedure in any labor agreement which may apply to the affected employee," (Rules II-9 V-E and F of the STPPD *General Order* (1994)).

²⁵ However, if the chief made the original decision, the access to justice through appeal is *de facto* limited. Furthermore, some police officers may be more reluctant to appeal because they might perceive that they are less likely to obtain justice if the appeal, much like the original decision, is handled internally as well.

cases (76.9%) than in all disciplinary cases (65.4%). Overall, the resolved appellate decisions indicate that appellate decisions may tend to favor police officers; in slightly less than one-half of the cases the original discipline was voided because the allegations were found to be “not sustained” or “unfounded,” while the police officers were reinstated in two out of the three dismissal cases.

DISCIPLINARY INTEGRITY: BIAS, FAVORITISM, AND PREFERENCE

The police disciplinary process is a form of formal sanctioning mechanism. Police officers expect circumstances to be taken into account when the disciplinary decisions are made and supervisors are required to take other factors into account when deciding the appropriate discipline for a particular case. A dialogue during one of our study-group meetings in the Charlotte-Mecklenburg Police Department illustrates this point:

- Interviewer: Does the Police Department expect you to deal with people in a fair way?
Member A: We want our supervisors to be leaders, managers, not just robots who apply the rules.
Interviewer: Do you see discretion as a necessary part?
Member A: You have to look at the totality of the circumstances; there are no clear-cut solutions.
Member B: We expect them to be consistent.

The disciplinary philosophy utilized in the St. Petersburg Police Department touches upon this same issue of consistency in more detail:

In trying to define fair and consistent treatment in disciplinary matters in the abstract, employees often say they would like the department to give them a list of the prohibited behaviors along with the consequences for engaging in those behaviors. Experience tells us though, when employees are directly involved in the disciplinary process – either as the subject of the process or in a review capacity to recommend or decide on the consequences – most will want to consider the consequences in light of the circumstances that might have contributed to the violation. This of course is a critical aspect of the application of discipline in a consistent and fair manner. For some employees consistency is seen as the same treatment for the same behavior in every case and; it is thought if this is done, the consequences will be fair to everyone. *For the St. Petersburg Police Department consistency is defined as holding everyone equally accountable for unacceptable behavior and fairness is understanding the circumstances that contributed to the behavior while applying the consequences in a way that reflects this understanding.*²⁶

Police officers in an agency can perceive discipline to be inconsistent, even when determined by taking the appropriate, official, agency-accepted factors into account. This perception need not overlap with reality, in part because of legal barriers in some departments to communicating the details of the case to the police

²⁶ 1997 Internal Affairs Unit Annual Report App. D at 2 (1997).

officers in the agency.²⁷ Consequently, police officers need not perceive the discipline to be consistent, even when it is, because they are not fully and accurately informed.

Typically, discussions during our meetings with police officers in each of the three agencies would start with the concerns raised about the need for the same behavior to be sanctioned consistently and the potential inconsistencies involving police officers of different gender, race, rank, or assignment. Over time, the discussion would take a different direction; voices would be heard about the need to take several factors into account when discussing these issues (e.g., prior violations, work history, length of experience in general, circumstances of the incident) and about the impossibility of providing fair treatment if these factors were not taken into account.

We sought to examine the possible bias using the official disciplinary data sets. However, the three police agencies discipline a variety of types of misconduct (often resulting in only one or two cases per year for a particular type of misconduct). Since a typical police officer is still predominantly a white male, a cross-tabulation of the violations by type²⁸ and the demographic characteristics of the charged police officers results in a large number of empty cells, thus rendering any meaningful comparisons impossible. In other words, even when we had the access to the complete official disciplinary data sets, we were not able to examine the possible bias with respect to the officially recorded data on misconduct. Furthermore, even if we were able to conduct such an analysis, we would still have missed a big piece of the puzzle: we did not have data on misconduct that was not reported and processed through the formal mechanisms. Thus, we would not have been able to compare the demographic characteristics, ranks, and assignments of the police officers actually involved in misconduct with those of the police officers recorded in official statistics as being involved in misconduct. If we could not do so, with complete data sets in front of us, then the police officers in each of the agencies would not be able to test these same hypotheses either. What, then, is the basis for concerns about the inconsistencies raised by the police officers?

Just like the citizens' opinions about the police are affected by their own personal experiences, as well as by the information about the highly visible cases of police misconduct brought to their attention by the media, the police officers' opinions about the fairness/consistency of the disciplinary systems are probably affected by their own personal experiences and those of their close friends and colleagues, as well as by what they learn about the cases of police misconduct in their agencies. Because the police officers' access to the disciplinary data files is quite limited in at least two out of the three police agencies we studied and is not timely in the third,²⁹ they have no realistic opportunities to obtain an accurate measure of the fairness

²⁷ This issue has been discussed in one of the previous sections of this chapter.

²⁸ We use the St. Petersburg classification.

²⁹ As discussed earlier, although the "Sunshine Laws" provide for the opening of all the files in Florida to the interested public, by the time these files are opened to the public (at the end of investigation), the police officers have already learned about the case through the grapevine.

of discipline. Thus, police officers seem to focus their attention on the perceived characteristics of the extreme, controversial, and rule-creating cases in the agency.

We found the initial indicators of the perceptions of inconsistency in the questionnaires; “[w]hat happens to an officer discipline-wise, depends on who you know, who you work for, what the violation was, and what your past violation history is.” This general theme of inconsistency was addressed in several questionnaires. A line officer from the St. Petersburg Police Department in our focus group said: “in the past, you got some time off. With this administration, who knows? You cannot put your finger on the discipline with this administration.” Similarly, other respondents in the survey wrote:

It really depends on who you are and if you are part of the good old-boy network. Punishment and discipline are never given out equally or fairly. That is a serious problem (police officer). It [the questionnaire] is a waste of time, because depending on who you are, discipline is never fair (police officer).

Discipline is subjective in this department. Two people committing similar offenses are dealt with differently. Criminal violations seem to go virtually unpunished. Thieves should not be cops. Repeated alcohol “problems” should not [be] cops. It has hurt us all (detective).

Similar general comments were written by the respondents from the Charleston Police Department (“[e]verything depends on who did it and if the action can benefit someone else (a survey respondent);” “it really depends on who you are” and “discipline is a very subjective thing” (comments during study-group meetings). One of the corporals discussed the issue with us:

Interviewer: What is your view on discipline?

Corporal: It is no different than any place else. It is not consistent. People do the same kind of mistakes, but the punishment may be more or less. It is greatly more severe than for someone else, there are other factors that intervene in this situation.

When probed further, he dismissed race and gender as factors:

Interviewer: We heard about blacks complaining that whites receive better treatment, whites complaining that blacks receive better treatment, women that men and men that women receive better treatment.

Corporal: You have to consider the story. There are three sides to each story: my side, your side, and the truth. I don’t think that discipline is racially motivated.

Interviewer: Who gets the edge?

Corporal: It is not based on race or gender, but who you are as a person, whom you have as allies.

The survey respondents from the Charlotte-Mecklenburg Police Department also alluded to the problem of inconsistency of discipline:

I think it depends on which officer commits the violation, as to what the department decides the discipline should be (police officer).

It depends who you are, when it comes to discipline (police officer).

... from experience, it depends on who the person is, on what action is taken (police officer). The discipline in the above cases would depend on who the individual was. There is different levels of discipline for different individuals (who likes you and who doesn't like you) (police officer).

A lieutenant from the Charleston Police Department shared the same general sentiment about the inconsistency during an interview:

Interviewer: Is it your sense that the troops believe that discipline is inconsistent?

Lieutenant: Yes, they know that punishment is certain, but severity?

Interviewer: Is it determined by what you've done or whom you know?

Lieutenant: More whom you know.

Other respondents provided more details about the potential sources and/or consequences of the bias they perceived to exist; "concerning discipline, you should include options concerning sex, race, friends of supervisors, etc., because that changes how discipline is conducted or incidents swept under the rug". Favoritism, membership in a powerful group, nepotism – belonging to the right clique – all were mentioned as sources of bias. An interview with a captain from the Charleston Police Department provides an example:

Captain: The biggest problem is that discipline is not consistent; it depends on which clique you belong. If there is set standards – if I miss court, I know up front I'll get 2 days – but will also Billy or Johnny. But, I know that they will get 1 day off. The guys know that, so it causes other problems.

Interviewer: We were told from white officers that black officers get preference, from black officers that white officers get preference, from women that men get preference...How do we sort it out?

Captain: It boils back to if you are in that group...two out of three bureaus operate consistently, one is why we had 30-40 great officers leaving within the last several months... There are two females, both pregnant and both within operations, but one is in the clique, the other one is not. One pregnant in narcotics...has the car (the car is taken from the other pregnant woman), preferential treatment and her husband is also in the same group.

One of the factors mentioned in the comments from the Charlotte-Mecklenburg Police Department is race:

Race & Sex play a big part in discipline in our department (sergeant).

Many officers were caught & should have been dismissed, while someone else commits the same offense and is dismissed. There is too much racism from the top down and they [police officers] know it. Too many people are given special assignments & new jobs, even though

they are [*sic*] qualified (good old-boy system). You probably won't understand this being from Delaware, but there's more racism in this department than on the *Streets!!!* (police officer).

A lot of these questions could stand to have room for comments. Because of the complexity of the questions, some of them need to indicate if the officer caught was black or white [and] also if the person that caught them was black or white. We have definitely got some racism, as well as the Good Old Boy System in the Charlotte-Mecklenburg Police Department. There has also been some cover up as well (police officer).

My opinion is many police dept's are very racist, in their hiring practices. There is also that "good old boy" relationship in the police dept. Look at the hiring practices for the police dept. There has been little if any change (police officer).

Comments about the perception of racial bias were recorded by the respondents from the St. Petersburg Police Department as well:

The questionnaire did not address the racial issue where it relates to discipline. I feel favoritism and race play a key role in the decision of the type of action taken due to a violation of policy, and reporting another officer who violates a policy! (police officer).

In most cases a white male officer will be dealt with in a more harsher manner than non-white male officers. So, to further answer your questions about what kind of discipline the department would dole out, depends (police officer).

I think that political influence would have an impact in some cases (such as RACE). The first question would have to depend on any interaction with his official duties (police officer).

Another frequent source of bias perceived by our respondents was the supervisory position. For example, the respondents from the Charlotte-Mecklenburg Police Department wrote:

There are double standards for ranking officers!!! (police officer).

It was difficult to answer some of the questions regarding the discipline that *would* follow: it varies *GREATLY* in this department – depending on who you are. The higher the rank – the lighter the punishment. There is little consistency in the punishment that is meted out (police officer).

Within our department deputy chiefs are exempt from 1–11 [refers to the scenarios described in the first questionnaire] (sergeant).

The perception of a different treatment of rank-and-file resonated in the comments provided by the respondents from the St. Petersburg Police Department:

You need to differentiate between officers and supervisors. At least in my department supervisors are treated far differently than officers. The same questions involving supervisors would [receive] far different responses (police officer).

Although there are set disciplinary policies at my agency, supervisors are not disciplined as often or as severely as regular patrol officers (police officer).

It is not fair for upper management to accept gifts from the community, but forbid the officers from this action, as long as they are not soliciting for items (major).

I think most police departments are too willing to dismiss a police officer, and do not give that officer a chance to change the problem or behavior. This dept is always willing to discipline a non-supervisor but upper management or supervisor are dealt with different (detective).

You should have or make a questionnaire on how the patrol officers and detectives feel about the fairness or equality on how the staff/administration treats the officers/detectives and about favoritism. Also who holds the staff accountable when they make a violation of department rules (police officer).

The passion, extent, and frequency of discussions in our study and focus groups led us to a potentially strong source of bias in the largest of the three departments, Charlotte-Mecklenburg: the service bureau or district area where an officer is assigned. “[T]here is a difference [depending on] the bureau you work.” District areas, which are headed by captains, led to comments such as “each captain is different;” “there is inconsistency between district areas;” “[missing court] can you look at Internal Affairs records? You’ll find discrepancy among districts.”³⁰ This potential source of bias should not be surprising because B-violations are finally decided at the bureau level by a deputy chief and C- and D-violations are decided at the district level by a captain: [The discussion in the line-officer focus group revolves about the scenario describing sex on duty]

- Member: Rules are necessary, but people have to have common sense.
 Member: I don’t think that rules are gray, they are pretty clear. It is how you handle it; different districts have different applications.
 Interviewer: Does that bother you?
 Member: Yes! Here is an example of two districts. A police officer used profanity and was disciplined, while a sergeant, recorded on tape using profanity, was not written up.
 Member: There is inconsistency between districts, supervisors...If I work for this supervisor, I know what I can do and cannot do. There are also morale problems; if I know that I work in her district, I wouldn’t have as much problems as I do.

One of the discussions with our study group also touched upon these same issues. The discussion was focused on missing a court day:

³⁰ The perceptions about the inconsistency at the bureau/district level were also encountered by the Peat Marwick consulting team, which examined the complaint and disciplinary processes. As a consequence of the “perception of a wide disparity,” the consulting team suggested that the Department “improve consistency in disciplinary action taken for category ‘B,’ ‘C,’ and ‘D’ complaints” (KMPG Business Ethics Services, Report On Complaint And Use-Of-Force Review Polices And Procedures Of The Charlotte Mecklenburg Police Department 36 (1998)). See our discussion of this and other Peat Marwick recommendations and departmental responses in chapter 5 of this book.

- Member: You'll find differences among the districts.
- Member(a sergeant from Internal Affairs): We try to provide comparable cases to keep disciplinary punishments consistent.
- Member: In the past there was one patrol district and one deputy chief. Now, [there are] four patrol districts and four deputy chiefs.
- Member: David [patrol district] may discipline folks more severely than Adam [patrol district] for missing court days.
- Member: Missing court off-duty is a B-violation, while missing court while working on-duty is a D-violation.
- Member: Each allegation now comes to the Internal Affairs for consistency [they provide summaries of similar cases].
- Member: But the Internal Affairs were not consistent!
- Member: But the Internal Affairs cannot punish!
- Interviewer: Whom are they/you really blaming? Who is the villain in these stories?
- Member: The Review Board – whoever was sitting on that Board.

Similarly, a discussion one month later still included these same issues:

- Member: Every captain is different [in terms of the discipline].
- Interviewer: So, the question is does it go toward levels of integrity?
- Member: They have different reputation, management style...and they affect [their decisions].
- Interviewer: The question is whether you can get away with something you cannot with another boss?
- Member: That's not the question! Each major and captain will handle it the way they will because of their personality.
- Member: I've always heard that David 2 discipline is harsher than in other districts?
- Member: David chain is less tolerant.
- Member: I don't know because I worked in only that district.
- Member: I worked in others and it is tougher.
- Interviewer: David 2 has a reputation of being stricter. Can you explain?
- Member: David bureau on the top is more strict...

As the sergeant from the Internal Affairs noted during our study-group discussions, the Charlotte-Mecklenburg Police Department is concerned with the potential discrepancies and, to minimize them, Internal Affairs staff try to provide descriptions and outcomes of prior similar cases for any A-case currently under review. Furthermore, the Department has also reacted to the rumors about cross-bureau discrepancies in the discipline for missing a court day. One of the Internal Affairs investigators elaborated on the missing court violation:

...the grapevine was saying that one district was doing one way and another district or bureau was doing another, and they came and they asked us about some of these issues. We said, "Hey, we haven't informed or given anybody any leeway to do any of that [use personal

verbal warning the first time]!” Our policy is written in the book over there and so the Chief has had some committee looking into that. I’ve also been in some chain-of-command meeting that you know this was some of those – he said, she said – and the Chief’s going to say, “I want you to quit doing that! Tell me who’s doing that! Let’s put in on the table and talk about it” because people were kind of at each others’ throats.

Before 1998, discipline for absences from court and training would be initiated by the court liaison sergeant or the training director, who would send a memo to the district captain notifying him about the absence. It was in the jurisdiction of the district to look into the absence and determine whether it was justified. If that was not the case, the district would generate a formal complaint for a violation of official rules, investigate it, and send it to the Internal Affairs for storage.³¹ Dave Stephens, the Chief of Internal Affairs at the time, explained the initiation of the Department’s official examination of the issue:

We had begun receiving complaints from officers, supervisors and command personnel that the Department’s Rules of Conduct (#8 and #9B) regarding court and training attendance were being inconsistently enforced from service area to service area and district to district. The complaints were that some service areas and districts, particularly the David Service Area, were strictly enforcing violations of these rules and that their employees were being disciplined at a higher rate than other areas. We received information that in some districts, absence notices were being routinely ignored or thrown away without being investigated.³²

As a consequence, in the spring of 1997 then-Chief Nowicki asked a workgroup to examine the issue of inconsistency of discipline across service areas for court and training absences and make recommendations for the changes in policy or process.³³ In November 1997 Dave Stephens, the Chief of Internal Affairs at the time, examined the number of absence notices sent to the districts from Court Liaison and Training over a period of 10 months, as well as the number of actual formal complaints by district. Here is a summary of his findings:

I compared the actual complaints by district with the number of absence notices sent to the districts from Court Liaison and Training. In Patrol, this analysis showed a significantly larger number of absence notices than there were corresponding formal complaints of absence from duty. There were significant differences in the number of formal complaints across districts. For instance, there were more than twice as many formal complaints in the David Service Area than in each of the other service areas. However, the number of formal complaints in every district was small when compared to the number of absence notices in each district. This

³¹ Letter from Dave Stephens, March 7, 2001.

³² *Id.*

³³ In order to deal with the complaints alleging that the both on-duty and off-duty absences were handled equally, in the spring of 1997 Chief Nowicki authorized districts to handle on-duty absences as D-violations and off-duty absences as B-violations (Letter from Dave Stephens, *supra* note 62). Consequently, for a period of several months (until the workgroup issued their recommendations and the procedure was changed), a number of such violations were handled as D-violations.

told me that in all service areas, including the David Service Area, there were a significant number of absences that were being handled informally or being ignored. The problem we had is that we didn't know how many were being informally handled in accordance with our process and how many were being ignored.³⁴

Therefore, the problem on which the workgroup focused on was not primarily the potential inconsistency in the actual application of discipline once the formal complaint was generated, but the potential inconsistency in making a decision on whether to generate a formal complaint at all. Based on the group's recommendation, in November 1997 the Chief authorized a change in the process, which led toward a dramatic increase in the total number of complaints.³⁵ Instead of sending notices of absences to the districts, as was done earlier, the court liaison and the training director started recording all absences as formal complaints and sending them to the Internal Affairs to be logged and forwarded to the appropriate districts for investigation. The districts had to investigate each and every such complaint. If the officer had a valid reason for missing a court date, the complaint would be unfounded, exonerated, or not sustained. Alternatively, the complaint would be sustained. The rate of sustaining complaints in 1998 ranged across the service areas from 60% to 90%.³⁶ According to Stephens, then,

[t]he change in the process insured consistency in the way such absences were documented and investigated. It did not insure that dispositions were made on these complaints in the same way across districts. This is evident in the rate complaints were sustained or exonerated in 1998.³⁷

The mere size of the Charleston Police Department (exactly four times smaller than the Charlotte-Mecklenburg Police Department) allows the Chief to know each and every police officer and have a firm personal grip over the Department. In turn, this decreases the necessity for the distribution of power across the organization. In terms of discipline, the Chief has a powerful impact; he determines the outcome in over 90% of the appellate cases we examined over a five-year period. Consequently, it is not surprising that the voices raising the concerns of inconsistency, in addition to the usual issues of nepotism, racism, or sexism, frequently discussed the Chief's role, as this brief excerpt from an interview with a lieutenant illustrates:

Interviewer: What is the source of inconsistency – the Chief, captain, major?
Lieutenant: I hate to say this, but probably the Chief.

³⁴ Letter from Dave Stephens, *supra* note 62.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

Although the police officers' perceptions of discipline for serious violations probably do not question the certainty of punishment, issues are raised about its severity. The Chief is perceived by several of the command staff members as being too lenient in some cases. An interview with a staff member illustrates these sentiments:

- Administrator: Discipline is not handled evenly.
 Interviewer: From the top or?
 Administrator: An appeal [goes] to the Chief. [There is a] legitimate violation and on appeal Chief reduces the sentence: "This is what I did for you, not the captain or major." It sends a bad message. . .
 Interviewer: [Is he doing this hoping to obtain] personal loyalty?
 Administrator: I don't know, he's the chief of police and wants to claim that. . . [There is a] common thing: if you want to stop and see the Chief, ask in what mood he is in today. He is inconsistent in the way he treats people.

One case in which the punishment was perceived to be too lenient by some members of the Department was the case of a sergeant [Sergeant A], who, upon having a traffic accident, falsified the official accident report and was subsequently demoted two ranks and suspended. The expectation, shared by some of the members of our study group, was that he should have been fired. A later case of a sergeant [Sergeant B], who was involved in a hit-and-run incident and was also demoted (but only by one rank), was a constant source of comparison and questions about disciplinary fairness. Notes from one of our study-group meetings illustrate these comparisons:

- Member: Why did [Sergeant A] have to be busted for 2 ranks?
 Member: Discipline is very subjective. . . He's [the Chief is] entitled to make his decisions, but why [Sergeant A] 2 ranks and [Sergeant B] only 1 rank? I have been here a long time and I don't remember anybody else who was demoted 2 ranks! In this case [Sergeant B] his integrity is tested and challenged. . . will people trust him?

The respondents have also noticed that the original discipline meted out in two cases was inconsistent ("if you miss court, you get a day of suspension. In a similar case, a police officer got 3 days off and a letter of reprimand. It is not the same standard and the cases are different."). The Chief was not perceived as creating inconsistency using racial dimensions ("sometimes he will favor one race over another, but it evens out. Some people perceive him as favorable toward blacks, but I am not sure that this is the case.").

Another reason why the Charleston Chief is perceived to be too lenient may be his practice of determining the official discipline and later finding a way to palliate

it informally (“Chief will suspend [without pay] someone and later give him an option of working on the weekends and making the money over the overtime”) or, as one of the respondents said, “he likes to play Santa.”

CONCLUSION

The progressive disciplinary philosophy, used in all three agencies, puts more emphasis on correction (changing behavior) while providing for punitive discipline if necessary. As the official disciplinary records indicate, police officers did violate rules even in the departments at the top of our integrity scale. The crucial issue is not whether these violations occur, but the departmental reaction. Although we do not know what percentage of the cases of misconduct in each of the agencies is officially detected, by investigating at least some of the misconduct and by punishing a percentage of police officers who violate the rules, each of the agencies set a standard and drew boundaries around allowed behavior. The three agencies counsel police officers, reprimand them, suspend and even dismiss if necessary, for a wide variety of misconduct. Carrying out this task is not easy – a substantial minority in the agencies perceived the discipline imposed to be too harsh or inconsistent in several cases.

Actual disciplinary practices differ to a degree across the three agencies. While in each agency one disciplinary option was used for the overwhelming majority of the cases, what that option was differed from agency to agency. The Charleston Police Department has the greatest inclination to use suspension. The Charlotte-Mecklenburg Police Department also has a preference for suspension, but also frequently utilizes written reprimand. The St. Petersburg Police Department predominantly relies on written reprimand. The use of the most severe disciplinary option – dismissal – is infrequent in all three agencies.

While each and every message about a disciplinary case in an environment bound by confidentiality and privacy regulations is subject to interpretation, the overall message these agencies are trying to send to the police officers in regard to the prohibited behavior and the severity of discipline seems to be received and read accurately. Our comparison of the forecasted disciplinary outcomes with the outcomes in actual cases (see Chapter 7) revealed that our respondents attained a relatively high degree of precision in estimating the discipline for the described misconduct meted out in their agency.

CHAPTER 11

CIRCUMSCRIBING THE CODE OF SILENCE

When Your Misconduct Becomes My Business and What I Can Do About It

Each department uniformly believes that there was no systematic corruption in their agency (a proposition with which we agree), though everyone conceded that it is always possible that an individual officer could abuse his office for gain as long as he could keep the abuse from being discovered by his colleagues. Our study groups also believed that there was a bright line that separated undesirable but tolerable officer conduct from behaviors such as theft, bribery, and the use or sale of illicit drugs. While a somewhat more fuzzy line distinguished excessive from reasonable force, the study groups believed (and our surveys in their agency support them in these beliefs) that officers in their agencies simply would not tolerate what they considered to be excessive force by fellow officers.

If the members of our study groups had a favorite theory about why their agencies are ones of integrity, it was that the majority of people who were hired by their agencies carried a standard of honesty and integrity into the departments. It was a standard most had learned from parents, religious institutions, and other positive influences during their formative years. For most members of the study groups, the integrity of their agency was largely a reflection of individual officers' character. In fact, it worried more than a few members of our study groups that recently hired officers, particularly those of "Generation X," lacked the character that marked them and police officers of an older generation.

History, both personal and the agency's, added some complications to these firm beliefs about the enduring effects of character on the control of what any police officer of integrity should instantly recognize as intolerable. Everyone understood integrity and character as rather fixed and constant, yet many standards for right and wrong had changed dramatically and rapidly over time. In 1998, at the time of our study, any officer with a dozen years on the job could remember a time when the routine treatment of a drunken driver was to drive him home. A dozen years ago, arresting a spouse in a domestic dispute without evidence of a serious assault was regarded as incompetent. Fifteen years ago a person who insulted a Charleston, Charlotte, or St. Petersburg policeman could expect to get knocked down. No more.

As study group members of experience in all three agencies would also testify (with wonder, humor, and occasionally a bit of nostalgia), the norms of their work environment had also changed profoundly. Many of our senior members could recall a time when it was unheard of for a line officer to dare speak to a lieutenant

or challenge the directive of a sergeant. All could remember “choir practices.” A whole host of attitudes and beliefs—about race, about homosexuality, about the community, about authority in general—now strike many of them as shared only by the departments’ few remaining “dinosaurs.” Some of the senior women officers could remember being issued men’s slacks. A few female pioneers even retained as quaint mementos of a bygone day their department issued, leather police officer purses, complete with fitted slots for handcuffs and a lady-sized revolver. No more.

While these officers believed firmly in the importance of officer character as the constant and abiding source of police integrity, all of them conceded that in many areas what was right and wrong, proper and improper, professional and unprofessional had changed. This is not to say that many of them did not resist many of the changes as they occurred. Some did, some didn’t, and some feared that their earlier attitudes and behavior might now be held against them. Although all understood the political need for the department to impress the community with its commitment to racial, ethnic, and gender equity and not a single one would countenance either racial or gender discrimination, many white male officers resented the preferences they perceived were extended to minority officers. Without exception, all of our study group members were exquisitely sensitive to the languages of political correctness.

This chapter focuses on a portion of the line-officer culture in each of these exemplary police agencies. That part which most interests us is the influence of fellow police officers on the integrity of one another and how and of what that influence was composed. We have argued that an essential objective of police administration should be to create an occupational culture that is intolerant of misconduct. In analyzing the cultures of intolerance of integrity that we found in the departments under study we wish to be especially sensitive to a number of issues that our introduction above is intended to highlight.

The first is that some portion of the integrity of a police agency undoubtedly has at its source the individual, personal integrity of the officers who compose it. This, the favorite integrity theory of our study groups will be given its due. However, we will give advance warning that it appears to be due a somewhat more modest role than our study groups would lead us to believe.

The second issue we would like to highlight is that some of the norms of what is right and wrong exist and change for reasons that have nothing to do with the character or integrity of individual officers. Such rules may take on a moral aroma in the police occupation, preoccupied as it is with the problems of assigning blame and culpability. However, we find that there is no inherently moral or immoral quality to much of police integrity. If we listen very closely to the police officers’ explanations of the causes of their own behavior, we will hear that the practical ethics of police work have little to do with what is commonly discussed under the heading of “police ethics.” These statements may shock some readers, but, as the analysis proceeds, we hope that these assertions may grow to become far less shocking than they at first appear.

Thirdly, we offer this chapter as a correction to a compromise we were forced to make in the design of our survey instrument. In that instrument we measured

the contours of the culture of integrity by asking officers how serious they thought certain behaviors to be, how strongly they thought those behaviors should be disciplined, and how willing they would be to report them. The problem we will try to correct in this chapter lies with the question about willingness to report. It is defective in the sense that reporting a problem to one's superiors is only one way to correct it. In some cases integrity problems may be handled quite effectively with less formal methods. We would like to present some of those methods and examine both their origins and composition in this chapter.

Finally, we stress that what we describe below are portions of the line cultures as we understand them and as they have been explained to us in three exemplary, Southeastern police agencies during 1998 and early 1999. We were told that things were different last year and the year before. We are certain they will be different next year and the year after.

THE INFLUENCE OF LINE POLICE OFFICERS ON THE INTEGRITY OF ONE ANOTHER

To understand the influence of line police officers on the conduct of one another, we interviewed focus groups of line police officers. The interview strategy was designed to encourage our focus groups to describe the culture in their agency by having them explain both why and how fellow police officers controlled each others' misconduct.

This, of course, is a sensitive subject and in each agency we took a number of steps to persuade our interviewees that their answers would not be used to incriminate them or those about whom they spoke. All the focus groups we interviewed on this subject contained only line officers. We did not know the identity of any line officer unless our paths had crossed in some other part of the project. We did not record either by audio or video the focus group sessions, but did take careful notes. In Charleston and St. Petersburg, we explained to the officers selected that they had been selected at random. In Charlotte-Mecklenburg, we explained that officers had been selected for diversity, range of viewpoints, candor, and a willingness to speak up.

In all three agencies, we explained to all of our respondents that we were interested in the culture of the agency and the views of its members, not the behavior of any individual officer. We confined our interview strategy to asking about hypothetical scenarios. We asked our respondents what they thought *would* happen and why, not what *did* happen and why. This subtle distinction succeeded in easing most initial reluctance to be forthcoming. However, concentrating exclusively on hypothetical situations tended to be abandoned—at the initiative of the respondents, not the researchers—as each interview proceeded. Perhaps no more than others, police officers are inclined to tell stories of their own experiences to illustrate their points. Often they could not resist the temptation to do so during our interviews, although generally they appreciated the importance of leaving specific names out of their anecdotes.

Once we completed these focus group interviews, we reported our results to our study groups for criticism and evaluation. As we went through our findings from the focus group interviews, we urged members of our study groups to comment on any part of the interview in which they thought our respondents were less than completely candid or on ways they thought we might have misunderstood the focus groups. In our discussion of the interviews below we will note where members of our study groups challenged or criticized what we were told by our focus groups.

THE INTERVIEW STRATEGY

Each focus group was presented with a series of situations of what appeared to us to be increasing seriousness. After each scenario was presented, officers were asked two basic questions:

1. Is this your business?
2. What are you going to do about it?

Although we invariably asked both of these questions about each of the situations, we followed up on the initial responses we received in ways that invited our respondents to elaborate on their answers to each question. For example, we routinely asked questions about the explanation the offending officer might offer, whether it made any difference if the officer had a history of this kind of behavior, or if any other factors might influence how they would treat a fellow officer who behaved in this way.

SCENARIO ONE – SLEEPING ON DUTY

The first scenario presented to each group involved an officer sleeping on duty:

Sleeping on Duty – You work in an area that, particularly late at night, does not have a lot of activity. Another police officer is also assigned to this area. He drives to a point which is out of sight and goes to sleep. You verify this by driving to the area yourself and you see him slumped down in his seat with his hat pulled over his eyes.

Is this Your Business?

Without exception, the line officers in our focus groups asserted that it was their business. For most, what made it their business was concern for their own safety—a sleeping officer was not able to come to their aid or back them up if they needed it. Quick on the heels of this reason why a sleeping officer was their business were expressions of concern for the safety of the sleeping officer. An officer asleep in his patrol vehicle is vulnerable to both mischief and malice. Equally, they also raised the issue of their having to do the work of the sleeping officer. Some officers commented that “it just doesn’t look good” while others added that the officer was “getting paid to do a job and not doing it.” One officer offered the simple observation, “It’s my business to know everything that’s going on in my area.”

Two of these concerns, the concern for lack of back up and concern for having to pick up the work of the sleeping officer, seem to be fairly direct expressions of simple officer self-interest. Two other concerns—one for the sleeping officer’s safety and the other for the fact the officer’s failure to perform the work for which he or she was paid—stem from moral considerations: the desirability of preserving the safety of a fellow officer and the obligation to keep one’s promises to one’s employer. One remaining reason, “it doesn’t look good,” appears to draw a bit from both virtue and self-interest. An officer has a duty to appear “professional,” an appearance that will help him in his work. The other, “it’s my business to know what’s going on,” is a reflection of professional responsibility. We may also say that of the six reasons officers in our focus groups said that a fellow police officer who was sleeping on duty was their business, five were of an organizational nature in that they were intimately involved with requirements and obligations imposed by the organization and only one—concern for the welfare of the sleeping officer—was of an individual nature.

Before saying anything more about the sources or nature of the reasons that police officers in our focus groups said the sleeping officer was their business, it will be helpful to describe what they said they would do about it.

What are you Going to Do About It?

According to both our focus and our study groups, the single most important thing for a police officer to do when dealing with the problem of an officer sleeping on duty is to determine why it is happening. They all admitted—some openly, some by nodding in consent, some by pointing to their colleagues with a smile, and some by remaining silent—that everyone who had spent time doing shift work had run into occasions when it was just about impossible to stay awake. One officer related that she had been sick and on medication and reported it to her supervisor. The supervisor did nothing to relieve her. She became ill while on duty, got caught sleeping and was written up. This officer’s story generated sympathy among rank-and-file colleagues in our focus groups as well as a sense that the sergeant had been somewhat unreasonable. Others spoke of times when a sick spouse or child kept them awake and active during hours usually reserved for rest. In one focus group an officer whose wife had just given birth to their first child testified to the fact that his police peers were very understanding of the sleep toll that experience had taken on him and he was benefiting to this very day from their efforts to allow him to get a bit of extra sleep while working the midnight shift. Under such circumstances we found that virtually all officers would understand and, for a reasonable time, cover for an officer who provided an explanation of this type.

The problem is that, from time to time, virtually everyone assigned to work midnight shift becomes very tired and does so even without the benefit of a virtuous excuse. Absent such an excuse, the tired officer who chose to sleep a bit might draw on his reputation as a good worker, his normal willingness to shoulder his or her share of the shift’s responsibilities, or the rarity of the occasions on which

he asked others to cover for him as excuses for his behavior. Explanations of this order do not excuse sleeping on duty in exactly the same way that a sick child or spouse would, but they would still strongly discourage most fellow police officers from reporting the misconduct to anyone, especially a supervisor.

To accommodate fellow police officers whose need for sleep was justified by good reasons like those above, officers in our focus groups had a variety of ways of responding. The first way mentioned, probably because it was the simplest, involved parking one's vehicle next to that of the sleepy officer and listening for calls while the officer slept. This allows the awake officer to protect the sleeping officer from mischief and malice, shield the department from embarrassment, and easily and quickly awaken the sleeping colleague if an emergency required it.

A police officer that volunteered to stand guard while another officer slept was respected for his action by both the officer he guarded and his or her patrol officer peers. Such action was evidence of membership on the patrol team and concern for the welfare of a police colleague. However, this solution had the disadvantage of tying up a second officer in an attempt to deal with the problems of a first. It either required that the level of activity be so low that two officers would not be missed for some period of time or that a fair number of other officers had to be in on the arrangement and covering for both.

In Charleston officers improved on this arrangement. The sleepy officer would be sent to the "Team Office," a small office space each Charleston patrol team kept in their sector of the city for use by officers who worked there. An officer could park his vehicle outside of the team office at any hour of the night, enter the office, lock the door, and sleep securely. A phone call could alert him to awaken quickly if necessary. Our senior and supervisor study group officers told us that Team Offices had been used in this way for years.

The major shortcoming of Charleston's Team Office strategy of dealing with a sleepy officer was that it took a police officer out of service. In most parts of Charleston on most nights this could be accommodated. There were, however, certain sectors of the city at certain times that could neither hide nor tolerate a missing officer (In Charlotte-Mecklenburg and St. Petersburg, several districts were slow enough, particularly in the early morning hours, that they could accommodate a sleeping member of the shift, while other districts would be hard-pressed to cover for the dozing colleague). In the busier areas of Charleston, the sleepy officer could arrange to switch assignments with an officer from a team or area that could afford to spare a member of their squad at that time. There were some newly annexed areas of the city that were surprisingly rural and in which, we were assured, nothing or almost nothing ever happened. Many officers assigned to such areas welcomed the opportunity for the activity that would come from a temporary switch in assignments. Needless to say, this type of arrangement required the support of supervisors.

While the general preference of members of our focus groups in all study sites was to try to handle the problem of a sleepy colleague without involving a supervisor, this rule of thumb had quite a number of noteworthy exceptions. First and foremost,

it applied only to officers who had “good” reasons for coming to work needing sleep. The sick spouse or child, the birth of a baby, or the death of a parent or sibling all merited accommodation when they resulted in a loss of sleep. Other excuses, such as putting in too much overtime on “pay jobs” were tolerated temporarily, even when they exceeded department-imposed limits. An officer who occasionally needed sleep because of excessive off-duty employment would be tolerated, but the truly chronic offender would be resented. In all the jurisdictions we examined, excuses such as excessive partying or spending needed sleep time on a fishing trip earned little sympathy. Still, all of them were likely to be tolerated as long as they were limited to relatively rare occasions.

If problems persisted or became chronic, our focus groups in all three jurisdictions agreed that a supervisor would somehow have to become involved. In the case of an officer who regularly needed sleep for “good” reasons, officers would go to extreme lengths before considering reporting him. In less sympathetic cases they would try to seek a supervisor who could be “trusted” to handle the situation “properly.” Officers in some focus groups told us that they were cautious of involving newly appointed supervisors whom they believed were under pressure to demonstrate that they were “supervisor material” by publicly disciplining a subordinate. In all three cities, first-line personnel also distrusted supervisors who, regardless of how long they had been supervisors, were intent upon “building a paper ladder [of disciplinary cases against police officers]” up the chain of command. In all study sites, most first-line supervisors, our focus group officers reported, did not fall into these categories and, hence, could be trusted to handle this situation in “the right way.”

What was “the right way” for a supervisor to handle a police officer who had a persistent problem with a need to sleep on duty? It all depended on the nature and source of the problem. The “good supervisor” in Charleston would go along with using the Team Office or switching beats with an officer from a low activity area if a sick child or spouse was expected to get better in a few days or a week. In the case of a spouse whose situation was chronic or likely to worsen, a temporary solution would not suffice. In such situations the good supervisor might seek to change the officer’s work assignment to one that did not require rotating shift work. In some of the departments we studied, officers could donate their own unused vacation or sick days to officers with extraordinary needs. However, there were cases in which a department had made extraordinary efforts to accommodate a police officer with a chronically ill family member and found themselves exploited for doing so.

In situations in which there was little sympathy for the reasons an officer wanted to sleep on duty, neither the good officer nor the supervisor would be faulted for taking some corrective action. However, the officer who occasionally came to work tired from off-duty partying or excessive off-duty work was still likely to be tolerated if sleeping did not impinge directly on the work of colleagues. Having to handle someone else’s calls or wait unduly long for back-up was justification for a line officer to quietly or indirectly inform a supervisor that there was a problem. Under such circumstances a supervisor who was skilled enough to detect this type of problem without having to be told about it was appreciated. Said one first-line

officer, who expressed a willingness to overlook and help a coworker who fell asleep because of an unusual family crisis: “People who are working off-duty before coming to work and are tired on their police job—that’s a completely different issue. This is your primary job; I would be pissed.” In general, in all three locales, it is believed by the officers in our focus groups that both officers and their supervisors should be prepared to be generous, but are justified in being careful not to have their generosity exploited.

Practical, professional, moral, collegial, supervisory, administrative, and personal considerations all played separate roles in shaping how the occupational culture in each agency treated this problem. Given the considerable diversity of opinion about the role of different factors, surely there would be differences in assessing the weight of their substance in real-life cases. In general, there was great reluctance to report such activity and a willingness to tolerate it when it was for “good” reasons or infrequent, but when an officer deemed that correcting the problem was necessary, it was most likely that he would do so indirectly in the hopes that an alert supervisor would figure out the problem. Better still was the situation in which the communications center discovered that the chronic offender failed to respond to a call. In cases in which a police officer had actually been officially disciplined for sleeping on duty, it almost always came to the attention of the department because communications discovered the problem.

SCENARIO TWO – SEX ON DUTY

In introducing the second scenario we made the transition to it by explaining in Charleston and St. Petersburg that once we solved the officer’s problem of coming to work needing sleep, he came to work with a new energy. This created another problem:

Sex on Duty – After various interventions, our officer from the above scenario has decided to give up sleeping on duty. However, you now notice that during the same time he formerly disappeared to sleep, his girlfriend has been meeting him at his police car. The two of them park in a secluded location and have sex. These meetings occur one or two nights a week.

Is this Your Business?

As is the case with discussion of all things sexual, talk and action often differ, as do appearance and reality. We will, of course, report what we have been told. But doing so involves two problems. The first is that we were told some quite contradictory things. Some members of our focus groups adamantly insisted on one position while others took the exact opposite. We appreciate these different positions as reflective of a police culture that is genuinely divided on the issues of both whether an officer who has sex on duty is the business of fellow officers and, if so, what to do about it. The second problem is that while there are sharply contradictory opinions about both questions, all sides are probably less than completely truthful about what they believe would be the right thing to do and why.

Is an officer who meets his girlfriend to have sex on duty the business of his fellow police officers? The majority of officers said yes to this question and offered a whole host of reason why, "If he's having sex, he's not going to be there in an emergency" and "He's endangering himself in the same way he would be if he were sleeping" were the most common officer safety-based reasons. "It's just not right because he represents our department," "I'd feel he betrayed everyone," "The public would lose all respect for us," "It will give the department a bad name," said those who emphasized concern for the public trust. Recalling a reason we heard about sleeping on duty, one officer observed that, "It means he's not doing his share of the work." Others reminded us that it is "against department policy" and (in the case of a married officer with a woman not his wife) technically "against the law." An eminently pragmatic type argued that his behavior put you in a bad position "if you know about it and don't say anything." One moralist said (without appearing to be one) "from the moral side, it's wrong."

To all these voices who sounded earnest warnings of why it was their business, a smaller but equally vocal chorus responded with lower pitched "no's!" The Charleston dissenters said such things as: "If he's single, it's his business and I'm going to stay out of it." "It doesn't matter to me," said another. "If it is a real emergency, he can get his clothes on and respond within thirty seconds." "I've had partners who were really good cops who were always involved in something and would never be around to back me up (in a non-emergency situation), I am not going to get excited if some guy is getting a little once or twice a week. I just don't see it as my business. If he gets caught, if someone sees him, that's his tough luck, but it's not my life and not my business."

Although our focus groups did not constitute a statistically random sample of their departments' first-line personnel and not all members of each focus group made public their opinions, we offer two generalizations about the way these divisions of opinion seemed to sort out. The first is that the women in our focus groups exercised visible and vocal leadership in the *it-is-my-business* group. Not a single female voice in any focus group was heard speaking for the *it's-not-my-business* side. In discussion of this scenario more than one opinion on the *it's-not-my-business* side was described by our female officers as a "male attitude." However, in all three departments there were women for whom an occasional offense by a colleague was not automatically reportable misconduct, and there were male personnel who had zero tolerance for such misconduct.

Secondly, the *it's-not-my-business* side seemed to be dominated by older officers. This, however, may be a product of the generally greater willingness of older officers to express their opinions, especially when those opinions departed from what appeared to be the majority opinion.

Finally, we conclude this discussion of why or why not officers considered this scenario their business with the uniform observation, from all focus and all study groups in all three agencies, that the behavior described in this scenario was almost certainly a firing offense. A complete confession with full contrition and no resistance might result in a very long suspension, but anything short of that was

certain to end one's career with the agency. Moreover, it was generally agreed that, if it were discovered that an officer knew about it and failed to come forward with the information, serious discipline of that officer would most certainly follow.

What are you Going to Do About It?

What officers in our focus groups thought appropriate to do about this scenario seemed to reflect directly the intensity of their feelings about the offense. A few of the officers who were adamant in their opinion that such behavior was disgusting, all of whom were female, said that there was no room for negotiation and no grounds for a warning. They claimed they would call a supervisor to the scene and see to it that the officer was "written up" or "booked" for the offense. A more temperate response from others who also said a fellow officer's sex on duty is "my business," suggested that they would not involve a supervisor automatically. Instead, they suggested applying other strategies. The strategies they suggested may be roughly categorized as falling into two types: "counselors" and "tricksters".

First, there were the "counselors." The counselors maintained that they would talk to the officer and advise him that he was seriously endangering his job. No one in any of the departments we studied had any illusion about whether the department administration would severely discipline to an officer who engaged in this type of behavior. They would tell him, they said, that it was just a matter of time before someone saw him and reported him. They would point out "how stupid this was," and advise him to "just wait until after work when he could do whatever he wanted to." But even the counselors agreed with a colleague who observed: "The kind of guy who does this sort of thing seems to be one of those kinds of people who do the same sort of thing time after time."

The alternative response to the officer who chose to have sex on duty came from a group we will call "tricksters." The tricksters chose various forms of embarrassment as their preferred methods of persuading the officer to desist. They would, they said, shine their high-powered searchlights into the officer's car (just as they do when encountering citizens having sex in a car), activate their sirens and emergency lights, speak to him over their loudspeakers, and call him over the police radio to ask double entendre questions (What's your position? Do you require assistance?) If the amorous officer and his or her companion were in the back seat of a squad car with the door ajar, some officers suggested sneaking up and closing the back door (which cannot be opened from the inside). More than one officer in our three study sites suggested that this was "a Kodak moment" or one that would provide an ideal occasion to use his or her department-issued video recorder to document the occasion.

When we asked the Charleston officers, both the counselors and the tricksters, if they would gossip to other officers about what they saw in an attempt generate social pressure to control the officer, they all denied that they would. We do not believe them and neither did the members of our study groups. More forthcoming

were the Charlotte-Mecklenburg respondents, who freely admitted that, in their city not only would “gossiping take place—things would be added to the story!”

Regardless of the method the Charlotte-Mecklenburg officers told us they would use to announce their presence, they said that they would talk with the offending fellow officer and, in the case of sex on duty, would express their view that the misconduct was not fair to the rest of the workforce and had the potential to taint the excellent reputation of the entire department. One respondent said that, on encountering a coworker having sex on duty, “I’d let it go [not report to the sergeant], but I would tell him, ‘You’ve lost your mind!’” Another focus group participant said he might tell the colleague he needs counseling.

If such peer counseling or social pressure failed, many officers said they would shun—try to avoid contact with—a fellow officer who persisted in flouting this standard of behavior. In the opinion of many, this was the kind of officer one should avoid lest you be drawn into his problems. One respondent remarked in this vein: “I will not lecture [the offending officer]; he’ll resent it. But he’s going to know from my behavior that I don’t want any part of his bullshit.”

Many respondents reported that there are many supervisors in the organization to whom an officer could informally report a coworkers’ irresponsibility and trust that the sergeant would handle the matter with appropriate discretion—trying first to resolve the problematic behavior informally. For many officers, an additional element of a sergeant appropriately handling such situations is that the sergeant, to the extent possible, keeps the reporting officer out of it—in the parlance, “the informant officer is not given up.” There were, of course, some sergeants who could not be trusted to handle an infraction with appropriate informality, and so officers claimed that they were less likely to give such sergeants information on a misbehaving colleague. Some officers claimed that they would pass on information about a coworkers’ problematic behavior to a particular sergeant whom they trusted even if another sergeant had equal or greater responsibility for supervising the subject officer. However, it was the opinion of the vast majority of our focus and study group members that to expect a sergeant to handle an incident of this severity informally placed a sergeant at considerable personal risk if the cover-up were discovered.

SCENARIO THREE: ARREST AN ASSHOLE DAY

The third scenario is a clear example of discourtesy toward the (admittedly rude) citizen:

“Arrest an Asshole Day” – Our officer has now given up both sleeping and sex on duty. He has, unfortunately, become a very grouchy person. He is doing a car stop for a minor traffic offense and you pull in behind him to back him up even though he does not request your assistance. As he approaches the car the driver yells, “What the hell are you stopping me for?” By this time you are standing by the rear bumper of the stopped car and hear the office yell in reply, “Because today’s arrest an asshole day.”

Is this Your Business?

Although “Is this your business?” was the first question we asked after presenting each scenario and only later followed with “What can you do about it?” in the opinion of many officers this scenario required immediate action to prevent the situation from escalating out of hand. Others emphasized that the backup officer should monitor the situation very closely but should not, on the facts given, intervene at this moment, unless the subject officer is known to have a track record for becoming involved in physical altercations with traffic violators or other arrestees. Some respondents emphasized that the backup officer may not know what events preceded his or her arrival on the scene, that the mission at hand is to back up the primary officer, and that it probably would be acceptable and prudent to wait for the motorist’s response to the officer’s remark before deciding whether to intervene in some fashion.

All said they would intervene physically as the backup officer in the traffic stop if they saw any evidence that the primary officer’s verbal abuse was provoking a physical confrontation. In the opinion of officers who said they would intervene immediately, the primary officer who spoke that way to a citizen had let the citizen get to him and already lost control of the traffic stop. Whereas there was little doubt in anyone’s mind that the citizen actually was intentionally irritating, taking such verbal abuse of that type was considered part of the job. There were ways to get back at an abusive citizen, but returning their verbal abuse was not one of them. Calling the motorist an “asshole” was an understandable, but a decidedly incompetent police response. Our officers who urged some form of immediate intervention claimed that the right thing for any officer in a backup position to do in this situation would be to intervene in the traffic stop, take over the situation, and separate the officer and motorist before things got further out of control. Others said the proper course of action, barring any further escalation of tension between the primary officer and motorist, would be to wait until after the traffic stop was over and then talk to the officer. Some who would intervene right away said, “you must control the situation, separating the officer and motorist.” A thoughtful officer observed, “You have to handle [such a situation] diplomatically—let the [primary] officer go run the checks and cool down” while you deal with the traffic violator.

Whereas there was a chance that this incident might not be reported by the citizen, the consensus in each study site was that it was highly likely that it would be. No one had any doubt that their department would take it seriously. That was sufficient grounds to make this situation any police officer’s business, whatever else they happened to think about the officer’s or the citizen’s behavior. Moreover, verbal abuse of a motorist during a traffic stop, said one officer, “is my business [because] if this guy responds differently [with unexpected violence], you’ll end up killing him, and we’ll all end up in the news!” It’s also the business of fellow officers because “taking verbal abuse from motorists and others is a part of the job, and all officers should get used to it.” The officer who cannot handle some verbal abuse without retaliating against the abuser probably isn’t a very competent and reliable colleague.

What are you Going to Do About It?

This scenario presented our focus group officers with three problems, the first of which we have already noted. First is the immediate problem of separating the citizen and the officer before the situation escalated further. Doing so required a quick decision by the back-up officer plus verbal skills sufficient to deflect the anger of both a hostile citizen and an angry police officer. We were convinced by our focus groups that, in their opinion, this was both the right and necessary thing to do; we were not as convinced that most police officers had the necessary skills, temperament, or presence to do it—or to do it well. Would most officers really react before things got worse? Or would most just stand by and see if the remark of the officer ended the matter there (for now)? Our Study Groups expressed different views about how much of their workforce had the necessary skills, temperament, and presence to make a quick decision and successfully deflect the anger of both a hostile citizen and an angry police officer. Some said the average officer had the requisite talents. Others said only about 60 percent could be relied upon to perform well in this situation. There are other questions about which we have some doubts. Would a young officer have the confidence to intervene between a motorist and an experienced officer? Our Study Groups generally thought “no.”

A second problem we encountered with respect to answers we received about this scenario and, in fact, to all of the subsequent scenarios we posed to our focus groups, concerned the answers we received in Charlotte-Mecklenburg. Because all traffic stops in Charlotte-Mecklenburg are videotaped, this changed the entire meaning of the incidents we presented to them. It vastly reduced the opportunities for, and increased the consequences of, misrepresenting or failing to report the full details of an incident or handling it informally. It also vastly reduced the possibility of an incident of the type we described actually happening. Repeatedly, our focus groups in Charlotte-Mecklenburg told us that “this kind of thing” just wouldn’t happen in their department. Statements of this order forced us to realize that any answers of our Charlotte-Mecklenburg respondents to scenarios involving traffic stops were largely speculative and not grounded in any recent real-world experience of a similar nature.

We pursued some other pressing matters in Charleston and St. Petersburg. One of them was the next decision our officer in the back-up position was going to have to make. Once he or she takes over the traffic stop to head off the possibility of the situation escalating, should the backup officer cite the motorist for the traffic offense, warn him or merely offer an apology for the colleague’s misbehavior and send the motorist on his way? There was some sentiment expressed for several choices. Those who favored issuing a citation admitted that it would increase the chance of a complaint but countered with the theory that the motorist would complain anyway. Issuing a citation, they claimed, would have the effect of covering the back-up officer when a complaint came in because it would show that he was not trying to cover up the incident.

Assuming it was a minor traffic offense, most Charleston respondents favored not issuing the citation in hopes that it might help “cool down” the motorist and,

possibly, encourage him not to complain. Even those in Charleston who favored skipping the citation on the chance that would avert a complaint allowed that a complaint was going to follow no matter what the back-up officer did. Even if they thought a complaint would not follow, many suggested that the smart thing to do was to report the incident to a supervisor anyway. The offending officer should be the one to report the incident and, if he didn't do so within a day, the back-up officer should report it. "Supervisors," we were told, "don't like to be surprised."

Although there were advocates for an apology to the motorist from the backup officer in Charleston, most respondents thought it inappropriate because it would probably not work to head off a complaint and might even have the effect of encouraging one.

More than one officer pointed out that, because the back-up officer did not personally see the traffic offense, the citation was going to have to be issued in the name of the officer who did see it. A fellow police officer could write out the citation for the officer who witnessed the offense, but it was ultimately going to be the witnessing officer's decision to issue and sign the citation.

The question that most engaged everyone in the focus groups was: "When a complaint comes in and you are asked to say what you heard, what are you going to say?" In Charlotte-Mecklenburg with its videotaped traffic stops, the back-up officer had few options but to tell the whole truth. In the other agencies the problem was very real. In one of the other agencies' focus group this question prompted a rather tense exchange between a couple of older male police officers and a young female officer.

One of the male officers said that "no one can prove that you heard anything – there's the sound of the exhaust, the wind, road noise, your radio, no one can make you hear anything."

"So," we asked, "what you're saying is you're going to claim you didn't hear it, even though you actually did?"

"What I'm saying," he answered, "is that no one can make you hear anything. Period."

We then asked of the rest of the focus group, "What do you think of this?" "How many of you are going to claim you didn't hear what was said?"

To which a young female officer, visibly displaying her conviction, volunteered, "Well, I'm not going to lie."

This response created a natural tension between the older male officer who had just admitted that he would have no problem with lying and a young female officer who had planted herself face to face with him by standing on higher moral ground. We followed with a question designed to heighten the conflict.

"What are your fellow police officers going to say about your speaking out?" we asked the young woman.

Slightly miffed by the both the tone of the question and its implication, she snapped back with, "I don't care what they think. I'm not going to lie. I don't lie and I have no use for liars."

Her response now invited us to ask of the rest of the group, and particularly the officer who advocated “not hearing anything,” what other officers would think of her response. A veteran officer spoke up, “watch your back.”

When asked to clarify his response he said, “I’d tell officers to watch their backs when they were around her.”

The tension was obviously high in the room but it was broken by a number of officers who felt obliged to break in.

One said that a couple of months ago he had been disciplined for being rude to a citizen. In fact, he claimed that he had called the citizen the same foul name we had used in our example. He further maintained that it was his fault and his problem and that he would not expect a fellow police officer to expose himself to punishment for him. “I don’t have the right to expect that,” he said.

Another officer weighed in with the observation that an officer in this situation had better tell the truth because, “they are going to put you on the box (lie detector) and find out the truth anyway. In fact, when you go in there, they are going to tell you the truth before they hook you up (to the lie detector) and if you don’t say it, you are cooked.”

Peace was finally brought about in this focus group by the wisdom of the conclusion that to do anything but tell the truth would be stupid. The penalty for rude behavior of this sort would be a one or perhaps a two-day suspension. If a supervisor were warned of the impending complaint and the offending officer were appropriately contrite, the department probably would take this into account. But if either the offending or the witnessing officer lied about what happened and the department starts to put people on lie detectors, what was a case of a day or two suspension now becomes a case over which one could be fired for lying to internal affairs. It just would not make any sense for anybody to lie in this case in Charleston.

The situation in St. Petersburg was somewhat subtler and slightly more complicated. Neither videotape nor lie detectors helped simplify the matter. Not only did St. Petersburg not videotape traffic stops, but their policy was never to force an officer to take a polygraph. Nevertheless, the culture in St. Petersburg strongly supported any officer who maintained that he would not lie about what he heard. It did so because the act of lying to internal affairs was a dismissible offense, while discourtesy to the citizen could mean a day or two suspension.

The disproportion in disciplined made lying a disproportionately unreasonable option. Consider how the reasoning might go if the disciplinary structure were reversed – if lying to internal affairs meant a one day suspension and verbal abuse of a citizen merited dismissal. The bonds of loyalty, camaraderie, and brotherhood could easily be called upon to compel a police officer to risk a one-day suspension for lying in order to save a colleague from dismissal for discourtesy. However, with lying to internal affairs as a dismissible offense and discourtesy to a citizen meriting a brief suspension, no rational argument could be made to oblige an officer who witnessed the offense to risk far more in concealing it than the officer whose fault it was.

To support this reasonable norm and to ease the minds of officers who might be called upon to testify against the officers they worked with, two norms of the police

culture grew to be respected, both of which we heard before in Charleston. The first was the claim of personal principle – “I don’t lie.” The second was the assertion of principled, personal responsibility – “I don’t have the right to ask anybody to lie for me.” In St. Petersburg no police officer had to apologize for asserting either claim.

Despite the supportive and insulating benefits of both norms, the temptation to escape the obligation to testify against one’s colleague was still stressful and unpleasant. In Charlotte-Mecklenburg the videotape made such testimony inevitable. In Charleston the threat of the lie detector served the same purpose. In St. Petersburg, we were told, a somewhat similar control was imposed by the assumption of professional skill. A police officer in a back-up position is a trained observer who is *supposed* to hear what goes on in a conversation six feet away. Though, as the officer in Charleston confidently asserted, “no one can prove you heard anything,” self-serving testimony from a trained police officer will be treated with great skepticism by the experienced police officers that sit in judgment in a disciplinary hearing.

SCENARIO FOUR – A SLAP IN THE FACE

What if the underlying misconduct and lying about it carried the same or nearly the same severe penalties? We tried another hypothetical:

A Slap in the Face – Our policeman has now learned not to sleep or have sex on duty and appreciates the need to hold his tongue, even when a citizen verbally abuses him. He makes a car stop identical to the one in the previous example and you respond to back him up on this one too. As was the case with the previous car stop, as he approaches the car the driver yells at him, “What the hell are you stopping me for?” To which the officer responds, “May I see your license and registration?” This prompts the abusive driver to observe, “You really are an asshole!” No sooner had the words left the abusive motorist’s mouth than they were followed by a slap in the face from the insulted officer.

Is this Your Business?

The opinion of every officer in every focus group and every member of each of our study groups in each of the three jurisdictions was that this was an incident that would almost certainly be reported, that they were already involved in it simply by being present, and that they were going to have to give an account of their own as well as the primary officer’s behavior during and subsequent to the incident. For all those reasons this incident is certainly their business. The only interesting question is what to do about it?

What are you Going to Do About It?

The very first thing that has to be done, respondents in each of the cities told us, is that the offending officer and the citizen have to be separated. If subtlety can be employed to separate them that is fine, but, if not, a direct command or threat may be necessary. One officer suggested that he would immediately arrest the driver, even though he had been the victim of the officer’s assault, in order to keep the

situation from escalating. In any case and by any means necessary, separation of the officer and the citizen had to happen.

Once that part of the problem is under control, the next concern of the back-up officer was the citizen. Many said that they would offer to call for medical assistance whether the citizen looked like he needed it or not. This would be done as a gesture of concern, perhaps assuring the motorist that he was now dealing with a more reasonable, less volatile police officer. It was also highly likely that the back-up officer would tell the motorist that a supervisor had been called and was on the way. For more than 80% of the officers we interviewed, this scenario had already entered “supervisor territory.” That meant that a supervisor would be called immediately, either by the backup officer or the officer who was directed to return to his patrol car, and take charge of the whole situation. For the remaining 20%, the decision to call a supervisor to the scene would be better left to the motorist who should be asked if he wanted to exercise that option. If he did, there would be no hesitation in calling one. If not, it suggested that there was a small possibility that this incident might still pass without anyone being formally disciplined for it.

Even those who said that they would not call a supervisor unless the motorist requested it (and would pray that no complaint would follow) said that they would tell a superior about the incident anyway. Although some supervisors, they believed, might not act on this incident until a citizen made a complaint: most would initiate a disciplinary action immediately. Most thought that the moment a supervisor was called to the scene, it was inevitable that the offending officer would be disciplined. The young corporal who accidentally found herself in our Charleston focus group of line officers concurred: “He sure would if I was called. I’d suspend him on the spot. In fact, I might even take his gun away.” A line officer that was sitting next to her advised that this last idea, taking the officer’s gun from him at the scene, might not, all things considered, be a good idea.

In all of the focus groups as well as our study groups, there was surprisingly little discussion prompted by this scenario. Most things about it seemed obvious to our interviewees. The officer and motorist had to be separated. Medical attention had to be offered. A supervisor should be called or at least the option offered. Even if one waited until the incident was over, a supervisor would be told. The supervisor, with very rare exceptions, would take official action. Chances are the officer will do some serious suspension time, or may even be fired.

SCENARIO FIVE – DOWN THE DRAIN

In the scenario that followed, we tried to introduce some more interesting ambiguities:

Down the Drain – In a traffic stop similar to the one above, the abusive citizen finally produces his license and registration and the officer walks back to his car. As he writes a traffic ticket the citizen leaves his car and walks back to the police car. As he approaches the police car the policeman gets out of his car, hands the motorist his license, registration, and a traffic ticket, and tells him to return to his car. The citizen complies, grumbling. But,

as he is walking back to his car, he drops his wallet. He fails to notice that he has dropped it and drives away. The police officer who initiated the stop notices the wallet and, as the motorist drives away, kicks it into a storm drain.

Is this Your Business?

The answers we received in response to this scenario in Charleston puzzled us. In one of the groups we interviewed, the consensus was clearly that the behavior in question was objectionable, and the officer who kicked the wallet into the storm drain ought to be ashamed. The officers in this focus group assured us that they would try to get the officer to recover the wallet, and if he failed to do so, they would get it out of the storm drain themselves. They would return the wallet to the citizen, but not tell him what had happened. If the wallet could not be recovered, they would give the offending officer a lecture on professional responsibility and let him know that his behavior was unacceptable. The consensus of this group was that the incident need not be reported to a supervisor.

A second Charleston focus group said that a supervisor should be called immediately. Some said that they would talk to the offending officer and have him retrieve the wallet before the supervisor arrived, but either way they were going to involve a supervisor. "I don't need to be suspended over something like this," said one officer. Another officer in this group said: "You can't have a police officer doing things like this and work with him. Who knows what he'll do?" Still another said, "a person like that has no business being a police officer." Expressing concern for his own liability, one officer observed, "You just don't know about situations like that. Is somebody watching? Has somebody got a video camera running? Did the guy drop the wallet to try to set you up? Is it some kind of sting? There are just too many 'X factors.'" A moralist responded: "It's not a question of protecting myself, but he has no business doing something like that."

Two of our focus groups in Charleston expressed opinions that contradicted the ones described above. The motorist, we were told by these dissenting Charleston focus groups, could replace lost credit cards, his driver's license, and other things the wallet may have contained. "It might serve him (the abusive motorist) right to have to spend a couple of hours at motor vehicles." In the two focus groups in Charleston which found tolerable the summary punishment of kicking the wallet in the drain, no one suggested they would try to recover the wallet themselves or encourage the officer who kicked it in there to do so. No one suggested that they would counsel the offending officer. They almost seemed to regard the foul mouth motorist's dropping his wallet as divine intervention to bring justice to the world. If asked about the incident, those that volunteered an answer said that they would claim that they didn't see anything. No one was about to call a supervisor.

When we asked our Charleston Senior Study Group (composed entirely of lieutenants) about the reactions of these latter groups they became visibly angered by their responses. This was particularly so when they learned that the groups contained both FTO officers and probationary officers assigned for training to them. They could not comprehend how officers in their department, particularly

those with a responsibility for training new officers, could fail to understand their responsibility in this incident. As they began asking specific questions about the answers that were given, it became clear that more than one of them was seeking that information in order to find out *who* had given answers indicating that they would tolerate such conduct. As soon as it became clear that such an effort was afoot, we closed down discussion on this scenario.

In St. Petersburg the conversations on this scenario assumed a somewhat lighter tone. They appreciated its humor and justice as well as its seriousness, but without being solemn. More than one respondent complemented us on the scenario, finding it the best we had offered yet. It was “a real challenge,” according to one officer, the same officer who then asked “could the incident be an IA set up?” in an obvious effort to make it less challenging.

What appeared to make it even more challenging was when we declared that the wallet had fallen far into the sewer and washed away. Prior to that point in our discussion, officers claimed that they would force the officer who kicked it there to recover it. Failing that, they said that they would recover it themselves. As one 35-year dinosaur patrolman put it, “if you can get it out of the sewer, that’s one thing. If not, that’s different.” Once it was gone, it was gone. Nothing could correct the situation. A number of officers claimed that they would lecture (i.e., curse) the officer who kicked it in the sewer, not so much for the act itself but for endangering them by his actions. A very few said that they would report the incident, but most agreed that they, like most of their colleagues would probably adopt the “ostrich position.” If Internal Affairs became involved, all said they wouldn’t lie about what they saw, and would simply suffer the penalty that came from not having reported it. A mid-career detective in one of our study groups put the rational rule of lying that prevailed in St. Petersburg very simply: “The only time worth lying is to cover up something you’ve done that’s so serious you’ll get fired for it anyway.”

SCENARIO SIX – THE FINAL STRAW

To close our sequence of scenarios we offered a final one that all of our focus groups resolved immediately and often enthusiastically.

The Final Straw – The officer in the previous scenario picks up the dropped wallet, takes money out of it, puts the money in his pocket, and then flips the wallet into storm drain.

In all of our focus groups in each of the three jurisdictions, the full discussion of this scenario took less than a minute. “It’s over.” “He’s gone.” “You have no option about what to do.” “He’s a thief.” “He’s done.”

Our interviewees promptly and rigorously characterized the removal and pocketing of cash from the motorist’s wallet as theft. Not only did all officers say they would formally report this misconduct on the first offense, but they felt confident that “the reporting officer’s peers would support his or her decision.” Many respondents swore that in their entire careers they had never been aware of any colleague ever stealing anything from a citizen or crime scene. “You can’t

tolerate that in a PD. And nobody I know in this department would do so,” said one St. Petersburg officer. In the focus and study groups from the other departments we heard nearly identical testimony. There was nothing more to say.

THE PRACTICAL ETHICS OF THE CODE OF SILENCE

The interviews on which this chapter was based were designed to serve two general purposes. The first was to address a conceptual compromise we were forced to make in the design of our survey instrument. In that instrument we asked police officers how willing they would be to report misconduct. This question sponsored the twin impressions that the only way to control misconduct would be to report it and that, if it was not reported, nothing would be done to control it. We now know in some detail that neither impression is correct. In some cases integrity problems may be handled quite effectively and efficiently with informal methods. We heard in our interviews that counseling, shunning, shielding, cursing, threats, humor, and humiliation all play roles in peer attempts to contain the misconduct of their colleagues.

However, we also saw, most visibly in the case of sleeping on duty, that the boundaries on what behavior should be accommodated by one’s peers were rather difficult to maintain. With respect to this as well as the other scenarios we asked about, many, if not most informal resolutions rather quickly come to require the complicity of a “good” supervisor. By “good” our line officer interviewees did not only mean a supervisor who knew when or how to permit line officers to bend the rules or employ an informal resolution for a good cause. It also meant a supervisor who would prevent them from using informal means when the cause was questionable or impose formal mechanisms of control when their informal mechanisms were inadequate to the task.

The second objective of this series of interviews was to explore the composition of what has come to be called the “code of silence” with particular attention to how it was circumscribed in these police agencies of integrity. To do so we asked focus groups and study groups in all three agencies about six hypothetical scenarios. In each case we asked whether or not they thought it necessary to intervene and why and, if they thought it necessary to intervene, to explain how they would do so and why they would do it in that way.

This interview strategy invited our respondents to reveal what they saw as the motives for their action, to explain what they understood as their reasons for doing what they said they would do. They, of course, may be wrong, misguided, misunderstand, or misrepresent their own reasoning. All are possibilities. Be that as it may, we listened very closely to the answers we received in an attempt to place them into one of two very basic categories of motive. What we sought to determine was whether the motives offered for intervening, for handling a situation informally, or for causing or aiding in its organizational discovery, derived from a moral or an organizational/occupational source.

In our discussion of whether and how officers might intervene in the six scenarios of misconduct, a single moral source was specifically and explicitly identified as an engine for controlling misconduct in five of them. This moral good was the welfare of the offending officer. In the first five scenarios the welfare of the offending officer weighed heavily in every single decision about whether or not to intervene and how to do so. Only in the sixth scenario, involving an outright theft from a motorist's wallet, did the hypothetical officer's behavior, reach a point that the officer's welfare was no longer a consideration. Moreover, when the moral good of the welfare of a fellow officer rose to a level that actually controlled how officers responded to a scenario, it inspired efforts to cover, shield, or accommodate misbehavior as often as it did to put an end to it.

By contrast, what motivated officers to see misconduct as their business and do something about it that would serve to control it was self-interest. For example, while the welfare of a sleeping police officer was a consideration and good or occasional reasons for it would be accommodated, failing to carry one's share of the workload or provide emergency back-up would not be tolerated for long. A shift change, new assignment, or transfer to a less busy patrol area had to be arranged. Likewise, while some officers were repulsed by the "disgusting" conduct of an officer who had sex on duty that "from a moral point of view" was wrong, their personal objections or repugnance for the behavior was almost instantaneously translated into a concern for police officers' own or the police agency's reputations as a cause for their actions. In the case of the offensive motorist who got called an "asshole," battered, or had his lost wallet kicked in the sewer, in Charleston and St. Petersburg we heard not a single explanation of action based on objections to the officer's discourtesy, his battery, or malicious destruction of the motorist's property. The only consideration that motivated any officer in either department to become involved in any of these incidents was concern for the witness officer's own welfare should he or she fail to intervene.

Out of interest in the welfare of their fellow police officer, many officers said they would not come forward to report the incident, but would tell the truth when asked about it, if an investigation followed. In Charlotte-Mecklenburg and Charleston the reality of video recorders and the threat of lie detectors made this conviction the only rational choice. Were either of those devices insufficient to compel that conclusion or were they absent, as in St. Petersburg, the rule that lying to internal affairs was a firing offense obtained the same conclusion. It may well be the case that the commitment to tell the truth is a deeply held moral conviction for some police officers we interviewed. For some, we are sure it was. The far more important and compelling point is that, for an officer in any of the departments we studied who witnessed any of the scenarios, to do anything but tell the truth is simply stupid. The St. Petersburg detective who observed, "The only time worth lying is to cover up something you've done that's so serious you'll get fired for it anyway," was not making a moral claim but a purely rational one.

CHAPTER 12

ENHANCING POLICE INTEGRITY

The remarkable rhetorical virtue of “integrity” is its ability to bring police willingly into reflective discussions of abuse, corruption, and misconduct that they would be reluctant to discuss in almost any other terms. Everyone is in favor of integrity and is obliged to believe that it should be enhanced. Thus, the attraction of the concept is that it pulls police as well as those who would understand their shortcomings into a joint effort to make things better. It does so by appealing to the noble aspirations of both groups to know and act with virtue. The concept has served this project well not only because just such an effort was the objective of this research but also because the definition of “integrity” employed in this research intentionally restrained some of the concept’s most lofty ambitions.

To exploit the distinctive opportunity for discussion and analysis that “integrity” provided, this study began with a very modest definition of it: *the normative inclination among police to resist temptations to abuse the rights and privileges of their occupation.*

The definition was modest in at least three senses. First, it allowed that integrity could be an attribute of police organizations as well as individual police officers. This property of integrity prompted us to select three police agencies of integrity, agencies serving Charleston, South Carolina, Charlotte-Mecklenburg, North Carolina, and St. Petersburg, Florida, to examine how they created and sustained integrity in their agencies.

From this same modest assumption about integrity it also followed, sociologically, that the processes through which integrity was created and sustained in police organizations were different than those which created and sustained it in individuals. Although the temptation to speak of organizations as if they were individuals and individuals as organizations is nearly irresistible, our definition helped us resist this temptation. In the great freedom that this modest definition of integrity provided, our study adopted an organizational model of integrity to guide and structure our observations, discussions, and analyses. The model placed emphasis on four dimensions of integrity, each of which is profoundly organizational in nature. They were: 1) creation and communication of organizational rules; 2) detection, investigation, and discipline of rule violations; 3) circumscription of the code of silence; and 4) managing the influence of public expectations and agency history.

Admittedly, this view of things virtually abandons character approaches to integrity. This is a provocative pose, if only because for so long so many have come so readily to speaking of integrity in terms of personal virtues. However, it may well be that the reason the concept of integrity so inspires us is that its moral

components are so deep, so profound, and so mysterious that they can sustain almost eternal reflection. We abandon character approaches to enhancing police integrity not because we are not inspired by them and not because we believe they play no role in shaping organizational integrity, but because we are humbled by them. The tasks of defining the character virtues which constitute and compose integrity are exceedingly hard: determining how to go about recruiting, selecting, and employing applicants with those precious virtues, deciding how to eliminate those who lack them, and training those who would become police officers to embrace them.

Of course, every police agency must, to one degree or another, manage all of these tasks. However, we may add further that we are not persuaded that the most efficient way to get police officers to resist temptations is to persuade them of the virtues of resistance. Those who would take that route to enhancing police integrity are certainly free to do so, and we appreciate that all police agencies are somewhat obliged to do so. However, we are convinced that the obstacles to definition, recruitment, selection, and education that are already visible along the way portend an extraordinarily rough and exceptionally complicated journey. Moreover, analytically, there is a better way.

An organizational view, one that makes integrity a matter of organizational effectiveness rather than moral virtue, suggests a rather specific and far more manageable course. It begins by placing direct responsibility for police integrity on police administrators and making the creation and sustenance of an organizational culture of integrity their administrative obligation. Next, it specifies that administrators create policy and rules to guide employees in the conduct of their duties. Finally, it advises police administrators to ask five general questions of their employees and instruct them on what they should do depending upon the answers they receive. Those five questions and the administrative action responses we believe they should elicit are as follows:

Question 1: DO OFFICERS IN THIS AGENCY KNOW THE RULES?

Action Response: If they do, fine.
Where they don't, teach them.

Question 2: HOW STRONGLY DO THEY SUPPORT THOSE RULES?

Action Response: If they support them, fine.
Where they don't, teach them why they should.

Question 3: DO THEY KNOW WHAT DISCIPLINARY THREAT THIS AGENCY MAKES VIOLATION OF THOSE RULES?

Action Response: If they do, fine.
Where they don't, teach them.

Question 4: DO THEY THINK THE DISCIPLINE IS FAIR?

Action Response: If they do, fine.
Where they don't, adjust discipline or correct their perceptions.

Question 5: HOW WILLING ARE THEY TO REPORT MISCONDUCT?

Action Response: If they are willing, fine.
Where they are not, find ways of getting them to do so.

Second, the definition of integrity employed in this project also allowed that organizations and individuals could vary in the extent to which they were inclined to resist temptations to abuse the rights and privileges of their occupation. We identified Charleston and St. Petersburg as agencies of integrity because they had ranked very high on the thirty-agency national survey of police integrity we had conducted prior to the initiation of this project. The survey probably overrepresented high integrity police agencies, especially considering that a number of police agencies with integrity problems had refused to participate in the survey.

We selected Charlotte-Mecklenburg as our third agency of integrity even though its integrity score only placed it in the middle of the agencies we surveyed. Its position in the ranking of agencies of integrity was heavily influenced by its practice of permitting its officers to accept police discounts on food. This difference in the contours of integrity was also quite consistent with the second property of our definition of integrity. Not only could police agencies vary in their general resistance to temptations from one agency to another or one officer to another, but they also could vary in resistance to particular types of temptations within and between themselves.

At the same time, inclinations to resist temptations could differ, and the definition was obliged to concede the logical possibility that temptations could sometimes overcome even extraordinarily high levels of resistance. We expected and we found that each of our three agencies of integrity was obliged to deal with a variety of integrity problems that arose during our period of fieldwork. In fact, we welcomed those incidents as valuable occasions for us to observe how agencies of integrity detected, investigated, and disciplined misconduct.

INTEGRITY MEASURING TOOLS

We have provided two tools with which police administrators can ask the questions we recommend and measure rather carefully the answers they receive. The first tool, described in Chapter 2 (Measuring Police Integrity), is a questionnaire that deals primarily with that type of failure of integrity called corruption. The second tool, described in Chapter 7 (The Second Survey), casts a broader net and includes some other common types of defects in integrity as well – discourtesy to citizens, abuse of arrest discretion, and the use of excessive force. Neither instrument is perfect, but both have proven reliable and capable of measuring differences and changes in the organizational environments in which they have been employed. Even in the agencies of integrity we studied, by using these instruments we were able to provide police administrators important new information about their agencies. Police administrators who wish to create and sustain a culture of integrity in their agencies are invited and encouraged to employ the survey instruments we have provided.

Equally important, both for police administrators and police researchers, there is no reason why the general strategy exemplified by the measurement tools employed in this study could not be applied to a far broader range of potential threats to police

integrity and types of police misconduct than we have sought to measure here. Racism, sexism, idealism, incompetence, fatigue, racial profiling, discrimination in hiring, promotion, and discipline, entrapment, perjury, sleeping on duty – the tools we developed can easily be expanded to these phenomena). However, those who would try to expand the scope of measurement of police integrity are reminded that threats to integrity may spring from good, evil, and morally neutral sources. Also, while the possible general types of police misconduct may be limited, the ways of presenting them anecdotally are infinite. In designing descriptions of such incidents extraordinary care must be taken to avoid introducing details that may contaminate the image of the misbehavior or the motive for it.

Because both integrity measurement instruments employed in this report are based on an organizational model of integrity, both give equal weight to officer perceptions of the seriousness of misconduct, officer perceptions of agency threats to punish it, and officer estimates of willingness to report it. The decision to assign equal weight to all three dimensions of the resistance to misconduct was made in advance of any empirical application. It was initially based on the commonsense notion that the more serious officers believed an infraction to be, the more likely they would be to report it, and the more willing they would be to support discipline for it. Subsequent applications of both instruments showed this commonsense correlation between seriousness, discipline, and willingness to report to be empirically correct. In departments in which offenses were seen to be relatively less serious than in other departments, officers tended to be less willing to report offenses and supportive of less severe discipline.

The third and final freedom that our concept of integrity conferred on this research was the absence of a commitment to any specific organizational or individual dynamic. It appeared to us in the very early phases of this project that the natural order of the relation between the three dimensions of integrity measured in our survey was that officers' perceptions of the seriousness of misconduct are the cause of officer perceptions of appropriate discipline and willingness to report. Put differently, *because* officers find an offense to be serious, they are therefore inclined to report it and to support its discipline. However, such causal order of things is a vestige of an individualistic conception of integrity and, over the course of our research, we have moved away from this understanding.

Whereas just such an assumption drives most of the efforts to attempt to enhance police integrity by instructing police officers in "police ethics," and informs most of those approaches which seek to change police culture by training officers in values, our organizational model of integrity requires no such causal sequence. As our research evolved, we became increasingly prepared to entertain the propositions that, in organizations, officers may well find certain types of misbehavior to be very serious because they are disciplined very severely for them or support the stern discipline of certain types of offenses because they are obligated to report them. Likewise, officers may regard a certain type of misbehavior as trivial because the organization that employs them ignores it.

We will organize our considerations in terms of the questions we advise police administrators to ask and the actions we advise them to take in response to the answers they receive.

Question 1: DO OFFICERS IN THIS AGENCY KNOW THE RULES?

Action Response: If they do, fine.

Where they don't, teach them.

Each of the three agencies of integrity invested considerable resources and devoted considerable efforts to developing rules and policies to guide officer conduct. All had extensive policy and procedures manuals. Both Charleston and St. Petersburg had completed the Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation process, a process that requires extensive written policy development and an external audit of agency policies by an expert panel of reviewers that certifies them to be in compliance with the Commission's standards. Charlotte-Mecklenburg had chosen not to go through the CALEA accreditation process; its policies and procedures were well documented, but they would have failed to meet CALEA standards in some areas, specifically with respect to the use of force.¹

Our surveys disclosed some areas in each department in which official policy was not clear to a substantial portion of employees. In all three departments, more than ten percent of officers were not certain that a supervisor who exploited his supervisory authority for personal gain would be in violation of official policy. Similarly, nearly fifteen percent of officers in Charleston and St. Petersburg and almost one-third of officers in Charlotte-Mecklenburg were not aware that the cover up of a DUI and minor accident by a police officer would be a violation of official policy. In St. Petersburg and Charlotte-Mecklenburg, more than ten percent of officers did not know it would be a violation of official policy to fail to arrest a friend for a felony warrant and, instead, warn him of the warrant's existence.

Charlotte-Mecklenburg permitted its officers to accept half-price meals and other small gifts. The department administration and the vast majority of officers endorsed this practice as a harmless reflection of "Southern hospitality," and insisted that it was not a violation of official agency policy. However, the department's official, written policy on gifts and gratuities states unambiguously:

¹ We asked two highly experienced CALEA assessors, one of whom was a police Chief and the other of whom was a Deputy Chief to review the Charlotte-Mecklenburg Force Policy with respect to accreditation standards. They agreed with our judgment that the CMPD policy would not pass CALEA accreditation standards because it lacks adequate definition of critical terms, provides no requirement for remedial training, and uses language which is somewhat confusing, and it generally too "permissive". They also find that CMPD permits warning shots and firing at or from a moving vehicle, while the industry standard is to prohibit such conduct.

Section A23

- B. Employees will not accept from any person, business, or organization any gift if it may reasonably be inferred that the person, business, or organization:
1. Seeks to influence an official action or to affect the performance of an official function.
 2. Has an interest which may be substantially affected, either directly or indirectly, by the performance or non-performance of an official function.

Most restaurants, particularly those of the fast food variety, have interests that may be substantially affected by performance or non-performance of the police function. This difference between official but *unwritten* policy in practice and official *written* policy would appear to be the reason that nearly 40% of Charlotte-Mecklenburg officers did not know what their agency's official policy in this area actually prohibited. The practice of having a written policy that says one thing and an official but unwritten policy that allows another may pose problems for officers in determining the proper policy authority of other, more consequential areas.

A variety of forces stimulated all three agencies in rule and policy making. All were fully aware of the civil liability they faced from federal law suits in which it might be claimed, following the *Monell* decision, that the department sustained a policy, pattern, or practice in violation of Fourth Amendment rights.² St. Petersburg's rule and policy making was also stimulated by anticipation of potential conflict with their union, their Civilian Review Committee, an aggressive press, and regular interaction with a wide range of community interest groups in areas in which its Sunshine Laws exposed rules, policy, or practices that might be challenged. Although policy and rule making in Charleston and Charlotte-Mecklenburg did not benefit from conflicts stimulated by a union, a Sunshine Law, or (until very recently in Charlotte-Mecklenburg) a Civilian Review Committee, disgruntled and self-serving employees and other internal critics of the current administration kept an aggressive media in both cities well informed of practices or policies that might embarrass the department. In Charlotte-Mecklenburg the administration augmented these popular criticisms with a detailed scrutiny by the KPMG Business Ethics Services of the department's use-of-force review and complaint process. The most recent and most public development in this area is Charleston's "Cop to Cop Charleston PD Uncensored," an internet message board on which disgruntled employees keep both the press and public informed on a daily basis of the most scurrilous rumors currently circulating in the department.

² *Monell v. New York City Department of Social Services*, 436 U.S. 658, 98 S. Ct. 2018 (1978). *Monell* includes most forms of excessive force, which constitute unconstitutional "seizures" under the Fourth Amendment. Also actionable under Title 42 United States Code, section 1983 (The Civil Rights Act of 1871) are false arrest, illegal searches and seizures of property, denial of free exercise of First Amendment rights, coerced confessions, and denial of counsel or medical care.

Question 2: HOW STRONGLY DO THEY SUPPORT THOSE RULES?

**Action Response: If they support them, fine.
Where they don't, teach them why they should.**

In all three departments, there were substantial energies and resources devoted to academy training, field training, and in-service training of many different types. These rule, policymaking, and teaching efforts communicated to officers in considerable detail that there were acceptable and unacceptable ways to conduct themselves as police officers.

In the Charlotte-Mecklenburg Department there were substantial efforts made to declare a set of values for the agency, an exercise that went as far as to include a statement of the agency's values on the reverse of every police officer's business card. However, it is not at all clear how an organization values anything or whether what an organization declares it values is actually valued by its employees. In two incidents in the Charlotte Mecklenburg Department the discrepancy between organizational values and those of its employees became apparent. In one incident the agency's 50 officer SWAT team, composed of officers from throughout the department, was thought to be developing attitudes hostile to community policing and openly ridiculing the department's stated values. In response, the department hired a consultant to meet with the SWAT team and help them adjust their attitudes on these matters. In a similar incident, a class of newly-appointed Field Training Officers, allegedly the best and brightest of line officers and prospective role models for new recruits, were invited to express their personal convictions about their work. Following their candor, administrators in Charlotte-Mecklenburg were seriously concerned by how different their views were from the declared values of the organization. Their differing views provoked a direct confrontation with the Chief.

We also described the direct action the Charleston Chief took in "The Incident" by calling each of four lieutenants at home and explaining his belief in his "citizen police officer" concept, when he learned that they had expressed some criticism of it in our study group.

We are not at all convinced that any of these efforts had any effect on the values of the officers who were counseled either by the Chief or his consultant. Is it reasonable to believe that the values of adult police officers can be meaningfully changed in a couple of hours of conversation? The lesson that they surely took away from those conversations was not that their values were defective or misguided, but that they should be more careful of what they say or at least whom they say it to.

Be that as it may, in none of the agencies was there anything but the most minimal instruction in the moral gravity of specific types of police misconduct. The way officers learned to evaluate the seriousness of various types of misbehavior was by gleaning it from their department's behavior in detecting and punishing it. If a department welcomed complaints of misconduct, investigated those complaints thoroughly, and severely disciplined officers who committed them, officers concluded that misconduct of that type was serious. If agencies ignored or

discouraged complaints of certain types of misconduct, failed to investigate certain types of complaints, or failed to punish officers for certain violations, officers learned not to take those violations seriously. The radically different views of officers in Charleston and Charlotte-Mecklenburg about the seriousness of accepting free or half-price meals, discounts, and small gifts provide the most conspicuous illustration of this point.

We have been able to establish quantitatively, through the use of our survey instruments, that officers are quite sensitive to changes in the disciplinary environment in which they work. The St. Petersburg Police Department, with its history of different chiefs of differing philosophies as well as a change in administration between our first and second surveys, provided the clearest evidence of this point. Along similar lines, officers in Charlotte-Mecklenburg raised complaints about how officers in different service areas were being treated differently for similar offenses well before department records were analyzed to support their contentions. In all three agencies officers complained frequently about inconsistencies in discipline, often maintaining that it was biased along rank, race, or gender lines. Our analyses of disciplinary records are inconclusive; they failed to provide reliable insight into any such contentions because of the lack of a sufficient number of comparable disciplinary cases to support or refute them.

**Question 3: DO THEY KNOW WHAT DISCIPLINARY THREAT
THIS AGENCY MAKES FOR VIOLATION OF THOSE RULES?**

**Action Response: If they do, fine.
Where they don't, teach them.**

Because discipline plays a central role in teaching officers about the gravity of misconduct, it is important that a department's disciplinary decisions are known to officers and thus enable them to learn from these decisions. Of the three agencies, St. Petersburg clearly went the furthest in disclosing its disciplinary actions. With a few reasonable exceptions for situations that involved ongoing investigations and officers in undercover roles, the department was obliged by state law to share the full details of every disciplinary decision as well as the full details of the internal investigation that led up to it. This information was available to anyone—the police, media, interest groups, or private citizens who were interested in seeing that information.

Although the disciplinary system in Charleston operated under rules of secrecy that supposedly protected personnel decisions from public scrutiny, the confidentiality of such proceedings was breached regularly. One could assume that, within hours, the media would have the full details on any serious disciplinary incident. However, all such breaches of official confidentiality, be it by the officer who was accused, the officer who made the accusation, the officers who served as witnesses, or those who sat in judgment, were offered from different perspectives and with different emphasis. It was not uncommon in Charleston for sergeants to be asked by officers they supervised what the “true” story was in a particular disciplinary case.

In Charlotte-Mecklenburg there was also an active underground network that spread the details of virtually every high profile case. Many officers assured us that, even though it might take a while, they would eventually learn the “full story” behind any disciplinary incident. We were also assured by the Charlotte-Mecklenburg Chief that the department was filled with employees at every rank who would alert and brief the media on virtually any questionable incident within hours if not minutes of its occurring. As was the case in Charleston, these underground accounts invariably reflected the emphasis, perspective, and biases of those who transmitted them.

Our opinion, based on our experience in the three agencies of integrity, is that the laws that seek to shield officers from exposure in cases of discipline fail miserably in doing so. Officer anonymity cannot be preserved from fellow officers or an aggressive press. As the “true story” of the incident is spread through the department underground, it inevitably becomes infused with assorted distortions and invites speculation on racial, gender, or personal prejudice or preference. Rumors of secret deals abound and the questions of inconsistency in the application of discipline develop because of the inability to accurately compare similar cases, prompted in turn by the lack of familiarity with all the details of the cases.

Departmental refusals to comment on the grounds that such incidents are protected “personnel matters” invariably create suspicions outside of the agency, and tend to exacerbate perceptions that the agency is attempting to hide something, justified or not. Similarly, if the department does not speak up officially, suspicions may be created inside the agency as well; the disciplined police officer is not bound by the rules of confidentiality in “personnel matters” in his own case and may well start to spread an adjusted version of the story.

Beyond these problems with laws that attempt to shield officer discipline from exposure is the mischief such laws can cause with other police practices. Review of occasions on which police use force should obviously be a routine practice in any learning organization. Officers should learn from their successes and their failures and consider the possibility of alternatives to the one that was actually chosen. Laws that prohibit such a review by superiors, peers, or the public, or require that no record be kept of the review proceedings, compromise major mechanisms through which an organization may enhance the integrity of police work.

Wherever possible, and to the fullest extent possible (on this matter St. Petersburg and the State of Florida may serve as excellent guides), restrictive laws such as the North Carolina Public Employee Privacy Act should be replaced by sunshine in order to enhance police integrity. However, whereas innovative sunshine laws are beneficial for the greater openness/transparency of the agency’s procedures toward the outside, as well as for the corrective input within the agency, they typically make information about a case available only *after* the investigation is completed. As we learned in St. Petersburg, police officers in the agencies exposed to such sunshine laws still rely on the grapevine to obtain basic information about each disciplinary case and its outcome. Therefore, the impact of these sunshine laws is corrective – police officers first learn about the case through grapevine and the extent and accuracy of their knowledge could be changed afterwards.

The fact that discipline teaches officers what a police agency regards as serious also raises a special problem in agencies of integrity. We found an extraordinarily high consensus in both surveys for all three agencies on both expected and appropriate discipline, especially for serious offenses. Furthermore, based on our comparisons of expected and actual discipline, we know that police officers are reading their agency's disciplinary threat correctly. However, the overwhelming majority of the violations recorded in the official disciplinary systems are less serious violations. How, in agencies of integrity, do officers develop consensus on the seriousness of offenses that their department has little or no record of disciplining them? If, as we maintain, officers come to appreciate the seriousness of various types of misconduct by seeing how seriously their organization treats them, how, in agencies of integrity, do officers form their opinions on the seriousness of offenses their department rarely or never gets the opportunity to punish?

Our research suggests that two processes are operative. The first of these involves the mechanisms a department establishes to receive and investigate complaints of misconduct of any type. All three departments welcomed citizen complaints and often went to extraordinary lengths to receive them. They made complaints possible at a variety of locations, advertised their receptivity to complaints and entertained complaints filed through both formal and informal channels. Moreover, the departments took those complaints seriously. Officers in all three departments routinely complained that their agency gave undue attention to trivial complaints. Be that as it may, no officer in any of the departments we studied believed that their department would allow any complaint of officer misconduct to be ignored or any complaint of officer misconduct that was sustained to go unpunished. Even in the absence of an actual instance of a specific type of misconduct, the seriousness with which the departments that we studied responded to instances of minor violations left no doubt in the minds of any officer that the department would not hesitate to take severe disciplinary action in response to serious violations, even if actual incidents of that type of misconduct had not occurred so as to permit the agency to do so.

The second and somewhat similar process that taught officers the seriousness of misconduct in the absence of actual occasions of it involved the severity with which their department punished misconduct of lesser seriousness. Our national survey of police agencies showed that, while there were substantial differences in the absolute ranking of seriousness, discipline, and willingness to report officer misconduct in different police agencies, the relative, rank ordering of the seriousness of misconduct, discipline, and willingness to report was nearly universal.

This consensus of officers on the relative, rank ordering of seriousness and discipline implies that officers understand that offenses of increasing seriousness will be punished with increasingly severe discipline. It also implies that officers who are aware that offenses of relatively low levels of seriousness are punished severely can readily predict that offenses of greater relative seriousness would be punished with even greater severity, even when no actual incidents of such disciplines are available as examples. This process of teaching officers about the seriousness of

certain types of misconduct even though no examples of it are available for direct instruction is compatible with the conventional wisdom in police agencies that officers can be deterred from more serious types of misconduct by disciplining them severely for minor infractions.

Question 4: DO THEY THINK THE DISCIPLINE IS FAIR?

Action Response: If they do, fine.

Where they don't, adjust discipline or correct their perceptions.

If the administrative threat of discipline is central to officer understanding of the seriousness of misconduct and if officers learn to appreciate the seriousness of severe misconduct by extrapolating it from the severity of discipline the agency visits on relatively low levels of misconduct, one method of enhancing police integrity would be to aggressively solicit complaints of officer misconduct and discipline even the most minor infractions severely. In all three agencies we met some command officers who were advocates of just such a “fear” theory of how integrity should be enhanced. To be sure, there are some police agencies in which corruption, brutality, and other forms of misconduct are so rampant that everything must be subordinated to their elimination and nothing short of just such a “fear” strategy will suffice. However, that was certainly not the case with the agencies of integrity we studied. In fact, although the levels of expected severity of discipline in Charleston and St. Petersburg were among the highest of the thirty U.S. agencies we surveyed, the vast majority of officers in all three agencies considered the severity of discipline their organization threatened to be fair. This officer perception persisted even though the actual level of disciplinary severity was somewhat different in each agency.

The ultimate explanation of this rather remarkable finding is that in each of the three agencies officers had simply reconciled themselves to the different levels of discipline their organization threatened. However, there is nothing simple about either the severity of discipline each organization threatened or the way in which officers reconciled themselves to it.

First, the severity of discipline each organization could actually threaten was limited. In Charlotte-Mecklenburg and St. Petersburg, the administrations regularly experienced having their disciplinary decisions overturned or reduced in severity on appeal. In both agencies less than half of the disciplinary decisions appealed by officers to Civil Service were upheld on appeal. The administrations attributed their administrative losses on appeals to a lack of appreciation by outside arbitrators of the special need for strict discipline in police agencies as opposed to other governmental organizations. Moreover, in St. Petersburg, police administrators were also well aware that arbitrators had a personal financial interest in establishing a record of balanced decisions, of not appearing pro-administration or pro-employee. When a disciplinary case was sent to arbitration both sides had to agree on the arbitrator and both sides had access to, and were well aware of, the history of individual

arbitrators' decisions. In order to continue to work, an arbitrator was well advised to maintain a record of decisions acceptable to both sides.

Severe departmental disciplinary decisions were especially vulnerable in any case in which a counter claim of discrimination on the basis of age, ethnicity, gender, or race could be offered as a defense against a department's disciplinary decision. In the late 1990s, claims alleging discrimination and reverse discrimination were nearly equal possibilities. Such claims ultimately raised the difficult question of whether or not the cause of a department's severe penalty was prejudice. In a context of discipline that was certainly more severe than in other governmental agencies, critics of the severity of police discipline enjoyed an advantage, no matter the basis of the criticism.

Police unions could be counted on to raise these and other challenges to severe discipline when the opportunity presented itself. In Charleston and Charlotte-Mecklenburg, our agencies of integrity did not face organized opposition from a union to their attempts to discipline employees. In both North and South Carolina police unions were prohibited by law from collective bargaining and employee fraternal associations were very weak. In Charleston, the department paid its officers' fraternal association dues, a perk they might well be forced to surrender if for some reason the department saw the fraternal association behaving contrary to the department's interests.

In St. Petersburg there were police unions and they could be counted on to challenge most department disciplinary decisions. They forced the department to specify rules in detail and follow procedures carefully lest their disciplinary decision be reversed or reduced in response to a union challenge. However, these union challenges were not so extreme as to impose a burden on discipline or the disciplinary process.

Additionally, administrators in all three agencies understood that there was a cost to having one's disciplinary decision reversed or reduced in severity on appeal. The message such a reversal inevitably communicated was that the administration had treated one of its employees unfairly or too harshly. While such a message could serve a department's objectives with respect to enhancing integrity by impressing upon its employees that the department would go to extreme lengths to punish misconduct, at the same time, the reduction or reversal of a departmental disciplinary decision on appeal sends a message to officers about the lack of integrity on the part of the police administration: the administration is willing to go into unethical, discriminatory waters in order to achieve its goals.

Naturally, in addition to controlling misconduct, a department also had other work to do which could not be driven by a fear of merciless discipline. Good police work required officer confidence, courage and initiative. Officers needed to believe that their efforts were appreciated by their employer and believe that, in their good efforts, they would receive their employer's support. Police officers also realized that they were vulnerable to false and exaggerated citizen complaints and needed to know that their department would treat them fairly when and if they were accused. Every appeal decision which found that the department had treated an employee

unfairly undermined this confidence. Police administrators were obliged to temper passion for integrity with concern for morale.

Therefore, it should come as no surprise that all three departments of integrity sought to shelter their disciplinary decisions from the possibility of reversals or reductions in severity. In St. Petersburg all disciplinary decisions were fully exposed by the Sunshine Laws, the Citizen Review Committee, and an atmosphere of racial tensions and suspicions. There, all ranks above that of lieutenant were “exempt,” meaning that those who held those ranks could be dismissed without cause and without review. During our fieldwork, the St. Petersburg administration had even floated a proposal to eliminate the rank of lieutenant and replace it with a newly created exempt rank of equivalent pay and authority. Although lieutenants and those ranked above them are only a small subset of all police officers in the agency, the discipline of “Bloody Thursday,” showed us how the department discovered a plea-bargain strategy that could be effectively used to induce officers at all ranks to surrender their right to appeal.

In Charleston officers had the technical right to appeal disciplinary decisions to the Chief and beyond that, to the Mayor and City Council. However, as a practical matter, appeals either never reached the levels above the Chief or, if they did, they had little chance of success. Three fire walls protected the Charleston Police Department from appeals that could call into question its disciplinary decisions. The first was that, on matters of internal discipline and police administration, the Chief enjoyed the full support of the Mayor and City Council. They deferred to his expertise on police matters and were unlikely to overrule him on matters of internal police discipline. Secondly, the Chief let it be known that he would not allow an officer he had dismissed to return to work in his agency as a police officer. If the city wished to reinstate an officer the Chief had dismissed, it could employ that officer in some other city position, but, in the Chief’s opinion, that officer was unfit to be a police officer and the Chief would no longer accept responsibility for him.

Thirdly, and perhaps most importantly, the Chief consciously and deftly employed a “good cop/bad cop” disciplinary strategy that permitted him to personally harvest the benefits of all reductions of disciplinary severity. What made it possible for him to do so was that the officers in command of the major operational divisions in Charleston were unabashed “fear” theorists. Their excessively severe disciplines permitted the Chief to reduce their severity on appeal. While a successful appeal in Charlotte-Mecklenburg or St. Petersburg meant that the department had been rebuffed for treating one of its employees unfairly, a successful appeal in Charleston was always an appeal to the Chief and invariably reinforced his reputation for mercy.³

³ Even when appeals were not successful, officers could sometimes come away with private understandings with the Chief that would serve to reduce the net impact of the discipline. These private deals included permitting an officer to resign rather than be fired, to work extra duty hours to make up pay lost in a period of suspension, and suggestions that, with impeccable performance, a rank lost in demotion might be recovered after an appropriate period of time had passed.

Finally, the temperament of the Chief, both real and imagined, played a role in officer expectations of discipline as well as the severity of discipline that was actually delivered. In Charlotte-Mecklenburg, Dennis Nowicki was widely understood to honor differences between errors of the “heart” and errors of the “head” in making disciplinary decisions. In St. Petersburg the “cop’s cop” Curtsinger was expected to show genuine appreciation for the difficulty of the real policeman’s lot. No such expectations attached to the disciplinary decisions of the “pointy-headed academic” Stephens, who, throughout his career in St. Petersburg, suffered from the decision he made early in his term to fire a popular police officer over his use of deadly force. Whatever the actual merits of any disciplinary decision in the first year of the Davis administration, it was closely inspected for even trace evidence of connections with the Curtsinger administration. In Charleston, Greenberg’s concern for his own reputation and that of the department was generally believed to make extraordinarily severe discipline possible in any situation that publicly threatened either.

Whereas these forces shaped the severity of discipline that each police agency could threaten, a variety of forces also shaped the severity of discipline its officers were willing to accept. Policing, after all, is a job and, if working conditions become undesirable, officers (especially during the early years of their career) can quit, start a new career, or move to other agencies in which conditions are thought to be more tolerable.

These options are not of equal impact on the careers of police officers or the agencies that employ them. Most police agencies make substantial investments in the recruitment, selections, academy, and field training of new officers and do not recover any of that investment until the officer actually begins work. It is in an officer’s early career that the agency has the greatest net investment in the officer, but the officer has the least net investment in the agency. A common experience of police agencies with high quality academy and in-service training is to have officers hired away from them by police agencies who wish to purchase their training without having to pay for it.

The loss of an officer becomes less critical to an agency after the officer has permitted the agency to recover its investment in training costs in the first few years of an officer’s employment. At the same time, seniority raises, desirable assignments, or mobility in the rank structure make movement to another agency less attractive to the officer, particularly if moving means having to start over again at the bottom of the rank, pay, seniority, assignment, and pension structure in a new agency.

Because opportunities for lateral or upward mobility are rare in policing, if an officer is successful in progressing up the agency rank structure, it becomes increasingly burdensome for the officer to leave that police agency and begin a career elsewhere. For officers who have failed to move upward in the rank structure and are not able to compete successfully for the rare lateral entry positions that become open, but who would have to sacrifice their investment in pensions and seniority to move to a department with a less demanding disciplinary environment,

their option is not to leave the department but to threaten to do their work poorly in rebellion against discipline they perceive as unfair.

In the three agencies of integrity, their options to do so are also limited. Citizens are the first line of defense against poor police work. They can often tell when police do not respond or are slow in responding to their calls for police service. They also have little trouble in determining when they have been abused or treated discourteously, though they will sometimes over-report or under-report ill treatment. In all three departments of integrity citizen complaints of poor service were readily heard and attended to and willingly magnified by the media, community associations, interest groups, and politicians if they were not.

All three departments of integrity take such complaints of poor service seriously and, of equal importance, have mechanisms in place through which they can monitor the conduct of officers. Increasingly, these devices are technological. All three departments can track the time any call is received, how soon an officer is dispatched, how long it takes an officer to drive to a call, how much time an officer spends at a particular call site, and how many times per shift and what proportion of any shift an officer spends handling calls for service. In Charlotte-Mecklenburg virtually all traffic stops are recorded on videotape, a practice that virtually eliminates the possibility of the kinds of abuse and discourtesy to citizens we explored in the interviews described in Chapter 9. In St Petersburg, as members of the drug unit learned in painful detail on “Bloody Thursday,” the department is able to track to the minute the time any member entered or left the unit’s offices.

Although all three agencies of integrity made use of increasingly powerful technological means of monitoring officer conduct, they also invested heavily in supervision. In Charleston, the only one of the three agencies to maintain the rank of corporal, about a third of all employees held a supervisory rank. In St. Petersburg, the difficulty of supervising those community police officers who did not handle calls for service, enjoyed a wide discretion in their selection of problems, and could flex their work hours in accordance with their assessment of neighborhood needs, prompted a major rethinking of the department’s commitment to a “geo-based” strategy of community policing.

Whether the means of monitoring officer performance was technological or supervisory, the capacity to monitor the performance of individual employees was only meaningful if the findings carried direct consequences. We have already given emphasis to each department’s willingness to punish disobedient employees. In the three agencies of integrity any officer who would let his or her work suffer as an expression of protest risked not only discipline but the loss of opportunities for reward and advancement. In fact, the more varied rewards and advancement opportunities a department had to offer for its line officers and the more capacity it had to allocate those rewards in return for good work, the more willing obedience it could demand of its employees. Charleston serves as a stunning example of this point. It offered the highest entry-level salary for police officers in the state, possibilities for additional rewards for advanced education or special skills, opportunities for advancement through a nine-level rank structure, a “two-agency”

organizational structure that created numerous specialized squads and assignments, plus a remarkable collection of “police toys.” With every award, assignment, transfer, promotion, and set of new car floor mats distributed at the Chief’s discretion, Charleston officers found themselves restrained in their willingness to resist the discipline imposed on them by what one Charleston officer called “golden handcuffs.” It is a metaphor that nicely captures the critical importance of both ample resources and the ability to distribute them as rewards for good police work to enhancing police integrity.

Question 5: HOW WILLING ARE THEY TO REPORT MISCONDUCT?

Action Response: If they are willing, fine.

Where they are not, find ways of getting them to do so.

In addition to receptivity to citizen complaints, investment in technology, supervisory and administrative systems to monitor officer behavior, and a willingness and ability to discipline misconduct, and reward compliance, enhancing police integrity requires the cooperation of line officers in detecting breaches of it. Their cooperation is essential because citizens are unable to detect or unwilling to report many types of police misconduct. Still other types will occur at times and places and in ways that are beyond the capacities of technology, supervisors, or administrative systems to monitor. Errant officers should be expected to actively try to shield their misbehavior from such scrutiny. The final step that an organizational approach to enhancing police integrity demands of a police agency is that it compels errant officers to conceal their misbehavior from their police peers.

A powerful norm shields officers from having to do so, and an agency of integrity must take steps to weaken, shape, or limit it. That norm is the concern for the personal welfare of one’s fellow officers. It grows up naturally in policing as an expression of gratitude for the trust and support fellow officers extend. As we have shown in Chapter 9, it was this concern for the welfare of fellow officers that more than any other motivated officers in the agencies of integrity we studied to find ways of shielding fellow officers from organizational discipline. In case of misconduct which occurred for good reasons, such as when a sick spouse or child prevented an officer from getting required sleep, fellow officers shielded the tired officer willingly, even if doing so placed an additional burden on them. In the case of misconduct that was irresponsible, chronic, and appeared to exploit their generosity, they still shielded it reluctantly, but hoped that an alert supervisor or monitoring system might uncover it. Only when an officer’s exploitation of their support became an unbearable and chronic burden or put their own position at risk, they would alert a supervisor to it, but only when their identity as the informant could be concealed.

Officer responses to the hypothetical example featuring an officer who chose to have sex on duty were similar. Line officers’ reactions could be divided into three categories: those of officers who would privately try to counsel the officer

into compliance, those who would try to embarrass him into it, and those who would ignore the whole matter as a private choice. All three types of responses would shield the offending officer, even though it was widely appreciated that if the department discovered his behavior, his career in policing would be over. In these agencies of integrity, the inclination was also to protect and to shield one's fellow officer in the hypothetical scenarios that described officers verbally and physically assaulting motorists who provoked them.

Our surveys and interviews in other U.S. police agencies show that the norm of concern for the welfare of one's fellow police officers that grows up in reciprocity for the trust and support of fellow officers can justify officer shielding of even the most serious misconduct in some police agencies.⁴ This was not the case in the three agencies of integrity we studied. Our field research has permitted us to identify five specific mechanisms that, to one degree or another, were employed in those agencies.

An Affirmative Obligation to Report Misconduct – The first of the tools a police agency may use to weaken the code of silence is agency policy that makes it a punishable offense for an officer who knows of the misconduct of a fellow officer to fail to report it. Such a rule must include the obligation to initiate an investigation, the obligation not to hinder an investigation that is already underway and, if necessary, bear witness against one's police colleague, if that colleague's behavior violates agency policy. We saw in the "Bloody Thursday" incident in St. Petersburg that this policy was used to broaden the investigation and shift the focus from officers who had engaged in misconduct to those who knew about it and did nothing. In Charlotte-Mecklenburg we saw an officer punished for merely delaying 24 hours to report an offense, even though she was personally congratulated by the Chief for eventually having done so. All three agencies had such a policy, all three were willing to enforce it and officers in all three agencies knew that failing to come forward to report the misconduct of a fellow officer placed them at direct personal risk.

Importantly, this obligation was demanded of supervisors as well as line officers. Supervisors in all three agencies were held directly responsible for knowing about misconduct and failing to take disciplinary or corrective action. This most fundamental mechanism of increasing the risk of adhering to the code of silence or permitting it to spread into the supervisory ranks is entirely an organizational creation.

Dismissal for Lying – A second purely organizational creation that existed in all three agencies was the rule that lying in the course of an integrity investigation was an offense that, if discovered, would mean automatic dismissal. This rule was the single tool that each of the agencies of integrity valued above all others for its power to limit officer willingness to conceal the misconduct of their fellow officers.

⁴ Among the 30 U.S. police agencies we surveyed, we found some agencies in which more than half of the officers in that agency said that they would not report a fellow police officer for any of the misconduct described in our questionnaire.

It did so in two ways. First, it gave enormous power to integrity investigators to extend the scope of an investigation. The incident in St. Petersburg which began the investigation that ended with “Bloody Thursday” was an almost casual comment by a disgruntled employee made during the investigation of a sexual harassment complaint (which ultimately proved to be unfounded).

Because the dismissal for lying rule was so powerful in its potential to force disclosure of misconduct in the three agencies of integrity, it evolved to create an equally powerful norm that could be juxtaposed to the norm that urged officers to protect their fellow officers’ welfare. That norm removed the right of any officer to demand that other officers risk their careers and livelihood by lying to cover the misconduct of a fellow officer. Some officers may be willing to “not see” misconduct, if such an account were plausible. In all three agencies, under the assumption by investigators that police officers are trained and expected to see certain things (and, in Charleston, in the face of a polygraph), a failure to see ran a substantial risk of being discovered as a lie that could end one’s career.

Ironically, officers in the agencies of integrity honored the rule that lying in the course of an internal investigation was grounds for automatic dismissal and were more than a bit disturbed when an officer seemed to get away without being fired for it. Sometimes this occurred when an officer successfully appealed a decision to dismiss; at other times it happened when an officer lied so skillfully that his false account could not be disproved. Officers honored the norm and despised those who defied it because the rule protected them from the otherwise limitless norm that obliged them to protect a fellow officer from harm.

Rewarding Officers Who Report Misconduct – The active cooperation of officers in uncovering misconduct was also secured in the agencies of integrity by rewarding them for doing so. This is a different organizational strategy from trying to force officers to come forward by threatening them with discipline if they failed to do so. It refers to that part of the incident in Charlotte-Mecklenburg where the Chief rewarded the officer with praise for coming forward with information on her colleagues’ misconduct after the Chief had punished her for delaying before she did. In Charleston, if the conduct is relatively minor, such conduct is referred to as “cheese eating” and refers to officers’ revealing other officers’ shortcomings in exchange for departmental rewards and opportunities to move up in the department hierarchy. It is a term of contempt applied to those officers who value their own advancement more than the norm that calls upon them to shield their fellow officers from discovery and discipline.

Enabling Anonymous and Confidential Reporting – The problem with the cheese-eater explanation of why police officers disclose the misconduct of fellow officers is that it results from only one of many possible motivations. Do they report misconduct to prevent their own dismissal? Do they report it because they find it so offensive that it must be stopped? Do they report it when it serves to discipline police officers they dislike? Do they dislike the person they report because of racial, gender, religious, or personal prejudice? Do they report misconduct to prevent it from escalating into a more severe form? Is it payback for some previous offense,

slight, grievance, prejudice, or hostility? Is it payback for cheese eating on the part of the offender? Is it a way to get rid of someone who is exploiting his or her position or whose incompetence endangers others or gives the whole department a bad name? Is the offending officer simply a “jerk?” Do they report misconduct in the hopes that they will advance their own careers or cover their own failures by doing so?

All of these reasons and countless others can, and sometimes do, motivate officers to damage the welfare of fellow officers. Some motives are more noble, more respectable, and more acceptable than others, and some are shameful and despicable. In any particular case it may be very difficult to identify the “true” motive that inspires an officer to hurt a fellow officer by reporting his or her misconduct, even if the reporting officer openly declares a noble or respectable true motive. Of course, in any situation more than one motive may be present.

It is this possibility of different interpretations of officer motives for reporting the misconduct of a fellow officer, some of which are almost certain to be pernicious, that requires organizations to accept officer information on the misconduct of fellow officers under a cloak of anonymity and confidentiality. Doing so will shield both honorable and dishonorable motives, but that is the price an organization must be prepared to pay in using this fourth tool to enhance integrity.

Moral Courage – Although it is often the first virtue to come to mind when thinking about integrity, we have intentionally saved moral courage as the last of the five tools that an organization may depend on to enhance integrity by breaking the code of silence. Officers who break the code of silence chose to do so knowing that the code obliges them to shield their fellow officers from the discipline that will be visited on them as the price of misconduct. It is an extraordinary virtue with a capacity to inspire some and provoke the wrath of others. We agree with those officers in our study groups who warned us in our very first meetings that officers with such virtues brought them into policing from home, family, religious institutions, and other places outside of the police organization. We concur with their warnings, but must add that some officers seem to develop the virtues of integrity as they mature in the course of their police careers, and others come to appreciate that the obligations of moral courage change over time.

However, to develop an outline of an *organizational* technology for enhancing police integrity, it has been necessary for us to suspend faith in the moral virtues of individual officers. It is not that we are not heartened by the occasions on which those courageous virtues are displayed. However, no organization can safely assume that the virtue of moral courage is present in all of its employees or that, even in those in which it is present, it will be strong enough to resist temptations. That is precisely why police organizations who seek to enhance integrity must proceed on the assumption that it does not exist and will not prevail. Whereas such an assumption warmly welcomes the possibility that officers of moral courage may step forward to strengthen and supplement the power of an organizational technology to enhance integrity and the agency should protect and celebrate the occasions on which they do, it cannot depend on their doing so.

This very powerful organizational technology of integrity does rely, however, on a similar moral assumption on which it must remain most vulnerable. As a technology, it is morally neutral. It may be used for good or evil, fairly or unfairly, temperate or to excess. The conviction that it will be employed to enhance integrity requires that we make the not-so-modest assumption that those who operate that powerful technology will employ it only toward honorable ends.

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