

working environment conducive

corruption will never be completely able to solve the crime problem if police officers are such that corrupt behavior. As long as corruption will take place, subculture helps officers cope with it in the police role. If the subculture can be channeled to enhance loyalty and their role in it, the prevention of police deviance.

Chapter Eleven



PROSPECTS FOR CONTROLLING DEVIANCE

Forging the Boundaries of Police Behavior

We are all caught in an inescapable network of mutuality
Martin L. King (1924-1968)

Police deviance presents a paradox for both law enforcement and society. On the one hand, deviance disturbs our image of the police and contradicts society's formal norms. Police deviance interrupts the efficient operation of the criminal justice system. It undermines justice because it inhibits the performance of police duties, usurps judicial authority, and often involves selective law enforcement and discriminatory patterns in the provision of police services. Therefore, deviance can be viewed as disruptive to the institution of policing, the criminal justice system, and society. At a minimum, incidents of police deviance erode public trust and confidence in the justice system and in the police institution. Surely, the Rodney Kings of society have learned that police are a formidable and sometimes violent instrument of social control. Certainly, the citizens of Milwaukee have learned the tragic effects of withholding valuable police services. Undoubtedly, residents of New York City have seen the line between cop and criminal blurred.

On the other hand, police deviance also serves functional roles for society. Police misconduct often supports existing social stratification, social relations, and the distribution of power in society. Police deviance reinforces in the minds of many citizens the primacy of the police as the enforcers of the social order. Differential victimization of citizens at the hands of police officers calls into question the equity of the social order that directs the activities of law enforcement. The police, however, are not merely passive actors responding to the influences of social structure. As Peter K. Manning (1995b) remarked, police are "engaged in dramatic marking and arranging of the vertical and horizontal order, and in defending, in a variety of ways, the status quo" (p. 359). In short, the police are both actors and pawns in the existing social structure.

Combining these views suggests that while deviance is disruptive it can also shape, support, and advance the social and moral order. These concepts are so abstract and their influences so latent that few citizens give them much thought. The public tends to think of police deviance and corruption as the isolated incidents which are occasionally exposed. The reason for this is twofold. First, since the public rarely recognizes the influence of social structure and its resultant moral order, the police role in shaping them is similarly overlooked. Second, most acts of police deviance come to public attention only when they outrage citizens, distort our view of society, critically hinder the operation of the criminal justice system, or violate our most basic concepts of normative behavior. Less sensational abuses by the police often go unnoticed.

Police corruption and deviance in our nation's major cities is played out in public forums, but far less attention is paid to police abuses that

contribute to the police mandate to control crime and enforce the moral order. Police have historically used deviant means or what some have termed "street justice" to supplement existing forms of social control, to help establish order, or to maintain peace—as those concepts are interpreted by the police institution. The public seems oblivious to daily abuses by the law enforcement community. This chapter considers the social function and utility of deviance; it then turns to a consideration of how normative bounds of police behavior are shaped and negotiated in public forums by the construction of messages. Finally, the social organization of police deviance is considered, followed by the prospects for controlling deviance and corruption in the future.

FUNCTIONS OF DEVIANCE

Deviance reinforces the boundaries of acceptable moral behavior in a society and provides concrete examples of the consequences of normative violations (Durkheim, 1938).

The deviant is a person whose activities have moved outside the margins of the group, and when the community calls him to account . . . it is making a statement about the nature and placement of its boundaries. It is declaring how much variability and diversity can be tolerated . . . before it begins to lose its distinctive shape, its unique identity. (Erikson, 1966, p. 11)

From the functionalist perspective, deviance serves a positive social purpose. The reaction of the police to deviant activities within their ranks is the process by which images of conformity are shaped. Theoretically, calling attention to deviant cops as examples of nonconformity makes an occupational statement about the bounds of acceptable behavior. Hence, by uncovering acts of police deviance and by sanctioning officers, the police and society attempt to establish boundaries of behavior for the entire police institution.

In a sense, deviance lends unity to our image of the fundamental fairness of the existing social order by reinforcing cohesiveness while maintaining the boundaries of moral behavior. However, this social function becomes distorted. A favorable public image of the police is created by branding blatant deviant behaviors as aberrations that are not part of an institutional problem. Thus, the public image of the police as loyal social control agents acting within the bounds of the formal normative system is maintained. Police deviance is classified as the misconduct of a few aberrant cops working under incredible pressures.

The public trusts this image and relies on the police to police them-

selves and to employ fail-safe controls on the abuse of power. Looking beyond the imagery, police deviance suggests that the police are unable to control even the most extreme behaviors that they publicly acknowledge as being serious breaches of the normative system—much less the more latent and routine abuses that are generally accepted in police circles.

The surfacing of an act of police deviance illustrates the inherent conflict between society's normative statements and the norms of the police. In essence, society's formal norms help create a law-abiding image of the police while advancing a conception of the law as providing rigid, well delineated, and definite boundaries that officers rarely cross. Police officials contribute to this misunderstanding by managing the images of police deviance. Police occupational policies, procedures, and rules promote an image of uniformity and consistency between society's formal norms and actual police practices and customs. Police policy is perceived as a rigid boundary of behavior congruent with society's accepted norms. This veneer of singularity, uniformity, and consistency masks a disjuncture; it hides fluidity and conceals the plurality of actual behavioral bounds from which many police officers operate.

As discussed in chapters 1 and 5, the normative system that shapes police conduct is composed of three general groupings of behavioral guidelines: the formal normative statements of society, normative statements made by the police institution, and norms derived from police culture. This results in a multidimensional system of behavioral boundaries. These boundaries are permeable, allowing behavior to occur based on different contexts, situations, occupational interpretations, and reactions. Boundaries of behavior derived from the police subculture overlay society's formal norms as well as department policies. The existence of occupationally and culturally accepted deviation results in the modification of formal bounds of conduct and provides the basis for rationalizing departures from social and policy-generated expectations. In short, police are able to move across our imaginary boundaries of formal normative conduct. They are free to deviate because they superimpose a subculturally derived system of values over those of society and even those of their own institution.

From this discussion, it should be clear that the police are not merely passive actors subject to previously constructed formal, occupational, and cultural norms. They are active participants in creating an alternative normative system that allows them to interact with and transcend society's expectations. The police routinely test the boundaries of the formal normative system by engaging in acts of deviance and corruption. This view of police deviance, however, is still too narrow to explain the interaction between police and society as it shapes the entire normative system.

NEGOTIATING THE BOUNDS OF BEHAVIOR

The envelope of the normative system that influences police behavior is constantly changing due to the interaction of police and society. The stage for this interaction is set by the assumptions that police and society hold about the nature of crime, disorder, and the role that law enforcement plays in addressing these problems. One way of understanding the negotiated nature of the normative system as it affects police conduct is to examine the messages sent to the police by various participants in the negotiation process. While there are a multitude of events, acts, and participants that can contribute to the construction of the normative system, we will focus on four of the most significant message sources: political officials, police officials, the judiciary, and the law. These messengers influence to varying degrees the shape of the normative system, the degree to which police adhere to that system, and the emphasis that police place on each level of the system.

Messages from Politicians

Politicians routinely negate or modify the effectiveness of the formal normative boundary by encouraging aggressive police practices and attributing a warlike orientation to crime control. When crime is politicized and community leaders and police officials generate and capitalize on citizens' fear of crime, they encourage officers to exceed the bounds of legal behavior in an effort to control crime.

A telling example of the link between politics, fear of crime, and the war ethos was the request from the mayor of the District of Columbia for the use of the National Guard to help control crime in the nation's capital. Responding to an unprecedented level of community fear of violent crime, Sharon Pratt Kelly called for President Clinton to authorize the use of the National Guard to police the city. Although the request was denied, it solidified citizens' fear of crime by ratifying the "war solution" as an effective means of controlling crime. Consider a few of the examples Peter Kraska (1994) used to illustrate the growing militarization of policing in the United States.

- After the L.A. riots, California Governor Wilson and President George Bush called on the National Guard, and active duty Marine and Army troops, to police the streets of Los Angeles.
- The National Guard of Puerto Rico in 1994 took over domestic law enforcement functions. Even though Puerto Rico operates under the United States Constitution, supporters claim that only the military could do something tangible about their serious "social problems."
- An example of the federal police operating militarily and poorly at that,

was the incident in Waco, Texas. The disastrous military-style assault on the Branch Davidians raised serious questions about the ATF's myopia in pursuing martial solutions to complex law enforcement problems. Interestingly, the FBI eventually called in the Texas National Guard, even though it clearly violated the *posse comitatus* law. The United States Justice Department circumvented this prohibition by using a newly created exception to the law which allows the use of the military if it involves "drug interdiction." The FBI claimed that the Branch Davidians might have been manufacturing methamphetamine. (p. 1)

Citizen fear of crime and political cries for law and order result in formal modification of the laws that bind police. This, in turn, allows the police to legitimately engage in behaviors that once were considered deviant. Drug forfeiture laws and the growing list of exceptions to Fourth Amendment protections offer clear evidence of the negotiated nature of formal legal bounds placed on the police. As society panics over crime, it negotiates away civil liberties in hopes that the police will stem the tide of crime and disorder. This trend is frequently played out in the political arena. In the fall elections of 1993, many citizens voted to remove political officials in favor of candidates who ran on hard-core, law-and-order platforms, including governors in Virginia and New York and Rudolf Giuliani, a former prosecutor, as mayor of New York. In Pennsylvania, citizens elected at least three mayors with law enforcement backgrounds. In the same year, Congress passed the Brady Bill to control the sale of handguns; enacted legislation to place 100,000 more law enforcement officers on the nation's streets; and passed a crime bill that expanded the use of the death penalty.

Joseph D. McNamara (1997), former police chief of San Jose, California, commented on the dangers of politicians pandering to the public's fear of crime.

Small groups of police officers share a fermenting contempt for the people they encounter. Rogue cops band together and cover one another's crimes. . . . this wouldn't happen if some cops didn't believe they had a mandate for such behavior. . . . Many of the current brutality cases show officers in an almost maniacal rage. The message of politicians to police that they are soldiers in a war may be driving these angry and violent expressions of contempt. It is common in war to dehumanize the enemy. And all wars produce atrocities. (pp. 28-29)

While political leaders generate concern over crime and effective law enforcement, police officials actively participate in setting the stage for negating the controls placed upon them. Police officials have historically supported and capitalized on the crime-fighting image of law enforcement and have advanced the misconception that they can effec-

tively control crime (Manning, 1997). In essence, police have conveyed the message that all that is needed is more resources and greater autonomy from legal regulation. This is particularly true for relaxation of the controls placed on the police related to drug enforcement. What often results when the public accepts a reduction of civil liberties because of fear is an increase in police deviance associated with the retraction of those rights.

Messages from Police Officials

Further veiling our understanding of police deviance is the behavior of police officials. These officials tend to confront issues of deviance in a manner that cultivates a positive image for the police institution. When an act undermines popular conceptions of the institution, when it challenges our notions of the fairness of the justice system, or when it serves police interests, it is more likely to be publicly acknowledged and sanctioned. In other words, when serious police deviance becomes public knowledge, officials are quick to characterize the deviance as an aberration; they immediately employ rhetoric exhibiting a commitment to control.

As discussed in chapter 8, the New York Police Department (NYPD) has periodically aired its dirty laundry publicly—but only after media reports and the actions of other governmental agencies have brought massive corruption to the public's attention. In 1992, New York City Police Commissioner Raymond Kelly attempted to paint the department's corruption problem in the most favorable light by stating, "There's certainly some. But it's not systemic" (Frankel, 1992, p. 2A). The accuracy of this statement is suspect since the U.S. district attorney in Manhattan was investigating corruption in at least ten of the department's precincts (Gottlieb, 1992). Since Kelly was an up-through-the-ranks commissioner who spent more than twenty-nine years in the NYPD, the statement cannot be attributed to a lack of knowledge about departmental history or the agency's tendency toward corruption.

In many incidents, police officials actively encourage departures from the normative controls placed on officers by defining and rewarding deviance as "good" police work when it results in the achievement of institutional and political goals. Police officials often rely on the "unstated" organizational customs of meting out punishment situationally—subordinating the formal normative order to that of political and institutional objectives.

During my years as a police chief, I found that police misconduct often had its roots in subtle indications by supervisors to officers that the sort of "extralegal" tactics common to quality-of-life policing were acceptable. Cops in minority neighborhoods would detain, question and push around people on the street without reason. If a young man asserted his legal right to leave, cops "kicked ass." Inevitably a num-

ber of officers felt justified in using illegal and at times fatal force. (McNamara, 1997, p. 29)

All the while, police officials actively promote a public conception of the police that differs drastically from their actual practices and customs. The power of administrators to sanction and reward places police officers in a position where they are forced to interpret law and policy situationally. Content is less relevant than administrative custom and practice (Manning, 1978). According to many police officers, the same enforcement practice can result in either discipline or reward, depending on the political climate and police officials' perceptions of the institutional consequences surrounding the behavior.

Anthony Miranda, head of the Latino Officers Association in New York, discusses the reversed direction of policing in that city after Giuliani's election.

For years the police department has allowed crime to concentrate and flourish in certain areas, and overnight that has changed. We now have aggressive enforcement without any understanding of neighborhoods or history. We have gone from a tolerance of crime in certain areas to zero tolerance without any concern for how the neighborhoods might react. As a result, there are more serious incidents and an escalation of police aggressiveness that leads to what local areas see as harassment and escalates into brutality. (Farley, 1997, p. 38)

Police officials often undermine attempts by citizens and political leaders to develop adequate accountability systems that would make the police subject to citizen inspection and public disclosure of police conduct. As a candidate in 1993, Giuliani addressed a demonstration of 10,000 off-duty officers who had assembled outside city hall to protest Mayor David Dinkins' decision to establish a civilian review board. He communicated his support for their position and emphasized his law-and-order, pro-police platform. After his election, critics claimed Giuliani was slow to hire investigators for the board; in 1996, he tried to reduce the investigative staff by one-fourth but was overruled by the city council.

The department had reason to be concerned about citizen participation in the handling of complaints against the police. Testimony before the Mollen Commission characterized the NYPD as "disorganized, incompetent and so ineffective that honest police officers feared reporting their crooked colleagues" (Meyers, 1993, p. A4). Commander Robert McKenna, a nineteen-year veteran of the NYPD, told the commission that the department had "an ingrained unwillingness to confront corruption that allowed corrupt officers to stay on the force as supervisors ignored or denied their crimes. . . ." (Meyers, 1993, p. A4).

Messages from the Judiciary

The legal community promotes police deviance by failing to adequately sanction police misconduct. Failure to find police officers liable for constitutional violations, failure to impose penalties for criminal conduct, or imposing token punishments or damage awards all contribute to deviance and corruption. Inaction by the justice system facilitates police use of deviant means to accomplish politically generated crime control goals. The United States Department of Justice reported that between 1985 and 1990 it received 15,279 citizen complaints of official misconduct by the nation's police. Yet, of the 15,000-plus cases, the Justice Department brought legal action in only 42 cases. Even those cases that find their way into the courtroom are most often decided in favor of the police. Only about 8 percent of all the federal civil liability claims against law enforcement officers ever result in a verdict against the police (Kappeler, 1997). Moreover, federal criminal convictions of police officers, while seemingly on the increase, are even more rare.

This does not, however, mean that a few cases cannot have a dramatic impact on the police. The judgment of the federal jury in the Rodney King case illustrates this point. The jury's verdict can be interpreted as condoning some illegal police violence, but subsequent jury verdicts suggest that society will draw a line when police abuses become too extreme. For example, two police officers were convicted for the murder of Malice Green, a black man, in southwest Detroit. Green died at the hands of seven police officers—six white, one black—who beat him to death with metal flashlights. Green was dropping a friend off in a "drug-riddled" neighborhood; he was said to be in possession of "crack." The tangible evidence of police brutality presented at the Detroit officers' trial paled in comparison to the evidence available in the King trial. Yet, the Green jury found two of the officers guilty of murder and meted out terms of imprisonment between eight and twenty-five years.

The King and Green jury verdicts are reconcilable only when one recognizes the negotiated nature of police deviance. The normative order as it affects police officers had been negotiated in the King trial. Society had expressed its tolerance of police abuse yet refused to tolerate only the most extreme abuse. The boundary of police behavior had been modified by public response to police deviance. Conversely, since the Green case resulted in a citizen's death, the officers' actions could only be interpreted as an extreme abuse that went beyond the bounds of abuse negotiated in the King trial. It is noteworthy that prosecutors in the Green case had little trouble coming up with a viable criminal charge to file against the Detroit officers whereas prosecutors in Los Angeles spent considerable time debating the applicability of criminal statutes to the police.

Two inferences can be made from these observations. First, prosecu-

tors in the King case needed the public debate over criminal charges to test whether or not society expected a negotiation of the normative order. Had there been little public support for the indictments, it is doubtful they would have taken place. The second inference that can be drawn from the comparison of these two cases is that only the most extreme incidents of police deviance have the ability to modify the normative system on a grand scale. The lack of debate in the subsequent Green case suggests that the normative system had been effectively, possibly permanently, negotiated by the King case. Even when police misconduct is detected and sanctioned, the Supreme Court has chosen to view police officers as less deserving of punishment than their civilian criminal counterparts (*Koon v. U.S.*, 1996). The ultimate message negotiated in the King and Green cases may inform police officers that police abuse will be tolerated to control "problem" segments of society—so long as it is not extreme.

Another outcome negotiated by egregious cases of misconduct is the intervention of the Justice Department. A recently enacted provision (42 U.S.C. Sec. 14141) permits the federal government to bring suit against a law enforcement agency which has engaged in unconstitutional patterns or practices. In February 1997, the Justice Department filed a lawsuit for declaratory and injunctive relief against the Pittsburgh Bureau of Police (PBP). A brief review of previous conduct of the PBP explains the context which brought federal attention.

By the late 1980s, police were out of control. ACLU attorney Timothy O'Brien stated, "They were taking people off the street with absolutely no due process and throwing them in jail" (Lacayo, 1997, p. 28). Almost every complaint to internal affairs was dismissed. In 1995, Jonny Gammage, 31-year old cousin of Ray Seals (then defensive end for the Pittsburgh Steelers) was driving Seals' Jaguar through a primarily white suburban neighborhood. He was stopped by the police, allegedly for driving erratically. After one officer knocked a cellular phone from Gammage's hand, others pinned his face on the pavement. He later died of suffocation. Three of the five officers present were arrested. One was acquitted of involuntary homicide by an all-white jury; the case against the other two was declared a mistrial.

In the complaint filed by the Civil Rights Division, the government alleged that the PBP had engaged in unconstitutional practices which included use of force, false arrests, and improper stops, searches, and seizures since 1990. Ordinary encounters with citizens routinely escalated into violent confrontations. False arrests included those of citizens attempting to report police misconduct or who challenged the authority of PBP officers. The government also alleged that the PBP acquiesced to the unconstitutional acts of its officers by failing to provide adequate training, supervision, monitoring, and discipline.

On April 16, 1997 Pittsburgh resolved the case by entering into a consent decree with the government. The police department agreed to: develop a use-of-force policy and to restrict sharply the use of strip searches; implement an early warning system to identify problem officers by establishing a database of all arrests (by location, race, and violation), traffic stops, searches and seizures by each officer plus all citizens' complaints, all transfers, and disciplinary actions; strict documentation of the use of force; extensive training; and appointment of an outside auditor with access to police disciplinary records. Despite the detailed federal settlement and over the objections of the mayor, Pittsburgh residents voted in May to create a Citizen Police Review Board with the power to investigate and subpoena witnesses.

Legal End Runs

The ambiguity in the criminal law further advances police deviance by allowing the police broad discretion on when and how to invoke the force of criminal law. This ambiguity is compounded by the judiciary's willingness to accept, often without question, police interpretation of situations that led to forceful use of police power. Society grants the police extraordinary discretion to choose when and how to enforce ambiguous laws—without simultaneously imposing mechanisms that would require adequate accountability (Kappeler & Kraska, 1994).

Society has allowed the police to be the primary investigators into their own misconduct and has taken at face value their renditions of situation and necessity. Police play on the images of crime and criminals. These images often excuse police misconduct by signifying victims of deviance as villains. The officialized police version usually prevails. The Pittsburgh consent decree may signal a chink in this protective armor. The decree calls for the elimination of the practice of automatically assigning an officer's statement greater credibility than the statement of the complainant (Zorn, 1997b). This practice often removes responsibility from the police for their deviance and shifts blame to victims. Such imagery and its attendant excusing mechanisms are created in political forums that are constantly negotiated.

In several cases, the judiciary has issued rulings intended to restrict the ability of the police to abridge citizens' Constitutional rights. Yet at the same time, the courts have created various exceptions to these landmark rulings. These exceptions have inevitably led police to use deviant means to obtain confessions, seize evidence, and make arrests. In the landmark *Miranda v. Arizona* (1966) case, for example, the U.S. Supreme Court held that prior to custodial interrogation, suspects must be advised of their rights. When the Court's decision in *Miranda* was announced, police across the country voiced their objections to the new rule, arguing

that the requirement would impede their ability to perform police work effectively.

In the more than one-quarter of a century since the decision in *Miranda*, however, the courts have carved out various exceptions to the rule. In *Illinois v. Perkins* (1990), for example, an undercover police officer was placed in a cell with a suspect who had reportedly been involved in a murder. The inmate, Lloyd Perkins, subsequently revealed to the officer that he had committed the murder. The U.S. Supreme Court ruled that undercover police are not required to give the *Miranda* warning to incarcerated suspects before eliciting incriminating statements. Michael S. Vaughn (1992) has noted that since the decision in *Perkins*, other lower court rulings have held that the police may use various forms of trickery and psychological deception to obtain confessions from suspects. Various lower court decisions have held, for example, that "accomplices, relatives, friends, and even crime victims can cajole, trick and deceive an unsuspecting defendant into bragging or admitting involvement in criminal activity" (p. 81). Ironically, exceptions made by the courts appear "to condone precisely the psychological deception and trickery that the 1966 *Miranda* Court was attempting to forbid" (p. 90).

The police have employed other strategies to deliberately circumvent the probable cause requirement for the issuance of search warrants mandated under the Fourth Amendment. These deviant strategies are often implicitly endorsed by at least some members of the judiciary. In one study, L. Paul Sutton (1991) discussed major strategies used by police to "get around" the probable cause requirement for obtaining search warrants from judges. A common strategy is for officers to use subtle coercion to obtain "consent" from persons to search property. In order to avoid having to secure a search warrant, some officers "time" arrests so that a subject is arrested in his or her vehicle, for instance, so that officers can subsequently impound the car and perform an "inventory" search of its contents.

African Americans have a name for one version of this technique: "driving while black." David Harris (1997), a professor at the University of Toledo College of Law, comments on the police use of traffic infractions as legal excuses for stops.

Since traffic laws include not only simple "moving violations" but also a dizzying array of arcane driving and equipment rules (distance for which drivers must signal, brightness of lights, depth of tire tread and required stickers, to name a few), police know that they can pull over anyone, any time, by following the driver for a short distance. And the law allows this, whatever the real reasons for the stops are. (p. 19)

Harris provides this illustration of one African-American family who experienced differential interpretations of the law.

In Maryland, police stopped Robert Wilkins and his family, who were returning from a funeral in Chicago. Wilkins, an attorney, requested that he and his family be allowed to leave as soon as police had written the warning they said they were going to give. Instead, when the family refused to allow a search of the car, they were detained and made to stand in the rain while a police dog searched the vehicle. When Wilkins filed a class-action lawsuit, the police quickly settled and agreed to some statistical monitoring of stops. (p. 19)

The data gathered after the suit showed that 75 percent of those stopped and searched by the state police were black, although only 17 percent of drivers are black.

Sutton (1991) noted that officers often "judge-shopped," by routinely seeking out magistrates who had reputations for not carefully scrutinizing applications for search warrants. In some cases, judges were complicitors in sanctioning illegal searches. "Consider the precautionary words to a police officer of one magistrate we interviewed, as the magistrate signed a warrant that he himself conceded—at the time he issued the warrant—was based on less than probable cause: 'This is an illegal warrant, so don't shoot nobody; don't kill nobody; just get the . . . [drugs] . . . off the street!'" (Sutton, 1991, p. 439).

In sum, case law rarely provides definitive guidelines to the police about what they can or cannot do in applying the law. Although the courts typically issue broad rulings on the legality of certain law enforcement practices, the police are left with considerable discretion in deciding when and how to employ the full force of the law. In some cases, the judiciary issues conflicting messages to the police indicating, for example, that while involuntary confessions are inadmissible, some tricks or deceptive practices may be used to elicit information from suspects. In other instances, judges implicitly and explicitly condone unconstitutional police practices by "looking the other way" when police use deviant strategies to circumvent legal requirements.

The Social Organization of Police Deviance

The prospects for controlling police deviance and corruption are undermined by our very conception of deviance. Virtually all citizens and most writers on the subject view police deviance as isolated, very limited, and distributed among a very small percentage of the police population. This conception of deviance, however, runs contrary to what is known about the nature of occupational deviance in other professions. Deviance is a social event; as such, it requires social interaction and organization. An example of socialized deviance came to light in 1997 when the

spotlight of public attention was focused on abuses by the Internal Revenue Service. The unpopular mission of collecting tax revenue creates an "inbred 'us vs. them' bunker mentality" (Hirsch, 1997a, p. 31). "TRS collection agents are a close fraternity. They're bound together by the intense pressure of their jobs, which includes a daily dose of screaming from angry taxpayers" (Hirsch, 1997b, p. 39). In testimony before the Senate Finance Committee, abuses were portrayed as "the product of a badly dysfunctional agency, a seemingly totalitarian financial regime where bullying personalities can find a place to exercise unbridled power over people's lives" (p. 34). A parade of witnesses painted a "chilling portrait: government agency as thug" (Widder, 1997, p. 1). The testimony revealed the agency as a "mismanaged bureaucracy arrogantly accountable to no one. Its culture appears to verge on a police state mentality, suspiciously viewing average citizens as cheats who deserve punishment" (p. 1). The parallels to police deviance are striking, particularly given the powers held by both organizations. Socialization takes place in every organization, but the public is not often exposed to the patterns or the consequences.

Joel Best and David F. Luckenbill (1982), in their book *Organizing Deviance*, suggest that most deviance is an organized behavior which is related to the networking of individuals in and outside the contexts of organization. They employ four conceptual tools that explain why deviance has organizational and interactive aspects. These tools include association, transaction, position, and role.

Association is defined as a "network of relations between a number of individuals who form some sort of group" (Best & Luckenbill, 1982, p. 14). These associations may be formal or informal. In the case of the police, a formal association would include all members of the police agency or a specialized unit within the agency. A formal association has all the rules and regulations normally associated with an organization or agency. A collection of police officers from different locations within the organization who come together to carry out an act of corruption or deviance would constitute an informal association. Informal associations often spread beyond the bounds of a single agency and are most often regulated by mutual understandings that develop between associates over time, rather than by written rules and regulations. Consider the case of a police officer who steals drugs from the evidence room of a large police department. The officer would need to have access to the room, a source to distribute the drugs, and some way to launder the proceeds. These factors suggest the development of at least loose associations, if not highly organized structures, to carry out deviant acts.

In the NYPD these associations were referred to as "crews." According to investigators crews are

akin to street gangs: small loyal, flexible, fast moving, and often hard hitting. They establish areas to plan and discuss their operations. They often structure their legitimate police work to generate the leads they need to locate promising targets. They use the police radio network, and code names, to force entry. They manipulate fellow officers, their supervisors, and the courts to their advantage. And they fuel each other's corruption through their eagerness to prove their loyalty and toughness to one another. . . . Engaging in open criminality safely requires an agreement among the officers involved. Having such an agreement was critical to their corrupt conduct because it was a way to doubly insure that fellow officers witnessing their crimes would not report them. (Mollen Commission, 1994, p. 18)

A *transaction* is defined as a "network of relations between two or more individuals in a common activity, whether or not they belong to the same association" (Best & Luckenbill, 1982, p. 14). Transactions are the exchanges that take place between individuals that shape the nature of the associations. In the case of police corruption, this would include the transmission of techniques by which to engage in corruption as well as the role that each officer plays in carrying out the activities needed to achieve that objective. To take a simple example, testimony before the Mollen Commission in New York City revealed that rookie officers were given the "Dowd test" to determine their willingness to participate in illegal activities. The "Dowd test" amounted to requiring rookie officers to enter a store or restaurant and to take food or beer without paying for it. This test was not only a screening mechanism, it was a learning exercise that instructed new officers that if they listened to their corrupt mentors and abided by the rules of the subculture, they also could be the recipients of the proceeds from illegal activities.

Position was defined as "a category of membership whose incumbent is expected to act in a specified way" (Best & Luckenbill, 1982, p. 15). Positions, like associations, may be either formal or informal. In the case of police organizations, an officer's rank is the person's official designation of position. In an informal group, a person's position may be labeled by the function that individual serves in the association. In the Mollen Commission investigation of police corruption, for example, it was learned that one of the corrupt NYPD officers was called the "mechanic" because his role in the corrupt association was to use brutality to "fine tune" citizens for the association.

Finally, Best and Luckenbill (1982) defined a *role* as the dynamic side of position—those activities that are actually performed for the benefit of an association. Extortion, brutality, theft, and the sale of narcotics are all roles that a corrupt police officer might play in a deviant association. Similarly, other members of the organization might provide indirect support for the corrupt activities by supplying information about internal

investigations, destroying or altering evidence, or doctoring official documents. While these officers might not be directly involved in corruption, their role facilitates and advances the activities of those who are.

As previously mentioned, there are few acts of police deviance or corruption that are carried out in total isolation. More often than not, a single act of police deviance is indicative of a larger and more extensive problem of wrongdoing within a police organization. Similarly, the uncovering of an act of police brutality or the unmasking of an extensive brutality problem within a police organization does not mean that the organization's problems are limited to mere brutality. To the contrary, because police deviance is organized like any other social activity and because it usually involves associations and transactions, the uncovering of a specific form of deviance is often indicative of the presence of other forms of deviance. Since deviance involves transactions, it is unlikely that only a single actor is involved in the behavior. A police officer who uses excessive force frequently requires the support of his or her peers at a minimum and, at the other extreme, the active assistance of supervisors to conceal the activities of the officer from detection.

While behaviors can be isolated and classified into specific categories of deviance—like brutality, discrimination, sexual exploitation, corruption, and drug trafficking—the individuals involved in these activities often have membership in other deviant groups and hold different positions in these groups. An association of officers who engage in excessive force may also contain fringe members who use illegal, controlled substances. These officers may be more central members of another association of officers who are routinely involved in stealing drugs from suspects and crime scenes; this association may, in turn, have fringe members who sell drugs for profits. Because of the configuration of associations, transactions, and the various forms of police deviance, it is a complex undertaking to introduce any change to an organization that is literally gridlocked with deviance and corruption.

Police organizations and their cultures are highly adaptive, but they resist fundamental change tenaciously. Structural and organizational arrangements can be modified to manage public appearances so that deviance can continue and even flourish in an organization. While this might seem contradictory, police cultures and organizations have a remarkable ability to retain their cultural essence and to continue their activities. The LAPD is no exception to this observation. In the spring of 1996, about five years after the beating of Rodney King and the release of the Christopher Commission report, a new commission released its findings on the progress made by the LAPD in implementing the reforms. Unlike the disbanded Christopher Commission, which attempted to identify problems with the department and its culture, the new commission (composed of four lawyers) was concerned with evaluating the progress of

the department and making recommendations to the new office of inspector general.

One area which experienced change in the aftermath of the Rodney King beating was the personnel responsible for monitoring and supervising the operation of the LAPD. Richard Riordan was elected mayor, the Police Commission was replaced, and the City Council gained several new members. Perhaps most importantly, Darryl Gates was replaced as chief of police.

The commission remarked that the LAPD has made substantial progress toward improving many of the critical problem areas identified by the Christopher Commission. According to the new commission,

The use of force has declined in absolute numbers, although not as a percentage of arrests; the severity of force used has decreased with the deployment of chemical spray, which has all but eliminated the use of the baton; diversity is improving overall, although far too slowly in the upper ranks; and the increased role of Internal Affairs has enhanced the quality of disciplinary investigations. Ugly incidents have diminished and, although arrests are down, the reductions in serious injury to suspects have not been accompanied by feared increases in the crime rate or by significant increases in the numbers of officers injured (Bobb et al., 1996: v).

The commission reported that between 1990 and 1995 use of force incidents dropped dramatically in the LAPD. According to the commission there was a 36 percent reduction in use of force incidents during this time period (Bobb et al., 1996). The commission found that the number of use of force incidents dropped from 3,403 in 1990 to 2,187 in 1995. On its face this would represent a remarkable turnaround in the LAPD. The commission, however, never mentioned that the most dramatic decline in reported use of force incidents came in the very year that Rodney King was beaten and before the Christopher Commission released its findings and recommendations for reform. In fact, 81 percent of the 36 percent reduction occurred in 1991. According to the commission, since 1991, the number of reported use of force incidents remained relatively stable. This, however, is only part of the story about change in the LAPD.

When the number of arrests made by LAPD officers is taken into account, the rate of arrests involving force actually increased between 1990 and 1995. This fact, however, was only acknowledged by the task force in a footnote. Perhaps the most dramatic decline in the use of force by the LAPD was found in officers' use of batons. From 1990 to 1995 use of batons declined from 500 reported incidents in 1990 to only 43 in 1995. Once again the commission failed to note that the most drastic reduction in use of the police baton occurred in 1991. In fact, reported use of the baton that year dropped from 500 incidents to 167 incidents. This trend,

however, was also met with an increase in the use of chemical agents like pepper spray. Between 1990 and 1994, the number of reported uses of chemical agents by LAPD officers rose from 21 to 835. If the commission had compared the number of incidents in which LAPD officers reported the use of either a baton or a chemical agent in 1990 (521) to the use of either of those two instruments of force in 1994 (878), they would have found a 68 percent increase in officer use of force. Since the number of arrests made by the LAPD decreased 61 percent, the rate of increase was notable. In essence the use of force by the LAPD has increased as much as their arrests have decreased.

Although the commission noted that racism and sexism contribute to excessive force (Bobb et al., 1996) it remained silent on the characteristics of the citizens exposed to the use of force by the LAPD. Demographic variables like race, gender, sexual orientation, and nature of the offense were not included. The commission remarked, "In this way the LAPD is at the nation's forefront of reducing the level of force used by officers" (Bobb et al., 1996, 8). The assessment of a department's level of change depends on the variables measured. We learned in chapter 10 that the LAPD targeted use of force as an area needing improvement. As seen here, redefining what constitutes force leads to one conclusion. From another perspective, the opposite is true. The power to decide what to measure dictates the results.

THE IMPROBABILITY OF CONTROLLING POLICE DEVIANCE

Several "celebrated" and highly publicized police deviance cases have been brought to light in law enforcement agencies across the country in the past few years. One would hope that police agencies which suffered through such debacles would have taken steps to rectify organizational deviance. Yet at least some of the agencies reviewed earlier in the text have experienced a resurgence of deviance—often reflecting mirror images of past police wrongdoings.

In 1986, the Buddy Boys scandal (discussed in chapter 8) rocked the NYPD. In 1992 following the arrest of officer Michael Dowd, the NYPD once again maintained that Dowd was merely a rotten apple in an otherwise clean barrel. He was "an aberration and corruption was limited to a few 'rogue cops.'" Police corruption was said to be a matter of isolated and sporadic opportunities, rather than planned or organized group efforts. It was said to be motivated solely by greed, nothing more. The Commission found that the lone officer and rotten apple notions of police corruption were "wrong and vastly underestimate the serious nature of present-day

corruption" (Mollen Commission, 1994, p. 10).

There are striking similarities between deviance unveiled in the Buddy Boys case and the deviant activities of officers working in the city's 73rd precinct. Officers working in the 73rd precinct formed into gangs who ripped-off drug dealers for money and illicit narcotics. Testimony before the Mollen Commission suggests that the 73rd precinct was used by the NYPD as a "dumping ground," where trouble-prone officers with "checkered pasts" were assigned as a punishment; one officer testified that "officers would leave the precinct unpatrolled while they rolled off in squad cars, in 'caravans,' to rob drug houses" (Quindlen, 1993, p. A19). Officers working in the precinct held backyard barbecues, replete with cocaine. On one occasion, officers raided a brothel, raping prostitutes working there.

Even the Mollen Commission chose to ignore the historical corruption that has permeated the NYPD by characterizing it as something new or different than previous corruption. According to the commission,

Today's corruption is far more criminal, violent and premeditated than traditional notions of police corruption suggest and far more invidious than corruption of a generation ago. Testimony and field investigations demonstrated that its most salient forms include groups of officers protecting and assisting drug traffickers for often sizable profits—stealing drugs, guns and money—and often selling the stolen drugs and guns to or through criminal associates; committing burglary and robbery; conducting unlawful searches of apartments, cars and people; committing perjury and falsifying statements; and sometimes using excessive force, often in connection with corruption. (Mollen Commission, 1994, p. 10)

Throughout this text we have tried to uncover meanings beneath surface appearances—whether the police image projected to the public or the hidden aspects of deviance as a reflection of society. The intersection of political ploys, institutional goals, citizen expectations and demands, and individual behavior can result in a euphoric sense of cooperative accomplishment at one extreme or a horrific case of wanton brutality at the other. As evidenced by the beating of Rodney King, nothing is as instantly fixating as a vicious assault. But will the fixation result in comprehensive change, or will it rechannel sub-rosa behavior in another direction?

The context of a beating which shocked the nation in 1997 provides another opportunity to look beyond seemingly concrete details. The reputation of New York City had suffered a free fall for a number of years by any measure—economic, social, or political. The crime rate was one of the most noticeable factors affecting both residents and potential visitors to the city. Between 1993 and 1997, the crime rate decreased 54 percent. The reasons for the decrease were complex: several mayoral administrations

focused on rebuilding housing and putting 2,000 new officers on the street; an influx of immigrants who could not afford housing elsewhere moved into rundown neighborhoods and reclaimed them; eleven thousand community organizations operated in the five boroughs, undertaking activities from environmental efforts to anti-crime patrols (Marks, 1997). The most public acclaim for the decrease centered on an aggressive policing strategy that abandoned arrests as a measure of success and embraced a "broken-windows" strategy. The foundation of the strategy was the belief that eliminating minor infractions (loitering, panhandling, public drinking, loud music, graffiti, etc.) will serve as an early intervention against more serious offenses.

Many of the issues discussed in this text were contributing factors to a gruesome assault. On Saturday, August 9, Abner Louima (30-year-old security guard, immigrated from Haiti in 1991, married father) went to a Flatbush, Brooklyn music club. As patrons left the Club Rendez-Vous at closing time (3:30 A.M.), a fight broke out between two women. Officers from Brooklyn's 70th precinct responded to the disturbance. Louima was arrested by officers Justin Volpe and Thomas Bruder on charges of assault, resisting arrest, disorderly conduct, and obstructing justice. Prosecutors later surmised that Louima was targeted and assaulted because officers thought he was the black man who sucker-punched Volpe while police tried to break up the fight. Louima was handcuffed and put in a patrol car driven by Thomas Wiese and Charles Schwarz. When he protested, officers kicked him and beat him with police radios on the way to the station house.

Volpe reportedly announced at the precinct, "He hit me, this collar is mine." (Barry, 1997a). In the public lobby of the station house, Louima was stripped naked from the waist down and brought in handcuffs to the bathroom where Volpe, wearing gloves borrowed from another officer, shoved a wooden stick (possibly from a plunger) into Louima's rectum and then into his mouth, breaking his front teeth. During the assault, the officers taunted him with "That's your s___, nigger", "We're going to teach niggers to respect police officers", and "This is Giuliani time, not Dinkins time." After the attack, Volpe was seen carrying the stick and returned the stained gloves to the owner (Barry, 1997b). At 6:00 A.M. an ambulance was called. Although it arrived at 6:25, it did not leave the station until 7:58 because paramedics are required to wait for police officers to escort them. Louima was taken to Coney Island Hospital where doctors performed surgery to repair a ripped bladder and punctured lower intestine. On August 15 Louima was transferred to an intensive care unit at the Brooklyn Hospital Center.

Mayor Giuliani visited Louima in the hospital on August 13 and vowed justice would be served. He called for six months of community forums between city residents and members of the police force; all 38,000

police officers would be required to attend one meeting (*Chicago Tribune* 1997b). A task force of 28 people with a budget of \$15 million was formed to investigate police and community relations (Firestone, 1997). That evening Giuliani and Police Commissioner Saif met with the leaders of the Haitian community and other civic leaders to reassure them that their concerns and anger over police brutality would be addressed. On August 19, Saif announced that Haitian-American officers who were in Haiti to help the police force there restrict brutality incidents would be called back to work in the 70th precinct (Kifner, 1997a).

Police regulations require officers to fill out form PD 244-150 which lists injuries to prisoners and accompanies them through the system. Louima's form listed "trauma to rectum" but nothing was entered in the "Remarks" section. The department's patrol guide clearly specifies that serious injuries are to be reported up the chain of command, up to and including internal affairs (Kifner, 1997b). Until Louima's family reported the attack to internal affairs at 3:55 P.M. on Sunday (36 hours after it happened), none of the police officers who were present offered any information (Cooper, 1997).

Days later, it was revealed that a phone call was placed by nurse Magalie Laurent from Coney Island Hospital to Internal Affairs between 9 and 10 P.M. on August 9 to report the beating. Commissioner Saif acknowledged the call and that the tip was handled improperly (Kifner, 1997c). Prosecutors have frequently criticized IA for concealing corruption and brutality complaints. The Mollen Commission in 1995 had specifically mentioned the failure of the Internal Affairs Action Desk in fielding calls from informers. Department guidelines require any allegation of brutality or corruption to receive a log number; those numbers are sent to the appropriate district attorney's office daily. Allegations of criminal brutality are to be reported immediately (Kifner, 1997c). Instead, the official notification was logged at 3:55 Sunday, and the Brooklyn district attorney's office was notified at 10 A.M. Monday.

Three weeks after two officers had stepped forward to cooperate, investigators had learned almost nothing from 100 officers (almost one-third of those assigned to the 70th precinct) granted immunity and questioned. Investigators believe that the "blue wall of silence was bolstered by the initial mishandling" (Barry, 1997c). The 36-hour delay may have given officers sufficient time to develop cover stories and to dispose of evidence. Volpe's locker had been cleaned out by the time investigators arrived. The stick was not recovered; Volpe confided to colleagues that he had thrown it down a sewer.

On August 12, Volpe and Schwarz were placed on modified duty; their guns were taken and desk jobs were assigned while the case was investigated. Charges against Louima were dropped August 13. That same day, Volpe was arrested and suspended. Schwarz was indicted on

August 15. On August 18, Wiese and Bruder were charged with 2nd degree assault—pummeling Louima with fists and car radios. All four were later charged with attacking Louima because of his race. By August 14, two top commanders were transferred, a desk sergeant suspended, and 11 other officers pulled off active duty—all were in the stationhouse the night of the incident (Cooper, 1997).

On August 17, it was announced Louima would sue the city for \$55 million. Louima planned to hire Johnnie Cochran, Jr. to argue the lawsuit against the city; he will also seek \$465 million in punitive damages (*Chicago Tribune* 1997c). The U.S. Justice department began a federal civil rights investigation. U.S. Attorney Zachary W. Carter characterized the behavior as “an act of almost incomprehensible depravity. . . . The boldness of the action [within a police precinct] suggests a mind-set that they could get away with this extraordinarily heinous offense. There might be some reason for them to believe they could” (Barry, 1997b).

As the story unfolded over several weeks, these particulars about the major figures in the incident emerged. Justin Volpe, a 25-year-old son of a retired police detective, had received six commendations in his 4 years on the force. There had been three complaints against him, none substantiated. He was released on \$100,000 bond. After his arrest, he floated allegations that Louima was injured during homosexual sex in the nightclub (Associated Press, 1997). Charles Schwarz, partner to Thomas Wiese, allegedly held Louima down for the attack. The 31-year-old, 6-year veteran was suspended for 15 days in 1992 for “striking someone in the face” (Barry, 1997a). He was released on \$100,000 bond.

Thomas Wiese was the second officer to provide information to investigators. On August 17, the 33-year-old, 8-year veteran claimed that Volpe attacked Louima alone and that Schwarz was not present. He claimed that he and Schwarz spend the morning near the desk sergeant doing paperwork and playing with a puppy which eventually wandered down the hall causing Wiese to find Volpe alone with Louima in the bathroom (Cooper, 1997). He was released on \$25,000 bail. Thomas Bruder, a former transit officer, had received four commendations and was “Cop of the Month” in 1995 when he helped break up a robbery spree. The three complaints against the 31-year-old, 3-year veteran were not substantiated. He was Volpe’s partner and claimed he removed Louima’s handcuffs in the holding cell after the assault (Barry, 1997b). He was released on \$25,000 bail. State civil service laws require that the salaries of the arrested officers be reinstated after 30 days. Police Commissioner Saifir directed that although the salaries would be reinstated in compliance with the law, the officers would remain suspended with no shield and no weapon (*Chicago Tribune*, 1997d).

Eric Turetzky, 26, was the first officer to step forward with information. He returned from the disturbance at the nightclub shortly before 5

A.M. and saw Schwarz leading the handcuffed Louima, pants down, to the first floor bathroom; 15 minutes later saw he saw Volpe leading Louima back and holding a stick (Cooper, 1997). Giuliani said, “He put decency and the law and concern for other human beings above misplaced loyalty. We are taking steps to protect him” (Barry, 1997a). Interestingly, Giuliani characterized Turetzky’s testimony as “putting the lie” to the *myth* of the blue wall of silence. Yet, as noted above, later interviews yielded no new evidence, and the mayor clearly believed that Turetzky was in danger. Mark Schofield, a 4-year veteran, called internal affairs to tell them about the gloves used in the attack. The morning of the attack, Schofield lent his gloves to Volpe and complained when they were returned dirty. Volpe said, “So, wash them off.” Schofield did and put them on top of the locker to dry (Barry, 1997c). When he learned about the brutality investigation, he asked another officer to secure the gloves as evidence (Kihner, 1997a).

On August 16, approximately 4,000 protestors marched from the Club Rendez-Vous to the 70th precinct two miles away. “KKK must go!” was chanted as demonstrators waved plungers. In September several hundred protestors marched to the Justice Department in Washington, D.C. to urge an investigation of police misconduct nationwide and the creation of a federal data bank to track brutality allegations (*Chicago Tribune*, 1997d). Louima left Brooklyn Hospital Center on October 10, 1997—nine weeks after the beating.

The aggressive street level tactics credited with the reduction in the crime rate may encourage prejudice—the dark side of allowing institutional goals to take precedence over civil liberties. “All but career criminals are happy with the nationwide drop in such crimes as murder, rape and assault. But the Louima attack, which is also an assault, has citizens wondering whether one kind of public order has been achieved at the cost of another” (Lacayo, 1997, p. 27). Norm Siegel, director of the New York Civil Liberties Union, helped draft the civilian review board ordinance. He says,

the crackdown that reduced crime had a dark side. It led to a feeling by some police officers that they could do whatever necessary to get the bad guys—including, if necessary, violating their civil rights. The problem is that the political leaders don’t take the allegations seriously enough. It’s a denial syndrome. They always claim it is just a few bad apples. (Goozner, 1997, p. 1)

The police work at the junction where many social issues converge. What negotiations of boundaries will ensue from this incident? Will the public identify with Abner Louima more than it did with the victims of the Buddy Boys or the victimization recorded by the Mollen Commission? There are endlessly possible permutations of reactions to excesses, oppor-

tunities, and perceptions. It is impossible to predict the connections that will be traced and the inferences drawn from an incident or a sequence of incidents—or the consequences that will result from any action taken. Will Justin Volpe replace Michael Dowd as another name in a ceaseless succession of names? New York is hardly alone; there is no shortage of examples.

Other agencies also continue to experience a litany of critical deviance problems. In terms of discriminatory practices, two police officers in Minneapolis, Minnesota, were suspended after reportedly transporting an intoxicated Native American to the hospital in the trunk of their police cruiser (Minneapolis, 1993). In Portland, Oregon, two officers were reprimanded after admitting they imitated tribal drumming while dancing around a Native American who had been detained for drinking (Portland, 1993). Drug-related deviance also continues to plague many agencies. In El Paso, Texas, two officers were arrested after they allegedly bought cocaine from undercover FBI agents (Deputies, 1993); another undercover officer in the city was arrested for conspiring to possess and distribute 110 pounds of marijuana (Two Charged, 1993). In Long Island, New York, a Federal Drug Enforcement Administration agent was found dead in his home of a heroin overdose (DEA Agent Dies, 1989). In a separate case, another DEA agent was charged with drug trafficking following his arrest for possession of 62 pounds of cocaine (DEA Agent Arrested, 1989). In Atlanta, Georgia, three police officers were arrested for murdering a nightclub owner, while two other officers were taken into custody for armed robbery. All of the officers were reportedly members of a robbery and burglary ring that targeted stores and nightclubs featuring nude dancers (Georgia Officers, 1993). In Philadelphia, a police lieutenant and his wife were charged with running a major prostitution ring that fronted as an escort service (Cop Arrested, 1992). In New York, at least five state police officers were being investigated for fabricating evidence in order to obtain criminal convictions in several cases. As late as 1997 New York state police were still investigating the fabrication of evidence by troopers. After a four-year investigation, special prosecutors concluded that at least 36 cases involving 6 troopers were based on fabricated evidence and another 10 cases were tainted by the troopers' conduct (*New York Times*, 1997).

This text has reviewed problems in Los Angeles, Milwaukee, New York, Washington, D.C., Chicago, Pittsburgh, and New Orleans. It has mentioned incidents in a number of other locales. As also noted, federal agencies are included in the ranks of troubled organizations. Frederic Whitehurst, a bomb residue expert, reported that he and his colleagues at the FBI laboratory were skewing results to bolster prosecutors' cases. In testimony before a Senate Judiciary subcommittee hearing in September 1997, current and former agents claimed that the laboratory was a

haven of favoritism where reports are altered, truth-tellers are punished, and wrongdoers promoted. Senator Charles Grassley blasted the lab and the bureau as suffering from a "cultural disease" that puts too much emphasis on slandering defendants. "It appears to be a culture that rewards public image-building over discovering the truth. Those who engage in image-building, though they may do wrong, are rewarded. Those who challenge image builders, though they may speak the truth, are punished" (Bendavid, 1997, p. 6). Collectively, these and other reported cases of police wrongdoing indicate an underlying theme of deviance in the police occupation. If this is true, what are the prospects for controlling police deviance and corruption?

SUMMARY

If any conclusion may be drawn, it is that police deviance is a complex, multifaceted, and multidimensional enigma. Thus, there are no simplistic, quick-fix, cookbook solutions for the problems of police wrongdoing. Despite these cautionary notes, a complex, interrelated web of remedies are suggested. At the simplest level, the opportunity structure inherent in the nature of policing presents officers with virtually unlimited chances to engage in deviant activity. Hiring well qualified and capable employees, providing appropriate training and education programs, mandating that supervisors hold officers accountable for their behavior, and centralizing administrative control are all simple means to thwart deviance in the police organization. Other control mechanisms are suggested as well. Included among them are the development and endorsement of agency guidelines that are clear, practical, reasonable, and workable. Progressive and consistently applied disciplinary schemes in the police institution are critical. Internal affairs units and review boards, if they are able to function with integrity and handle complaints objectively, can also be used as checks and balances to minimize organizational deviance.

Although all of these factors are important in the control of police deviance, they alone cannot ensure the control or elimination of deviance in the police occupation. In fact, there are agencies that use many or all of these mechanisms, yet continue to suffer from problems of organizational deviance. In order to effect significant change in the police occupation, deeper, more fundamental modifications to the existing social order and police normative structure are indicated.

Police deviance serves functional roles for society and the police culture. Thus, society has two options. One is to acknowledge the role of deviance in maintaining the culture of the police and the existing social order.

Although not a remedy for deviance, recognition of the functional aspects of police deviance is a foundation from which society can begin to understand the realities of both policing and police wrongdoing. Public acknowledgment of the parameters of police misconduct would help to dispel myths such as the rotten-apple theory of misconduct, and portrayals of police as loyal social control agents supportive of the expressed moral order. Unfortunately, this would permit and even encourage corruption.

A second, more radical approach would entail modifying the bounds of both society's normative system and the police normative structure. Attaining congruity between the two would obviously be a formidable challenge. Public officials would need to refrain from politicizing crime, capitalizing on citizen fear of crime, imputing a warlike mentality for crime control, and advancing the misconception that the police can effectively control social disorder and crime itself. The judiciary must send a clear and constant message that police deviance will not be tolerated. Ambiguities in the criminal law must be resolved by both the legal and law enforcement communities. This means, among other things, that equitable and ethical approaches to attaining justice must be emphasized, while backdoor approaches used to circumvent legal requirements must be discontinued. Administrative customs and practices in the police institution must conform with both the stated law and agency policy. In essence, the radical approach suggests restructuring the law, reordering the social structure, and reinventing police culture.

In the final analysis, society must confront the most fundamental question of all: How much social change should be made in an attempt to control deviance and corruption in the police system? While not an answer to the question, we are reminded that any society may have as much crime and deviance as it deserves. It remains unclear whether or not it is impossible to control police deviance. Without substantial social change, however, it seems clear that attainment of this goal will be improbable at best.

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