



PATHWAYS OF POLICE MISCONDUCT

*Problem Behavior Patterns and
Trajectories from Two Cohorts*

Christopher J. Harris

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Trajectories from Two Cohorts*



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PATHWAYS OF POLICE MISCONDUCT

Chapter 1

How Criminology Can Contribute to Understanding Police Misconduct

“In all these years as a cop I was always up to my ass in things that would turn your stomach and make your blood boil. But to me they don’t mean anything but work. I might have lost my patience more often than I should have, but I am not proud of it. I have learned a long time ago that in this racket it is always better to be smart than to do things in ways that make you feel good in the moment. A lot of guys don’t know that, and when they get to be forty years old and no longer feel like wrestling in the gutter with everybody who calls them a dirty son-of-a-bitch, they figure there is nothing left for them.”

— A detective sergeant, as quoted by Bittner,
Functions of Police in Modern Society

This quote by Bittner (1970) was used in his seminal work to emphasize an important point regarding the technical concerns of crime control—that officers should act in a calculated, informed manner and not on impulse. Acting on impulse forfeits the claim of practicing a profession, since at that moment police officers are acting no different than everyone else, ultimately degrading the occupation. No matter the justification, impulsive action is inefficient and uncontrollable, which obstructs the attainment of the officer’s own interest. Such action might be an immediate source

of emotional gratification, but, according to Bittner, it defeats every kind of other purpose the officer might have in mind.

But the above quote also implies a deal more. It notes that officers take some time to learn this important lesson regarding crime control. How long it takes on average for officers to grasp this vital point is an interesting question, but it certainly would vary across the population of police officers. Youth and inexperience have long been thought to contribute to police violence and other problem behaviors and is something officers outgrow. This “John and Jane Wayne” syndrome has been seen as a developmental phase: after officers finish their initial probationary period, they enter their “adolescent phase,” when they are the most dangerous to themselves and others. According to Meredith (1986), “This is the stage when you see [officers] wearing mirrored sunglasses and a carry a .44 magnum ... They spend time at home in front of a mirror, just practicing how to look like police officers” (p. 26). This phase lasts three to five years, after which officers presumably become more skilled and less problematic as they mature.

The quote above also implies that some officers do not learn this lesson; such officers continually act in ways that citizens, and perhaps administrators, might resent. These officers never seem to outgrow their “adolescent phase,” or perhaps take an unusually long time to do so. Such officers are likely to have frequent problems in their contact with citizens, particularly resorting too quickly to their coercive authority, and perhaps even escalating situations where other, more skilled officers might have been successful in employing alternative tactics.

There have certainly been a number of well-publicized, and highly scrutinized, cases where officers acted impulsively, resulting in incidents of police violence. The beating of Rodney King at the hands of the Los Angeles Police Department (LAPD) is one of the most well-known of these types of incidents. Whether such incidents are extraordinarily rare, and hence why they are so widely publicized, or whether such incidents represent the proverbial “tip-of-the-iceberg” of the broader realm of police misconduct remains in question. But such a question cannot be answered with anecdotal evidence alone.

The subsequent investigation of the LAPD following the Rodney King incident by the Christopher Commission revealed much, but of particular interest here is the finding that 44 officers accounted for a disproportionate amount of citizen complaints filed alleging excessive force or improper police tactics. These officers, whom the Commission labeled *problem officers*, represented less than one-half of one percent of all the officers in the LAPD, but accounted for 15 percent of these types of citizen complaints. The Commission noted that this disproportion was not accounted for solely by the officers' assignment or arrest rates, implying these problem officers had a proclivity to use force too frequently and excessively (Independent Commission on the Los Angeles Police Department, 1991). Other research has also confirmed that a small percentage of officers account for a disproportionate amount of misconduct, measured through complaints filed by citizens, and has found that these problem officers tend to be predominately male, young, and inexperienced (Harris, 2009).

As a means of prospectively identifying problem officers and curtailing their behavior, some police administrators have employed a behavioral monitoring device called an Early Intervention System (EIS) which scans indicators of problem behaviors (e.g., citizen complaints, uses of force, police vehicle accidents), and flags employees who have surpassed some threshold on them (e.g., three citizen complaints in six months). Officers who are flagged are then subject to some form of intervention, and monitored thereafter to ensure problematic behaviors have been corrected. While this new technology is becoming more popular among police administrators, it is not yet known whether the implicit predictions upon which these systems are based have any validity,¹ largely because there is little information about problem officers or the continuity of problem behaviors more generally.

1. Only one study by Bazley, Mieczkowski, & Lersch (2009) examines this issue with regards to use of force indicators in EIS.

This book is designed to shed additional light on problem officers, but more importantly, places these problem officers within a larger framework that can examine the problematic behaviors of all police officers over the course of their careers. Most existing research on police work considers officers at only one point in time, making comparisons between officers, largely ignoring the changes within officers over their career course. If the younger, more inexperienced officers tend to be the most problematic, can anyone say with confidence that such officers will be continually problematic across the course of their careers? The detective sergeant quoted above seems to suggest that officers require time to properly acclimate to the police role, while others will be continually problematic. To properly investigate this notion, one needs to understand how experience shapes police behaviors that might be considered problematic, and develop a cohesive lexicon for characterizing these problem behaviors over police careers. As it stands, researchers have little knowledge of behavior patterns across officer careers in the aggregate, let alone a set of guidelines for examining an officer's longitudinal patterns of problem behavior more specifically.

As a means of gaining insight into police misconduct across careers, an analogous framework that examines antisocial behavior over time—the criminal career paradigm—is employed here.² This framework is relevant as it has outlined a way to organize key elements of deviant behavior throughout the life-course. The focus of this research will be the application of the criminal career framework, and a developmental perspective more generally, as a tool for understanding police officers' career paths in deviance over time. The application of such a framework will illustrate how incidents of problematic behavior are distributed across the police population, whether there are distinct types of career paths over time, and moreover, whether there exists a distinct subtype of officer whose behavior is severely problematic enough to warrant a label of prob-

2. I use the terms police misconduct, police deviance, and problem behaviors interchangeably throughout this work to note the same phenomenon.

lem officer. This research has theoretical and practical implications for both explaining and understanding these forms of problematic behavior, as well as how police executives might effectively control and manage them.

The Criminal Career Paradigm

There is an interesting analogy in criminology to the research on problem officers—a small percentage of criminals account for a disproportionate amount of the crime committed. Criminologists have labeled these offenders *career criminals* and devoted a great deal of time and effort in attempting to prospectively identify and incapacitate these offenders as a means of lowering the crime rate, with limited success. But criminologists went further. They developed a way of understanding the longitudinal sequence of offending for all criminals, which is commonly known as the criminal career paradigm.

This notion of examining a criminal's entire history of offending over time has had a significant impact on how the field thinks about the etiology, maintenance, and elimination of antisocial behavior, and has generated a wealth of information about the longitudinal patterning of criminal activity (for a review, see Piquero et al., 2003). It should be emphasized here however that the criminal career framework is not a theory of crime, but a way of structuring and organizing knowledge about certain key features of offending for observation and measurement (Blumstein et al., 1988). In short, it calls attention to certain key elements of an offender's career.

There are five key elements that characterize an offender's criminal career. The first, *onset*, is defined as the point at which an offender engages in his/her first criminal act. The next logical element within this framework is the notion of *desistance*, or the point at which an offender begins to disengage from criminal behavior. The third element, *duration*, is the length of time between onset and desistance. Included in the duration of a criminal's career there is the concept of *frequency*, or the total number of offenses by those criminally

active in a given unit of time. The final concept is that of *participation*, which represents the proportion of those in a population who have ever engaged in crime. This concept serves to separate the offenders from the non-offenders in the population.

The prominence of characterizing criminal behavior in terms of a career framework largely began with the publications of Blumstein and his colleagues (Blumstein et al. 1986, 1988; Barnett et al. 1987, 1989, 1992). This set of research initially focused on the feasibility of predicting the future course of criminal careers, as Blumstein et al. (1986) argued that it was impossible to predict who will or will not be a high-rate offender, or understand the effects of criminal justice sanctioning on offenders' behavior more generally, without some body of knowledge about criminal careers.

While the work was intriguing, some criminologists called into question the entire criminal career approach, arguing that attempts to identify career criminals (or other offenders) would certainly fail. This critique, led by Gottfredson and Hirschi (1986), spurned much subsequent research on criminal careers which have raised important theoretical and methodological issues that are pertinent to adopting a developmental view of police misconduct. Such issues need to be understood before applying the criminal career paradigm to police deviance, and as such, are addressed in some detail below.

Controversy over the Criminal Career Paradigm

Despite its considerable impact on the field of criminology, the criminal career has not been accepted without controversy. The criminological literature includes a number of intense debates related to the criminal career, but for current purposes two are most relevant. The first debate focuses upon whether or not the relationship between past and future offending is a genuine causal link. The second involves how to best explain the stable relationship found between age and crime.

Some theories, such as Gottfredson and Hirschi's (1990) self-control theory, posit that criminal behavior is related to only one factor that can explain the entirety of criminal careers. For these theorists, the cause of crime is static and is represented by an enduring trait (e.g., self-control) that does not change with life circumstances. This theory, and others like them, is referred to as a *persistent heterogeneity* or *latent trait* explanation of crime (Nagin and Paternoster, 1991). In causal terms, these theories claim the positive correlation between past and future offending is spurious insofar as variation in both variables is the outcome of a common cause (Paternoster et al., 1997). If differences in criminal propensity between individuals—called *population heterogeneity*—are held constant, then the effects of life events of all sorts (including prior offending) should have no effect on subsequent offending. This point is key in that Gottfredson and Hirschi argue that offenders are different in degree and not kind; they do not allow for the existence of qualitatively different offender groups such as career criminals (Piquero et al., 2003). All criminal career elements are thus explained by a latent trait: as criminal propensity increases, so does frequency, duration, desistance, and overall participation in crime, while age of onset decreases.

The criminal career theorists instead argue that the underlying causes of crime are dynamic, and as such life circumstances can change one's capacity for criminal behavior. This explanation, commonly referred to as a *state-dependent* effect in the literature, posits that the effect of committing a crime reduces inhibitions and/or enhances the impetus to commit crime through a number of different mechanisms (e.g., loss of social capital, breaking of bonds to conventional society, etc.). As Nagin and Paternoster (2000) write, "The state dependence process, then, is a process of contagion in which an offender's current activities make their life circumstances worse, accelerating the probability of future crime" (p. 118). But there is a positive side to state dependence as well. Noncriminal behavior, such as steady employment or marrying a nondeviant spouse, can decrease the probability of offending. Just as criminal behavior can make things worse, conventional behavior can make