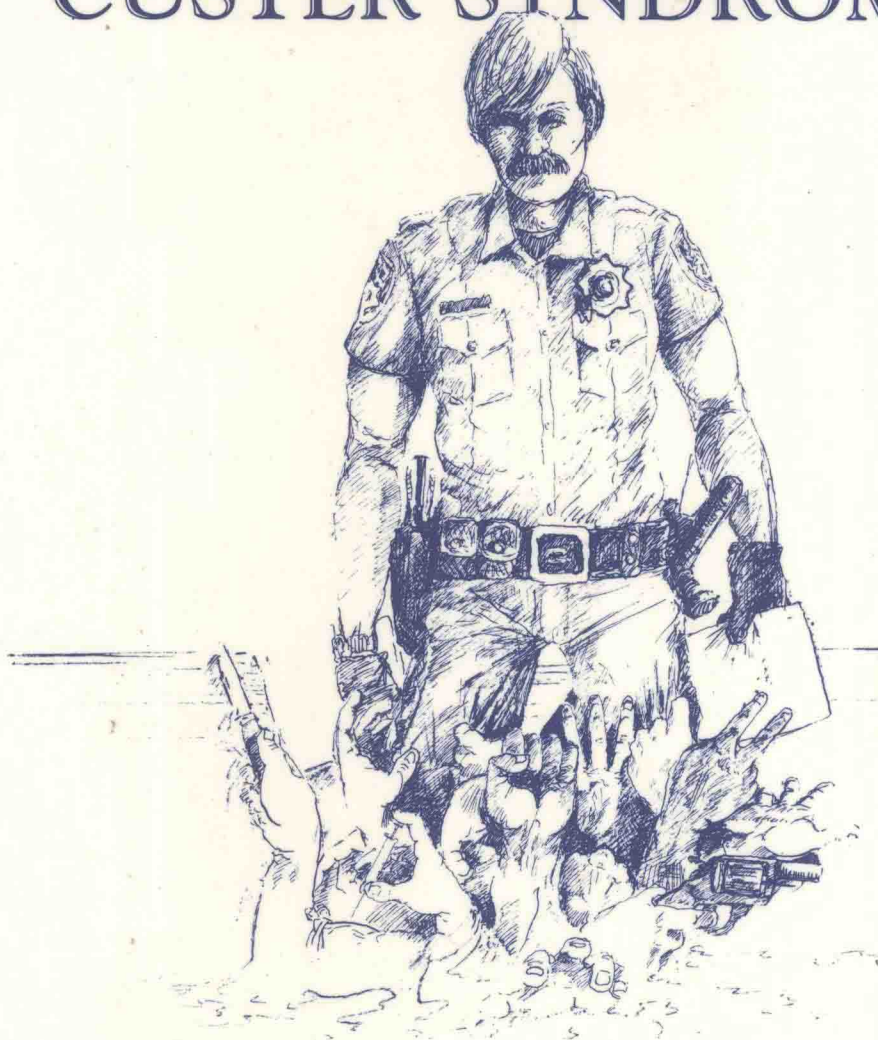


THE CUSTER SYNDROME



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The American Public vs. The Police

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PREFACE

This project began life as a doctoral dissertation, if one can call that "life." In any event, it is a product of what could not be termed a "scientific" or "academic" study. Although there are the necessary statistics, references, categories, and a chart or two, this is really a narrative about the people who police, and the human problems involved in this process.

The approach taken is that of an academically-oriented observation. The subject is a small police department as it goes about its duties, policing an American community. However, the style most closely approximates that of a group of police officers sitting around a table, drinking coffee and talking, thereby presenting their version of the criminal justice system.

This study attempts to portray their values and judgments, of society and of each other. The contradictions expressed are the contradictions that occur within any group of individuals. In effect, these contradictions, and even some disorganization in one of the chapters, are a reflection of this world. In this respect I thank the publisher for allowing content over form.

Obviously, certain concessions must be made for a study that took nine years to develop and spans eighteen years in the life of the department. Some of the events described have been clouded by memory, some of the characters have been combined, and some "events" were really rumors. The intent was to show to the reader the world of PPD as it was presented to one researcher.

Acknowledgements

Clearly, a text like this requires the assistance of many individuals, most notably the officers of PPD. First, there is the chief who opened his department, allowing me to run free, and then closed his door and prayed. This book could not have existed without his trust. There is also Bill, who took time to answer questions, who enjoyed trying (and often succeeding) in scaring the hell out of me, as well as giving me reason to question his sanity. There is Max, who kept me from meeting the sharp end of a screwdriver; Leon, who bailed

me out of a foot chase; Mugs, an old friend who frequently sat me down to tell me what was REALLY going on. Naturally, I enjoyed frustrating Bobbie, by threatening to go home whenever there was a job I didn't want to do. There were also several whom I saw grow up over the years, and Jim, whose soul I saw become invaded by cynicism. There were many others who were quite open and willing to discuss their feelings and fears.

My thanks go also to Ted, who forced me to cool off, one winter night, and to Billy, a former student, whom I watched go through all the phases that young policemen go through. Joe, quite forgiving and tolerant of an erratic professor, also forced me into a beat car by myself and showed me that I could do the job (usually).

Even my family had a hand in this. My brother Gary, a councilman in a nearby city, provided me with viewpoints that I had not considered, and my sister Gloria, a city employee, provided support and information. My parents collected newspaper stories and gave me backgrounds of people and events, some of which I perhaps should have used.

Many city employees took their time to help me with information, and showed an interest in the project.

In another world, faculty colleagues offered words of advice, and only occasionally questioned my sanity for running around in a police uniform when I should have been content with a mid-life crisis. Bob Curry helped me to begin this work; Dick Kornweibel took many hours of his time to review the chapter on the history of policing. Jim Poland was always available for advice, and Chuck Ladley was always there for me as well; without his help I would have given in to the wounds of collegiality. There were, too, the "consultants" over morning coffee or lunch who let me bounce ideas around.

Many friends read, listened, caught mistakes, made last-minute trips to the library or the post office. Thank you, Babs Uribe, Sheri Richins, and especially Tara Pierce (formerly Hernandez).

Finally, there were a lot of cops from a lot of different agencies who enabled me to see the forest through the trees, and only asked that an honest portrayal be given. One cop in particular did more than show the trees; essentially, he drew them. Thank you, Bill Smith, for taking an idea and making more of it: a combination of artist, gentleman, and cop.

This project became something very different from what I had envisioned at the beginning, but it was a response to the world of policing and PPD. It should be noted that the service emphasis of PPD has since given way to a more aggressive stance because of the increase in drug-related problems. The issue of service, however, remains a major one for American police in an image-conscious society.

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INTRODUCTION

For most Americans, information about the policing of their society is gained from action-packed films, newspaper articles and hearsay. This knowledge is then judged in accordance with the values of the times, the politics of the season and personal attitudes about authority. The net result is the public's view of American police practice.

The greatest difficulty for American police is that the public's perceptions and attitudes seem to change depending on current social trends, economic status and political ideology. In the fifties, for example, the police were almost invisible to most of American society. In the sixties, however, the trend was toward portrayal of the police as harsh and brutal, almost a distinct (inferior) species apart from the rest of humanity. By contrast, urban policing today is a reasonably well paid and highly regarded profession, drawing an increasing number of college graduates.

The image of the nation's police may be determined less by what the police do than by the way in which they are perceived. While numerous texts, often contradictory, exist on policing, and efforts have been made by police agencies to educate the public, it is still the case that the public's experience of police comes mainly from the media. Chases, shootings and solutions to crimes are indeed a part of the cop's world. Boredom, depression and frustration seem to be overlooked, as well as the fact that most of American policing is performed by small police agencies made up of fewer than a hundred officers. It is this neglected segment that is the focus of this text, which is a study of one small agency's effort to cope with the world around it.

Goals and Purposes

The Custer Syndrome approaches the process of policing as a reflection of the people who police the city. It is a view of one small police agency, and is meant to give the reader a sense of knowing and understanding the people of PPD. In order to present the world of PPD, the text reviews the history of policing and then examines

the environment of PPD from the perspective of the cops. These chapters are intended not only to provide information, but also to generate a feeling of what is occurring during the process of policing a small town. This means experiencing the gap between the ideals of law or social theory and the real working conditions of the cop. Because the researcher's earlier work with PPD involved a study of methods to deal with heroin abuse (Hernandez 1982), examples from the field of substance abuse are used to highlight some of the conflicts which hinder the police in their work.

The overall goals of the present study were to examine PPD, a police agency in a small town outside of San Francisco, looking at changes that have occurred over the last forty years; to examine the process of policing from the perspective of those who police; to examine the problem of narcotics control in a small town, and why the dictates of modern policing work against this ideal; to present an alternate view of policing which is relevant and readable; and to provide a basis for explaining the "Custer syndrome," or the belief that not losing ground can be counted as success.

Chapter One **A Short History of Policing**

It is impossible to evaluate modern law enforcement without understanding past efforts. Chapter One develops the case for a policing system and goes on to show that many of the problems faced by PPD are anything but new or unique. On the contrary, many are shown to have existed in Imperial Rome, Elizabethan England, Victorian London, the early American West and even, on occasion, in modern American suburbia.

American policing was designed for municipal political control from its inception. However, the evolution of government, reform movements, several wars and strong leadership have made it possible for this system of policing to become increasingly professional.

Chapter Two **The Modern Environment of PPD**

Although Chapter One gives the reader a historical perspective on police work, Chapter Two provides the backdrop for understanding PPD. Several issues are

discussed in terms of their direct effect on PPD: first, the effects of a growing city. This goes beyond the expansion of boundaries in a community to involve the attitudes of the community and the changes of image, of the population mix, and of the concept of social responsibility.

Second, PPD exists in a political environment. There is an examination of the groups that vie for control of the police, and hence for the control of the community.

Third, the chapter shows the areas that have not changed for PPD, in policing or in the politics that surround it. There are still demands from various quarters regarding police effort to control criminal conduct. The poor are still objects of concern, and the dangerous classes have been expanded in their definition. But the police have now assumed greater responsibilities in a system that, ironically, is increasingly beyond their control.

Perhaps the biggest change from the 1930s to the 1980s is that the environment of PPD has expanded beyond the city limits to include a system of government, courts and society of which PPD is only a small part. In this respect, PPD has become an actor, victim and consumer just as the residents of the city.

Chapter Three **The People Who Police**

At the heart of policing are the individuals clad in blue. This chapter begins by noting a clash of perspectives between how the cops are viewed by citizens or social scientists and how they view themselves. Central to the chapter is the description of the individuals who police a small city. There is also a review of the "Class of 1972," and a study of what occurred in a period of fifteen years after a very turbulent era. A world of people are presented in moments of cold blooded humor, of stress, and of anger. The chapter shows police laughing at themselves, and it also shows the terrible sense of helplessness after the death of a child.

Chapter Four **The Process of Policing**

A set of goals for policing, established by the President's Crime Commission, is followed by a critique

pointing out the fallacies behind the goals. In this we confront a diverse series of contrasts among the views of the social scientists, the general public, and the police. In the end, the task falls to the patrol officer to carry out the mandate; he must find a way to function amid all the conflicting needs, wants, constraints and limitations. There are investigators who battle TV images in order to accomplish a task, and there are variable attitudes among the policemen who operate the system. Perhaps the most surprising thing is that no one is surprised that the system works.

Chapter Five **The Administration of PPD**

This is the view of policing from the front office. It outlines the basic structure of the agency, including the efforts of reform movements to make the police more professional. The constantly changing mandates from the federal government are examined within the context of the war on drugs.

In the middle of this world sits the police chief, the agency head responsible for the public safety of the city. His job reflects the paradoxes of police work in general: the police chief position has no legal description and no job security, but bears full responsibility for a group of cops in a high-crime city.

Chapter Six **Bridging the Gap: Police and Community Relations**

The sixties and seventies saw a wave of anti-police sentiment sweeping the country, and behind it another wave of programs designed to counteract it. This chapter takes a look at PPD's overall effort to display greater responsiveness to civilization at large, in particular through a federally funded community relations program. It was an ideal structure, composed of recommendations from a presidential task force, supported with a strong budget and the good will of the community. The program provided training, held community meetings, developed a citizen complaint process, and services for juvenile and internal affairs. What it did not do was ease tensions between police and citizens. Police were angered because the

program favored the community, and the community was angered because the program favored the police.

Chapter Seven

Researching PPD

This is a combined view of the research process and the researcher's account of the process. It is designed to explain how the study was carried out, and the various supportive approaches which were taken. There is also an explanation of the author's observation style, which involved becoming a street officer for PPD in order to examine the wonderful world of policing.

CHAPTER ONE

A Short History of Policing

The Beginnings

This chapter is meant to provide the reader with a background in which to evaluate modern policing. It is also intended to provide a brief glimpse of the events, people, and problems that brought about the need for modern policing with its air-conditioned car, two-way radio and computer. We are, in essence, examining the evolution of formal social control and the people who make it happen. We do, however, encounter a problem if we attempt to examine this as a concept of progress. Tracing a solid, consistent line of progress in any human institution can quickly become almost hopelessly complicated (Nesbitt 1980, 7). What stands out is the conflict between the individual and the state, or, more correctly, the conflict between the rights of the individual and the rights of society. There is also the conflict between idealists and pragmatists, which is a recurrent theme throughout the evolution of policing.

It's difficult, if not impossible, to pinpoint the true beginnings of a formal police system. What is clear, however, is that it was a result of people's need to protect themselves from themselves.

In keeping with the ideals of a developing democracy, the ancient Greeks assumed that all men who ranked as citizens shared a mutual responsibility for keeping the peace and order of society (Bard and Shellow 1976, 5). However, even in the birthplace of democracy, there were problems. In *The City in History*, Lewis Mumford notes that "in the citadel's bodyguards we find the first army and the first police officers." This was less than a passive approach since, Mumford writes, while Greek society was "reaching maturity, it had need of 1200 Scythian archers to police the assembly and law courts" (Mumford 1966, 160).

Since there was at this time no distinction between the police and the military, correctional functions were oriented toward control by numbers and force. Also, Mumford notes, "Athenian democracy excluded the

foreigner and the slave, no small part of the population" (1966, 160). The powerful made the rules for the powerless, and force was used to keep order. This tends to support Nesbitt's notion regarding the difficulty of defining progress.

The Greeks, however, pursued the ideals of a just society. Between the fourth and sixth centuries B.C., they set about defining the limits of law and justice (Mumford 1966, 208). The Athenians provided the classical basis for modern policing or at least the beginnings of defining the formal rules of civil judgment.

Modern American police activity can be traced more directly through British traditions beginning in the Renaissance, but the ideals -- and the problems -- remain the same. In the Rome that was built upon the foundations laid by the Greeks, crime was an all-too-real fact of life. In Rome, "at the height of the Empire, the streets were dark at night and people ventured forth only at the risk of their lives" (Mumford 1966, 247), exposed to lower-class cut-throats and roistering upper-class hoodlums just as in eighteenth-century London.

The Early English Experience

In England, the first movement to develop a systematic process of peacekeeping began with Alfred the Great (870-901). Unlike the democratic Greeks, the private citizens at this time would receive rewards for effecting the arrest of a lawbreaker. Although the system reflected the ideal of mutual responsibility, it was also an admission that citizens were not likely to become involved in crime prevention without external motivation. Thus, the reward system was one of the first adaptations of an ideal system of mutual responsibility among citizen groups who were pledged to maintain law and order (Devlin 1909, 3). For England, it meant an official recognition that a man had to take responsibility beyond the limits of his home and family.

A further refinement of the British system of mutual responsibility involved the organization of a series of "tithings," which consisted of ten family groups. These ten groups were, in turn, part of a larger group of ten tithings. The constable, the predecessor of the modern policeman, evolved from this group (Devlin 1909, 3). However, the reader should not construe this as a solid beginning for the concept of formal police practice. What

it did was establish responsibility, and, perhaps more importantly, it constituted the beginnings of a continuous process of defining the police role. This would also mean a continuous process of defining and refining the concept of individual rights.

In 1285, the growing demands of government began to affect the daily lives of citizens. One example was the Westminster Watch Act, another law which enhanced the citizen role in crime prevention. Like the early hue-and-cry, the Watch Act required each man to come to the aid of his neighbor. Ideally, a cry for help would summon all within hearing distance.

Citizen response to the Watch Act should have provided important clues to future planners of crime programs: it didn't work. Even in 1285, there apparently were people who didn't want to get involved (or couldn't hear). However, as is the case with many contemporary crime programs, the fact that it was ineffective did not seem to hinder its general acceptance or adoption in other areas.

Another development of this period was the Watch and Ward. This differed from hue-and-cry in that there was a designated group to assume responsibility for protecting property against fire, guarding the gates of the city, and arresting those who committed offenses between sunset and daybreak (President's Commission 1967, 4). In effect, the Watch and Ward was the first police organization. It showed an expansion beyond the concept of the individual constable, a rejection of the notion of hue-and-cry, and a direct challenge to the total acceptance of mutual responsibility.

During the reign of Edward III in the early 1300s, another building block of the modern criminal justice system was added, the justice of the peace (President's Commission, 4). The Justices, all noblemen, were appointed by the Crown to assist the shire reeve (sheriff) or constable in peacekeeping functions. In keeping with the times, these were positions of power and status rather than occupations. The new system served to formalize the power of dispensing justice to the common man as well as to reinforce the rigid class system of the time. There may be some who feel that the function of the law has not changed significantly since that time.

Subsequent changes in the system of justice continue to reflect Nesbitt's doubts about the confusing idea of progress. A study by Samaha (1974) of policing in

the 1500s in the rural village of Essex, England, demonstrated how little had changed in over two hundred years. Although Essex was rural, it was a relative transportation hub because of its proximity to both river and roads, the chief transportation at the time. The village itself consisted of a thousand households, and nearby was another village of three hundred households.

The world described by Samaha (1974, 19) was quiet, slow-paced and totally devoid of the pressures of the modern world. Traffic, pollution, fast-paced lifestyle, and crowding were virtually nonexistent. It was a stable population facing low taxes and minimal government interference or toxic waste. But despite this ideal environment, all was not well. Not only was there a problem of crime, but it was increasing at a rapid rate. Along with this, there was a viciousness to the crimes that would be shocking even by today's standards.

There were certain similarities which tied Essex to ancient Greece and modern western society. First, there was a relationship between the economic level of the perpetrators of the crimes (Samaha, 23-28). Then as now, the leaders of the anti-crime movements were the more affluent nobility. They took the lead in moving the wheels of justice and stood ready to attack criminals and imprison them (Samaha, 41).

There were other similarities that carried over from the beginnings of crime control. The people who rallied the public with cries of "law and order" were rarely the ones who did the dirty work of enforcing the law. The actual law enforcement, then as now, fell on the shoulders of the constable, seemingly the most common of men.

The system as it evolved in Essex had accepted the fact that "all good men" did not relish the idea of losing time from their livelihoods or, worse, getting themselves injured in the service of justice. So one citizen was selected as constable to work on behalf of the community for the period of a year. In all probability, the situation arose from a problem of escalating crime in the area. One key point brought out by Samaha and repeated continuously in other texts is the notion that as society becomes more aware of crime, it also becomes less tolerant of disorder (Samaha, 43).

The constable in sixteenth-century Essex faced problems which have characterized policing ever since. First, citizens were afraid to report crimes for fear of