

Being Black, or Being a Cop: The Problem of Race in American Law Enforcement¹

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Introduction

Police misconduct dates back three centuries (Skolnick, 1966; Niederhoffer, 1967). According to Johnson (2001) and Johnson and Cox (2004/2005), over several decades, various structural, organizational and socio-professional methods have been applied to change American police practices and procedures in an attempt to eliminate misconduct. These attempts have been founded in the (mistaken) belief that police misconduct is the result of a few officers gone “rogue” (Johnson, 2001; Johnson & Cox, 2004/2005).

The work of Klockars et. al. (1997, 2000, 2004, 2005) was one of the first to espouse the idea that police misconduct has “organizational implications.” Following the lead of Klockars, Johnson’s (2001) affirms that the organizational subculture influences the behavior of its police officers. Johnson’s investigation uncovered that the institutional influence begins during basic training. Johnson and Cox (2004/2005) advanced the earlier findings, noting that living up to the expectations of society as “protectors” places the profession in the ethical dilemma of doing what is necessary for achieving the goals set for the common good of the community (see Bok, 1999; Johnson, 2005b). The negative side of the cohesiveness and “solidarity implied by “thin blue line” (Bolton, 2003; Title, 1995) is an attitude which tolerates and potentially even encourages misconduct.

Although Klockars, et. al. (2000) and Johnson (2001) have researched this seemingly important finding, no real consideration for other factors such as race, were explored in those works. Research has suggested that the uncertain relationship between black officers and their departments leaves them feeling as though they are second-class citizens and “outsiders in their own departments” (Title, 1995; Sun, 2003). These examinations reveal that some black officers reject the culture and subculture of policing (Sun, 2003). Yet, little if any research has demonstrated that the behavior of black officers is significantly different than those of their brethren. While some of the literature on black police issues examines the attitudes of black officers and their relationship to their organization (Sun, 2003) that research does not explore how black officers view the deviant behavior of fellow officers. The few empirical studies that focus on deviance by law enforcement consider race as a coincidental factor (Hickman, et. al. 2001). The question is, are black officers, despite the organizational biases they confront within the profession, nonetheless, subject to the same pressures and expectations to act “beyond” the law as their white counterparts? There is as yet insufficient empirical data on this subject. The goal of this paper is to explore the organizational and socio-political influences on the black officer that potentially could push the black officer to succumb to the negative pressure to act unethically as well as the pressures that potentially help the black officer resist such influences.

To achieve this latter goal this work is divided into four sections. The first looks at the historical relationship between blacks and law enforcement. The second explores the organizational culture and how it may affect behaviors between the two groups. The third initiative explores if there are personality differences among black and white officers. Finally the issue of diversity and misconduct is examined.

Blacks And Law Enforcement

Johnson (2000) argues that the American cultural perspective that asserts white superiority can be traced back to formative years of the United States. Although the Founding Fathers worked hard to ensure

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“freedom, liberty and justice for all,” these virtues were tacitly (and often explicitly) reserved for whites. Several landmark court cases support this theme. *Dred Scott v. Sanford*, 60 US 393 (1856) affirmed the unspoken belief that blacks were second-class citizens. The Taney Court ruled since the black is inferior to the white, therefore, they did not need to be afforded black equal rights (Yoder, 1995). The aftermath of the Civil War gave white America the opportunity to establish a clear divide between the two races (Grant, 1988; Tice & Perkins, 2002). The images of the black as being a “buffoon,” and a “Sambo” character (Coombs, 1996) helped to convince the country and the world that blacks were unequal (Hale, 1998). “Jim Crow Laws” provided the legal tool to separate blacks from whites. More critically, the police served as the enforcement mechanism to ensure compliance with these regulations (Hale, 1998). It fell to law enforcement to enforce racial segregation and Jim Crow (Glazer, 1995).

The “racial” divide led to practices that reflect the opposite of an equal application of the law. The police employ a “to protect and to serve” program in white communities, and a “law and order” initiative in black neighborhoods act under (Glazer, 1995). The police operate on the concept that the most effective way to deal with crime is through “aggressive patrol [in the black and minority neighborhoods]” (Ryan, 1976, p. 205, 1972, 1971).

The fact of segregation and unequal treatment of blacks not only has had a profound affect on the black culture and subculture, but also has influenced the police culture and subculture separate from the entire American population. Simply put the police culture and subculture creates a “we versus them” attitude that is embraced by the

police. Cohen's (1955) description of gang like behavior involving isolation, secrecy, loyalty, language and "machismo" fully describes the police culture and subculture.

What of the black police officers who now occupy positions at all levels within the police profession? How might they react to the experience as an "insider"? Do their views reflect those of the black community within which they were raised, or does it reflect the attitudes (and prejudices) of fellow (i.e. white) officers? In other words, are black officers more blue than black?

Organizational Culture

The concept of culture has been adopted from the field of anthropology and has been defined in many ways and from different perspectives (Kroeber and Kluckhohn, 1952). When the term "culture" is paired with the term "organization," [a] "conceptual and semantic confusion" definitions are merged (Shrafritz & Ott, 1992, p. 492). It is the unique configuration of norms, values, beliefs, and so forth that characterize the way that people agree to do things. Norms, values and culture help determine what is and is not acceptable behavior. The societal culture helps to shape the organizational culture (Shrafritz & Ott, 1992; Bennis & Namus, 1985).

Organizational culture is the "programming of the mind that distinguishes the members of one organization from another" (Hofstede, 1991, p. 262). Various cultures may be embedded in the groups that make up an organization (Smircich, 1983; Schein, 1984; Schein & Ott, 1962; Johnson & Cox, 2004/2005). Smircich (1983) warns that in a police department there likely exist multiple organizational subcultures, or even counter-cultures. Organizations are usually composed of subcultures, which are mutually antagonistic as they compete (overtly and covertly) as different groups of organizational

members seek to establish or impose their distinctive systems and definitions of reality (Johnson & Gill, 1993). Therefore, within the *dominant* organizational culture there will be groups and clusters of persons, who do not always conform to the dominant norms. Nevertheless, the dominant culture does assert considerable influence. When a group or individuals “act out,” they are aware that their behavior does not have wide support.

The Dominant Culture of Policing--Controlling Behavior

The oldest theories of organizations (and the most discredited) assert that the proper way to manage is through control mechanisms that regulate behavior and ensure how people will act (Van Maanen, 1978; Johnson, 2003; Johnson & Cox, 2004/2005). Control seemingly offers the ability to determine events or predict or anticipate outcomes (Umiker, 1999). The image is of the organization as a machine (Morgan, 1986, 1997). To become more “machine-like” organizations instill notions of “acceptable behavior” into the minds of employees through training or learning processes (particularly with in-group sessions) from the very beginning of employment. Classic examples of such “behavior modification” efforts are in “boot camp” for new military recruits.

In most every organization, communicating the proper way to act in an organization is an important task. The assumption is that if people are clearly told the way they should conduct themselves, “misbehavior” can be avoided. Behavior will reflect the lessons communicated and, therefore, people within the organization will act within well-defined parameters.

The Dominant Culture of Policing-- The Blue Line

The work of both Klockars et. al (1997, 2001, 2004, 2005) and Johnson (2001, 2003, Johnson & Cox, 2004/2005) indicate that the culture and subcultures of policing are barriers to change. The problem is not a “few bad apples,” but rather an organizational climate that molds new officers into thinking and doing as the organization wishes (Klocklars, 1999; Johnson, 2001; Johnson & Cox, 2004/2005). The police organization is so insulated by an organizational structure built to control behavior that it is difficult for outsiders (and even insiders) to penetrate (Johnson & Cox, 2004/2005; Banton, 1964; Skolnick, 1966; Sherman, 1974). According to Glick (1985) in such closed systems the organization and its participants are secretive, even with other insiders. Because the police profession is a unique “subgroup,” (Herbert: 1998) there is a “natural” separation from the public; forming “a we/they” mentality (Kappeler et al., 1994). The separation causes a seemingly insurmountable barrier between the public and the police (Banton, 1964; Cain, 1973; Graef, 1989).

The use of a paramilitary system with a bureaucratic hierarchical structure has been the primary method of control in law enforcement agencies (Wilson, 1989; Zapan, 1991). The cadet is indoctrinated into this hierarchy through the training provided at police academies (West, 1998). Such academies have far more in common with military boot camps than the classroom. The lessons are about physicality and *esprit* (Johnson & Cox, 2004/2005). Law enforcement culture and training converts an officer into an authoritarian (Neiderhoffer, 1967). The longer police officers are on the force, authoritarianism is likely to increase (Hageman, 1979; Carlson and Sutton, 1975). Furthermore, police officers come to view themselves as the only ones who understand

their mission (Niederhoffer, 1967; Skolnick, 1966). The police officer becomes part of a special brotherhood that most of society cannot comprehend (Thibault, Lynch and McBride (1985). Thus, law enforcement represents an organizational “subculture” of a national culture . . . forming . . . a functioning unity [,] which has an integrated impact on the participating individual” (Arnold: 1970, p. 32). The embrace of authoritarianism, the attitude about danger and risk, what Skolnick calls the street gang or thug mentality, and hyper loyalty are some of the ways the subculture diverges from the broader culture (Skolnick, 1966). Smith and Gray (1983) add the notion of a “cult of masculinity” to the police “personality”. This results in “special construction of manliness” such as heavy drinking and physical tests of courage (p. 373). These activities cement the macho-man image (Fielding, 1994; Reiner, 1991).

As explained by Thibault, Lynch and McBride (1985), the pressure to remain loyal is so great that some officers perjure themselves rather than go against a fellow officer or the profession as a whole. The closeness that exists sets the stage for cover-up when mistakes, or worse, are made.

Accordingly, Johnson and Gill (1983) explain that conformity to the group and interpersonal pressures from peers may produce many social rewards, but it is at the expense of financial rewards above those defined by the group output norm. Hopwood (1974) considers this a dilemma in which the answer lies in the individual’s personal motives and desires regarding what they want or need out of their work.

Personality And Organizational Culture

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Always a tension (see role theory), but ultimately they are mutually reinforcing. Persons with certain personality traits are attracted to certain types of work (the simple example is the frequency with which second, third and even fourth generations go into the same field of work). These occupations, especially those that aspire to be “professions,” reinforce the personality and cultural traits by codifying those attributes as part of the professional “credentials.’ But this also permits the development of a “sub-culture” of the profession. This subculture is not at odds with the norms of the dominant social culture. As Hummel (1986) noted more than twenty years ago, bureaucratic (including quasi-military) organizations force workers to conform to certain behaviors and modes of thinking. Hummel is describing a strongly deviant subculture (though Hummel’s fear is that society itself is becoming bureaucratic and therefore this pathological behavior is being “normalized.”).

Based upon the perceptions of those who created the profession, certain attributes of the culture will be emphasized and others de-emphasized. The key is that the deviant (exaggerated) traits of the subculture become part of the identity of the profession and, therefore, those who are in that profession (Wesley, 1970; Skolnick, 1966; Niederhoffer, 1967). We see this all the time. It fits the stereotype of certain professions--- the arrogant surgeon, the nerdish computer scientist, the hotshot military pilot... While not everyone in the profession reflects these traits, on the whole the profession will. The best way to maintain the “correct” attributes and, therefore, protect the subculture is to attract persons with a predisposition to those attributes. --- Maintenance of a deviant culture (a subculture) requires stricter adherence to the norms of the subculture than in an organization that fits within the broader socially constructed

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norms. Policing fits this characterization--- recruiters seek out persons with certain personality traits and the profession through rites of passage (the academy) and selection and promotion seek to reinforce those traits and weed out those who exhibit different traits (Peak, 2006).

Cohen (1955) argues that conformance by the group members in order to advance the subculture is paramount for the organization's success. Johnson (2005, 2006) says that this why minorities—whether, black, brown or women tend to reject community-policing initiatives. Nonetheless, black officers must “buy-in” to the culture of the criminals being and underclass and to exhibit many of the same authoritarian traits is “majority” officers do, otherwise they will not survive. Bluntly, they must exhibit a go along to get along attitude; and therefore, their personality must match that of the white officers.

The black officer is to some extent the product of a racist culture (Ryan, 1971, 1972, 1976; Coombs, 1996) that is made more extreme by the criminalization of black males by the dominant culture (this is the result of Jim Crow, not the "Sambo" effect). While a few white officers live out their hidden racism of fighting the underclass (which is otherwise simply a different label for young male minorities), the black officer must do the reverse. The black officer must convince himself/herself that racism does not exist in American. The criminals they fight are just that, criminals, not blacks, Hispanics, Asians, Native Americans, or even whites. Thusly, the black officer is free to express the latent authoritarianism that is desired by the profession by abusing blacks and Hispanics in much the same way as white officers (who do this on the basis of socially-constructed racism).

The Black “Police”

White males long have dominated employment in police departments in the United States (Hickman, et. al 2001). The debate over increasing minority hiring in policing began during the 1960s (Stokes, 1997; Smith, 2003). The increasing the number of minority and women police officers has been seen as way to improve the relationship between the police and the community and thereby, increasing the department’s overall productivity (Walker, 1985). The political pressure has been implied to police executives to hire more nonwhite and female officers to enhance community relations (Stokes, 1997).

The Black Police Officer

According to Bolton (2003) research on black law enforcement officers has been traditional (Dulaney, 1996; Cashmore, (1991) and autobiographical (Reaves, 1991) in nature. There have been a few studies conducted for more “academic” purposes. Several scholars have examined the difficulties that black officers have encountered when they have tried to adjust to the police subculture (Bannon & Wilt, 1973; Beard, 1977; Holdaway, 1997; Bolton, 2003). There have also been studies conducted on difficulty of being promoted (Wendelken & Inn, 1981; Gaines, et. al 1984; Walker, 1985; Bolton, 2003) and on disillusionment among black officers (Teahan, 1975; Buzawa, 1984; Bolton, 2003). A few researchers have expanded their research beyond race. Chigwada (1991), Townsey, 1982), and Martin (1994) have looked at black female police officers and their special association with law enforcement.

When studies of black officers do occur, they are usually associated with large, urban police departments in northern United States. It is not surprising that Bolton

(2003) argues that the study of black officers has been all but ignored by academic researchers.

Hickman, et. al. (2001) conducted a study of police deviance using data gathered from officers of the Philadelphia Police Department (PPD). Police officers assigned to the patrol division were used for this study. The population for the study was drawn from the ranks of police officer, sergeant, and lieutenant. His research team used Title's Control Balance Theory (1995) to study 499 PPD police officers. Title's Theory postulates that the level of control that one possesses is related to the amount that one can exercise. The objective of the research project has been to investigate the affects of officer control relating to reporting fellow officers' official and unofficial transgressions. The results have been that officers that have control deficits are more likely to report fellow officers who participate in misbehavior.

Hickman, et. al. (2001) used two of Klockars' (2001) questions from the NIJ survey and reconfigured them to fit the Control-Balance Theory. Hickman's research yielded three major findings: one, nonwhite officers are more likely to report fellow officers in a scenario involving a DUI cover up; two, male nonwhite officers are more likely to report fellow officers when the scenarios concerns physical abuse of suspects; and, three female officers are more likely than their male nonwhite counterparts to report fellow officers engaged in physical abuse.

For years there has been a debate over making departments more open by encouraging employees to participate in policymaking (Girodo, 1998). This includes involving the employees through input analysis of ideas (Katz & Kahn, 1978). Transformational leadership theory (Burns, 1978) has been proposed as a way to

implement change within an organization. Transformational leadership applies participatory methods to encourage change before change is started. Although leadership allows all stakeholders to speak and vote, in any organization change must include those at the top (Burns, 1978; Keller, 1992, Bennis & Nanus, 1985). This is not a “top-down” approach, but it requires a strong commitment from “the top” precisely because the direction of change is not controlled (Johnson & Cox, 2004/2005). The foundation of change is in the choice of persons to work together for a common goal (Burns, 1978, Bass, 1990, 1993).

Does Diversity Matter In Misconduct?

Police “professionalization” has for four decades has focused on the need to control officers by installing a strong bureaucratic hierarchical structure within the agency. The primary strategies of control are through indoctrination and a “team-oriented” concept to condition officers to do as commanded. . Soldiers in non-combat assignments and police officers on general patrol are examples of this initiative. Both groups are difficult to supervise because of the inability to directly oversee their activities (Wilson, 1989; Zapan, 1991; Johnson & Cox, 2004/2005).

As Wilson (1989) noted nearly two decades ago, control through indirect supervision is reinforced by creating bonds of loyalty and distancing the officer from the public (such as patrolling in cars, not on foot was thought to reduce corruption by removing the temptation to see people as individuals). Impersonal treatment of people becomes part of the work repertoire of the “professional” officer. As noted above, this has the perverse affect of permitting white officers to operative from negative stereotypes of minorities, while requiring minority officers to deny that such negative stereotypes even exist

Sun (2003) rather optimistically asserts that black police officers will be, on the whole, *different*. These expectations are borne out in his case study of Indianapolis, Indiana. Yet even in this study there are troubling signs. For example, he asserts that law enforcement policymakers must make a tremendous pledge to training (Sun, 2003). Without such training there will be little progress toward an enhanced “problem-solving role” for officers or the capacity to exercise discretion (a key skill in the implementation of community policing). Yet he and others recognize the limited impact of police training on attitudes and behaviors (Sun, 2003; see also, Johnson and Cox, 2004/2005). He calls for further study to uncover the factors relating to the attitudinal disparities between black and white officers (Sun, 2003).

Analysis And Conclusion

In a limited way, Sun’s work addresses the several calls for empirical research that narrowly focuses in on attitudinal differences between black and white officers relating to the single issue of misconduct. However, Johnson (2000, 2003, 2005), Johnson and Cox (2004/2005) and this article have furthered the belief that the issue of police misconduct and the causative factors seem to be intertwined within the American culture. Society’s zeal to use its laws (and enforcement mechanisms) to seize power and control those deemed a threat, real or not. Police misconduct has been seen as an individual problem and the organization implications concept has been dismissed or just outright ignored by the profession. The interest, the patience, and the courage of Title (1995), Hickman, (et. al, 2001), and Bolton (1993) have brought the issue of police bad acts to the forefront, including the attitudes of black male officers regarding misconduct and how they relate to their departments.

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The second factor that must be explored is based upon our understanding of the recruitment and selection process. Our pessimism in contrast to Sun's optimism is the result of an examination of the theory and practice of recruitment and selection. In contrast to the civil rights era (1960s-1970s) when it might be expected that many blacks who sought to be police officers brought with them the attitudes and values of the civil rights movement, the second generation of black police recruits (1990-present) enter policing because of the values inherent in the profession. Furthermore, the recruitment processes in the civil rights era emphasized attracting "blacks" regardless of values and perspectives. Current recruitment will follow more traditional patterns, i.e. recruits will be ranked and selected in part on the "fit" with the organizational culture. While the gulf between life experiences of blacks and whites in America means that black and white police recruits will never be "alike, the recruitment and selection process will result in hires that have many of the same personality traits and cultural values.

Future represents a period of ambiguity and uncertainty in the profession--- on the one hand law enforcement has been opened to people of more diverse backgrounds, therefore there is somewhat less uniformity of personality attributes among new officers. This is different from the 1960s and 1970s in that the new minority recruits *expect* to have an equal opportunity for promotion. Furthermore there are new ideas (such as community policing and the recurring theme of citizen review) that are gaining more political credence. How the police profession responds will both shape and be shaped by the subculture that emerges over the next couple of decades.

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