

Police Executive Research Forum

Keynote Address

Mark H. Moore

May 4, 1992

Introduction:

- . An honor to be asked to give this talk / a pleasure to once again be in the company of people from whom I've learned so much about policing.
  
- . Confess that when I first accepted this invitation, and heard the topic I was to address, I imagined giving a somewhat academic and technical discussion: talk about how to do politics, rather than the purposes on behalf of which politics should be done.

- . Events in Los Angeles have changed that.
  
- . I'm feeling a little less academic and a lot more passionate.
  
- . I'm now more interested in the values that should be advanced, as well as how (may not be wrong since an important part of politics is getting the values right.)
  
- . With your indulgence, I'd like to drop the stance of friendly coach and take up, instead, the stance of an advocate.
  
- . The reason is that I think there are some crucially important things that police must do today -- not only for the good of the society, but for the ultimate success of policing; specifically:
  - . (1) They must resist being used by a frightened, perhaps unconsciously racist society to "do what is necessary" to maintain control;

(2) They must, instead, see the purpose in:

- a) using their powers and skills to structure and maintain civil relations in the society
- b) use their extensive knowledge of conditions in society to help the broader society understand conditions (who exercises the conduct); and
- c) to do what they can not only to reduce white fears, but also to reassure and help ease the suffering poor minority communities.

A Metaphor:

- . Let me develop this thesis by reporting a discussion that occurred during one of the meetings of the Executive Session on Policing.
- . Somehow, in the course of one meeting, we got onto the subject of policing an urban park.
- . The park was intensively used by some homeless drug addicts; that's where they hung out and slept. Perhaps they were involved in small scale drug dealing and petty crimes; but that wasn't obvious. There was no violence in the park.

- . What was obvious was that they were making the park less attractive to others.
- . In particular, a group of secretaries had long used the park for picnic lunches at lunch hour, but had now abandoned the park.
- . The question before the group was whether and how to police the park.

#### A Structure of Laws

- . It is worth noting, I suppose, that at an abstract level, a structure of laws gave some order to relationships in the park.
- . The addicts could rely on constitutional rights of speech and association to be in the public space.
- . The secretaries could rely on the fact that violent or aggressive and even offensive conduct by the addicts was prohibited.
- . Nonetheless, these abstract laws were failing to make the park a place that could be used by all. A common amenity was not being used as intensively or as widely as it was intended. Some public value was being lost.

Solution 1: Addicts Out of the Park

. There was a solution, of course: namely, to clear the addicts out of the park through rousts, or through more serious investigations leading to arrests on more serious charges.

. As a legal matter, the police could do this -- relying on ordinances, or undercover narcotics investigation.

. As a political matter, it would be supported.

. As a moral and ethical matter, it seemed plausible since, to many, it seemed that the addicts had less moral right to the space than the secretaries; they contributed little to the group, and took away a lot of pleasure from the space.

The only thing standing in the way of this solution was:

. A commitment to the protection of constitutional rights, bolstered emotionally and morally by whatever respect or sympathy one

could muster for the citizens who had once been children with potential, but now were addicted and homeless.

. Note I do not mean to be playing on sympathies here. There are many who began in poverty that did not end up addicted and homeless, and that is a relevant moral difference between the homeless addicts and the others. I am simply observing that the addicts remain citizens despite their having made a hash of the opportunity that afforded.

. I think most in the group understood the appeal of this solution. They understood it as "order maintenance policing." They would justify it in terms of its value in reducing citizens fears, and building public support for the police.

. But as one contemplated this solution, many of us also recalled another moment in our discussion -- a time much earlier when the people in the group were getting to know one another and developing a shared understanding of the subject. We were talking about "order maintenance policing" with a kind of sly

knowledge and enthusiasm -- giggling a little like bad boys who shared a secret. Suddenly, Ben Ward, roused from his usual watchfulness, looked at us all with hot eyes and declared,

"WE remember what `order maintenance policing' was about and WE WON"T HAVE IT AGAIN!"

- . The passion of that remark, lying in the minds of many, pushed us to consider another more outlandish option.

Option 2: Reassuring the Secretaries and Reminding Them of Their Duties

- . That second option was to talk to the secretaries and explain to them that they didn't need to be afraid; and further, that they shouldn't be afraid.
- . There was no real victimization in the park.
- . It is one of the duties of citizenship in a free society not to take offense easily -- to be sturdy and resourceful and tolerant.

- . The police, the courts, etc. were there to protect them; or at least to see that justice was done if they were attacked.
  
- . Unfortunately, that solution, although consistent with the Constitution, seemed to many in the group to ask too much from the secretaries, and to give too much to the addicts.

Option 3: Putting an Officer in the Park as a Concrete  
Reminder of Reciprocal Duties of Citizenship

- . A third solution was to put an officer in the park -- not as a shift long, week long assignment mind you -- but during the times on the days when experience told us the secretaries and addicts were likely to come into conflict.
  
- . Now, I know many of you think that I think that foot patrol is the solution to every problem. I don't.
  
- . But what foot patrol in this situation might do is to establish a concrete, palpable presence of the law in what otherwise feels like a lawless and scary place.



- . Note that the officer's presence is not there to exclude the addicts from the park. That would be the first solution.
  
- . Instead, the officer is there to make the park useable and inhabitable by groups that, but for the officers presence, could not get along.
  
- . To be sure, the presence of the officer in the park puts pressure on the addicts. They cannot be as loud, or as offensive if the officers were not there.
  
- . The secretaries, for their part, may be emboldened because they think they have a reliable partner who can come quickly to their aid.
  
- . But the point is that the officer is also there to keep intact the rights of the addicts to use the park as well as the secretaries.

#### The Moral of the Story

- . The point of the story, I think, is that in this third scenario, as contrasted with the first, the police "restore order" not by being used to roust the addicts or arrest and jail them.

- . Instead, they restore order by re-establishing -- palpably -- in the minds of those using the park what their reciprocal rights and responsibilities are.
- . They remind the addicts to be less offensive.
- . They remind the secretaries to be less afraid.
- . To the extent they are successful, both the liberty and the order within the park is expanded not narrowed.
- . The secretaries might not feel quite as safe as they would if the addicts were roused, but might learn to recognize and respect the rights of the addicts.
- . The addicts would not feel as free as they would if the police were not in the park; but might come to see that the police were protecting their basic rights even as they were leaning on them to be a little more decorous.
- . Both groups would have reason to be satisfied with the result.
- . An outsider -- say from another country -- would be astonished by this construction of a liberal community in the park.

## Scale Up the Metaphor

- . Now scale up the metaphor: instead of thinking about a park that different groups want to use for different purposes, think about a city or country.
  
- . In that larger environment, the freedom that "good citizens" (like the secretaries) have to move about is shrunken by a vague but nonetheless deeply felt fear occasioned by the apparent menace of those who are different.
  
- . The pressure on the police is to restore security for those citizens by getting those who offend and frighten us out of the park.
  
- . In response, the police have the same three options as in the park:
  - . They can use their extraordinary powers and skills to drive the bad from the park -- to be the thin blue line that protects the good from the bad.

- . They can, remembering their constitutional duties, actively protect the bad from the good -- like Gary Cooper in the jailhouse door.
  
- . Or, they can, by establishing a kind of palpable, trustworthy, concrete presence remind citizens, both good and bad, that they are bound together in a community that imposes reciprocal rights and responsibilities; and that reassures people that the worst offenses will not be tolerated, but that the rest can be in the interests of protecting freedom.
  
- . In effect, the police may succeed in expanding rather than contracting liberty and tolerance while maintaining order.

The Preferred Position of the Field: The Third Option as  
Community Policing

- . I think it is this third position that the field as a whole must adopt -- not the first or the second.
  
- . I think figuring out how to be a palpable, trustworthy, fair normative force that produces both liberty and order is what community policing is all about.

- . Its aim is to find a way to be with citizens, and merchants and homeless and the victimized, in a way that holds them together in the rough framework of a community even when deep angers and fears divide them.

#### Threats to Being this Kind of Presence

- . Several things threaten the police capacity to be this kind of presence:
  - . Methods of the past
  - . Limited resources
  - . Limited operational imagination, etc.
- . But two things have proven particularly dangerous to policing as it tries to perform this role.
  - . First, losing its own discipline in attacking the "bad".
  - . Second, being recruited, or seeming to be recruited, by one side of the controversy.

- . What is particularly dangerous is when the second leads to the first because it feels justified and appropriate.
  
- . This, it seems to me, is what happened to the LAPD officers who beat Rodney King: they stoppped seeing King as a citizen -- as a member of the community with both rights and responsibilities.
  
- . This is what could happen if the majoritarian society, or the powerful society, manages to rally the police to their side alone.

#### Drawing Lines

- . The police are in the business of drawing lines:
  - . Offenses from non offenses
  
  - . Offenders from victims
  
  - . Bad guys from good
  
- . That is part of the job; and part of the moral and psychological make-up.

- . But the first line the police have to draw is the one that includes everyone in the community.
  
- . It is that line, or circle if you will, that initially establishes the reciprocal obligations that the police then enforce.
  
- . The line -- traced out by the laws and rules of civil society -- includes constitutional rights as well as criminal laws.
  
- . The laws are designed not only to deter threats from offenders, but also by the government.
  
- . There are bad people in the society, we all know that.
  
- . Our relationship with them is and ought to be different.
  
- . Nevertheless, our relationship to them is never extinguished: it is simply adjusted to reflect the fact that some citizens have lived up to their obligations a little better than others.
  
- . In short, the police and the criminal justice system have to be part of what binds us together in however unwieldy a climate -- not something that excludes or pulls us apart.

## Implications for Police Leadership

- . Let me now turn to what was supposed to be the purpose of this talk.
  
- . The important thing in politics is not just to get the mechanics right, but also to get the values right.
  
- . There's an enormous instinct to pander; to tell people what they want to hear.
  
- . The challenge of leadership is to tell people what's important, valuable, and true even if they don't want to hear.
  
- . Here's what I think you should say:
  - . It would be wrong to be stampeded into establishing an illicit contact with a frightened portion of our community.
  
  - . It is right to remind people that the police must be there for all.



- . It is important to bear witness to conditions in urban areas, without making excuses for bad conduct.
  
- . It is important to reach out to the most disenfranchised to give protection to those who need it most; to help overcome the legacy of past mistrust and suspicion.
  
- . Thank you for the privilege of addressing you.