

Police Accountability, Police Culture
and the "Dirty Deal"

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The unforgettable images of four Los Angeles police officers beating Rodney King has stirred concerns about police brutality and racism. The small riot in Washington, D.C., triggered by a policewoman's efforts to arrest a Hispanic citizen for urinating in a park, has recalled an important lesson of the sixties: that whatever the "root causes" of civil disturbances are, their immediate causes are often police interventions viewed by the local community as excessive, unjust or discriminatory. The two, coming so close together, and so early in what promises to be a long, hot summer, put sharply before state and local government officials the question of what can be done to reduce police misconduct, and preserve public confidence in the police.

There is, of course, a formulaic response to this question: establish Civilian Review Boards to receive and investigate complaints of police misconduct. I confess to two serious doubts about the adequacy of this response.

First, the sharp focus on serious incidents of misconduct seem far too narrow a response. After all, the most serious incidents of misconduct are rarely unique. More often, they are simply the most extreme examples of a much larger set of objectionable practices. And it is the daily insults and shoddy services that eat away at public confidence in the police, and help to create the organizational climate in which beatings can occur.

The quality of a police department's relations with the community, and its own internal moral character is not founded on its response to a few notorious incidents; it is built upon the thousands of routine daily interactions between the police and citizens. Consequently, the best way to assure quality in policing may be to focus less attention on special mechanisms to root out defects and more effort on trying to build quality into each element of the organization's current operations. Indeed, that is precisely the lesson that the private sector has learned as it has sought to improve quality in its products and services.

Second, Civilian Review Boards seem to miss the root of the problem. Police misconduct and poor community relations stem not just from the brutality of individual

officers, but also from community ambivalence about the values that they want the police to embody.

On one hand, there is a "high road" ideal of policing: the image presented in Rotary Club speeches. According to this ideal, the police are "professional law enforcers." Their only commitment is to uphold the law, and to do so impartially and skillfully.

On the other hand, there is a "low road" ideal: the image discussed in locker rooms and knowing private conversations. In this ideal, the police are "crime fighters". Their job is to put their lives on the line to protect the good citizens from the bad, and to make sure that offenders pay the price of their crimes.

Important values are neglected in both idealized images of the police. In the high road vision of "professional law enforcement", the important contributions that police make to promoting civility in public places, stilling fears, and providing emergency services from first aid to finding lost children are de-emphasized in favor of their particular efforts to reduce murder, rape and robbery. Yet, it is often in the more frequent and personal interactions of these wider domains the police not only gain the respect and trust of the communities they police, but also learn to see the residents of those communities as citizens rather than "assholes" or potential offenders.

The far greater loss, however, is associated with the low road vision of the "crime fighter". In that vision, what is lost is the commitment of the police to protect the rights of citizens. As a psychological matter, is easy to understand why the police would not be enthusiastic about protecting the rights of those they suspect or know to have committed crimes, and who threaten them with violence. It is also easy to understand why the public might join them in their indignation and hostility.

Nonetheless, it is important for both the police and the public to remember that, in the moment that those values are lost, the police become as great a threat to freedom and justice as the offenders they are trying to catch. Indeed, when the police yield to the desire for vengeance, they undermine the entire justification for having a public police force. The society might equally well rely on vigilantes to control crime.

Most of the time, the second ideal is by far the more compelling. It is the one to which the police themselves are instinctively drawn. And it is the one that sustains the strongest support of the public. The values of service, restraint, and civility associated with the first ideal lack the heat, drama and adventure of the second.

Unfortunately, it is also the low road ideal that sometimes seems to authorize brutality. Police officers sometimes beat citizens not only because they want to express their anger and fear, and believe that they can do so without being caught, but also because they believe it is right, and that the community will support their actions. In this view of the world, it is only a few leftists and academics who take the high road values seriously. Moreover, since their interest in policing is fickle and their influence weak, their values can be safely ignored.

The tragedy of this position is that it is only half right. It is true that most of time the public will collude with the police to look away from instances of police misconduct -- even serious incidents. The reason is that, by and large, citizens understand that the police have a difficult and thankless job. They agree with the diagnosis offered by one police officer who explained that "because we shovel society's shit, we need to be indulged a little bit."

It is also true that when society becomes aroused about brutality (as it inevitably will when it is ultimately revealed), its attention will be short-lived. That seems to be an inevitable feature of democratic politics.

What is not true is that, in those periods when the public is aroused, it will not be influential. In fact, in those periods of public indignation, much violence and mischief will be done to the police. Individual officers will be prosecuted. Police leaders will be scapegoated. The overall capacity of the police will decline as their general reputation erodes, and they are subjected to ever more rules and regulations. Worst of all, the police will feel betrayed by a public that suddenly changed the rules on them. The betrayal, in turn, will lead to an even greater sense of isolation.

In such circumstances, the establishment of Civilian Review Boards tends to embody and perpetuate the deep sense of injustice that the police feel. The Civilian Review Boards stand as a monument to the public's perfidy. It is this fact that dooms most Civilian Review Boards to police hostility in the short run, and irrelevance over the long run. By themselves, they are not strong enough to strike at the root of the problem: the "dirty deal" that tacitly guides police conduct, and sustains the existing police culture. They can do nothing more than produce more scapegoats.

The alternative to relying on Civilian Review Boards, then, is for police chiefs and community leaders to reach for something far more radical; they must seek to establish a new deal between the police and the community,

and to establish much broader and more continuous forms of accountability than Civilian Review Boards can achieve. The new deal must be one that recognizes the enormous potential of the police to contribute to the overall quality of urban life not only by attacking serious crime, but also by encouraging decency and civility in public locations, reducing fears and hostility among citizens, and providing varied emergency services to those in need.

The new deal must also recognize the central role that the protection of civil liberties must play in the overall goals of police organizations. It must emphasize that the protection of civil liberties is not a constraint on police crime control effectiveness, but a fundamental goal of the police, and a fundamental reason for having public police forces in the first place. If all that society wanted from the police was effective crime-fighting, it would be wiser to rely on vigilantes. What makes public policing valuable is its restraint and its skill in economizing on the use of force.

In addition to these new understandings about the role of the police, the police must organize and operate themselves in ways that make them both responsive and transparent to the local communities they police. From the top down, they must establish the principal that the police department is accountable to citizens at all levels of the organization. They must decentralize operational authority so that both mid-level managers and street level officers can feel the weight of that accountability, and not be protected by the cocoon of the organization's dense network of supervision and rules. And they must get the managers out from behind desks and the officers out from behind the wheels of patrol cars to get them in contact with the concerns that citizens have.

These are some of the important principles now espoused by police chiefs and city officials who have committed their police departments to a style of policing known as "community policing." In my view, finding ways to establish community policing as the dominant style of policing in the United States will have a greater impact on the improvement of police/community relations, the reduction of incidents of misconduct, and the overall quality of policing than any number of Civilian Review Boards. Both now and in the future, the police need to be held more accountable to the communities they police. But, compared with implementing the philosophy of community policing, the establishment of Civilian Review Boards is a weak way of achieving this goal.