

SEEING BLUE: POLICE REFORM, OCCUPATIONAL CULTURE, AND COGNITIVE BURN-IN

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Plasma televisions, like old-fashioned cathode-ray sets and first-generation computer screens, are prone to a problem called "image burn-in." If a stationary picture or graphical feature is shown for long enough, it can leave a permanent, ghostlike trace. What happens is that the light-emitting phosphors coating the screen deteriorate over time, and the speed of the process depends on how often each phosphor is triggered. So if a particular image is displayed on the screen for an extended period, it leaves an imprint, altering how later signals are processed.

Something similar happens with ideas. We view the world through schemas—mental constructs that sort and organize experience (e.g., Blasi 1995). Schemas are powerful conceptual tools. We need them in order to make sense of the blizzard of information we face every day. But schemas used for too long without interruption can become difficult to dislodge. A sort of cognitive burn-in can permanently alter our perceptions. Paraphrasing Marcus Aurelius, we might say that the mind becomes dyed with the color of its thoughts.

A story of cognitive burn-in has long been part of the received wisdom about the police subculture. New recruits, the story goes, have a range of different outlooks. But they quickly become assimilated into a powerful occupational culture with its own ways of seeing, and they adopt those ways of seeing as their own. After a while it can be difficult for them to see the world in any other way. Their minds are dyed blue. In the words of one officer (Conlon 2004: 320), "[o]ver time and in the main, cops tend to think like other cops."

I am interested here in a different kind of cognitive burn-in, also associated with the police subculture—a cognitive burn-in not *caused* by that subculture but rather consisting in ideas *about* it. For over half a century, police reform in the United States has been guided by a broadly shared set of assumptions about the nature of the police subculture and its central importance in shaping the behavior of the police. Those assumptions—that police officers think alike; that they are paranoid, insular, and intolerant; that they intransigently oppose change; that they must be rigidly controlled from the outside, or at least from the top—themselves constitute a schema.

First developed in the 1950s, this schema made sense of much of what lawyers and social scientists were then beginning to learn about the police. Its explanatory power grew in the 1960s, as the police felt themselves increasingly under siege. By the early

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1970s this view of the police—call it the Police Subculture Schema—had achieved the status of unquestioned orthodoxy. A process of cognitive burn-in was underway.

Much has changed in American policing since the early 1970s. Community policing has replaced police professionalism as the taken-for-granted ideal of police reformers and law enforcement administrators alike (e.g., Livingston 1997). Civilian oversight, once resisted tooth-and-nail by the police, has become unexceptional (Walker 2001). The virtually all-white, virtually all-male departments of the 1950s and 1960s have given way to departments with large numbers of female and minority officers, often led by female or minority chiefs; openly gay and lesbian officers, too, are increasingly commonplace (e.g., Sklansky 2006a). College educated officers are no longer a rarity; increasingly they are the norm (Carter and Sapp 1990). Police solidarity has declined, and with it police insularity; the profession is "less and less a fraternity" (Conlon 2004: 9). Police ethnographers find that the "unified occupied subculture" of policing is being replaced by workforces marked by "segmentation and division" (Haar 1997: 66; see also, e.g., National Research Council 2004: 80-82). Police benevolent associations look more and more like other labor unions (Delaney and Feuille 1987), and increasingly they compete for influence with identity-based caucuses of minority officers, female officers, and gay and lesbian officers (Barlow and Barlow 2000: 235-41). The self-identity of police officers is more complex and more varied today than forty years ago. Police departments are marked by less consensus and more debate. Policing is not what it used to be.

But legal regulation of the police and new efforts at police reform in the United States continue to be shaped by the Police Subculture Schema. Partly this is a matter of institutional inertia, and partly it is a matter of cognitive burn-in. Lawyers, scholars, and reformers still tend to think of the police rank-and-file as sharing a monolithic occupational mindset, and still tend to treat this mindset as the chief impediment to policing that is fairer, more effective, and more humane. The Police Subculture Schema makes it hard to see differences between officers, new complexities of police identity, and dynamic processes within the police workforce. When we look at the police, all we see is blue.

My goals here are twofold: to trace the imprint that the Police Subculture Schema has left on American police reform and the ongoing legal regulation of the police; and to identify some of the opportunities and dangers that the schema has made it harder to perceive. I will start by describing how the Police Subculture Schema helped to shape the "criminal procedure revolution" of the 1960s and broader patterns of police reform. I will then discuss important avenues of reform the schema may have led us to neglect. These include questions of institutional design, insights to be gained by focusing on differences between officers, and the possibility of giving rank-and-file officers a larger, collective role in the shaping of their work. Finally I will address two problems the schema has tended to make less visible. The first of these is the risk that diversification of police departments may be stalling. The second is the set of challenges posed the recent expansion of private policing and its characteristic culture of managerialism.

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There is a real danger here of overstating. The Police Subculture Schema retains explanatory power. Police officers still tend to derive a good part of their self-identity from their work, and many of the defining qualities of that work—the unpredictability; the physical danger; the routine exposure to failure, folly, and meanness—remain largely unchanged. Understanding the police, and crafting intelligent strategies of police reform, still require sensitivity to the powerful and distinctive ways in which the day-to-day experiences of law enforcement officers influence their behavior. Nor are police racism, sexism, and homophobia things of the past. But "every way of seeing is also a way of not seeing" (Lynd 1958). The Police Subculture Schema has always obscured certain critical dimensions of policing and police reform, and changes in policing over the past few decades have made it more important than ever to rectify those blind spots.

I focus here on American scholars, American police departments, and American reform efforts. The Police Subculture Schema may have a looser hold elsewhere. In Australia, for example, Janet Chan (1996: 110) has influentially criticized the entire concept of "police culture." In Britain, Robert Reiner (1992: 109) has warned that police occupational norms are "neither monolithic, universal, nor unchanging," and Nigel Fielding has stressed both the multiplicity of cultures found within law enforcement agencies and the way in which individual recruits mediate workplace influences, "constructing an 'organizational reality' special to themselves" by selectively resisting and embracing the norms they encounter (1988: 9). In the end, though, Chan replaces the concept of police culture in part with an account of the police "habitus" that replicates most of the key elements of the Police Subculture Schema (Chan 1996: 119-22), and Reiner emphasizes "commonalities of the police outlook . . . as discovered by many studies in several different places and periods" (Reiner 1992: 109, 136). So the story I tell here may have parallels outside the United States.

Origins of the Police Subculture Schema

The notion that police officers tend to share a distinctive outlook is at least as old as police departments themselves. But the Police Subculture Schema, as a rounded, fully articulated theory of how to think about the police, dates from the mid-1950s, when William Westley (1953 and 1956) published two highly influential articles based on his firsthand observation of and interviews with working police officers. The articles were adapted from Westley's doctoral dissertation (1970), later published in its entirety. Earlier studies of policing had tended to be the work of journalists, blue-ribbon commissions, or reform-minded police executives. Westley helped to inaugurate a new field of interdisciplinary, academic inquiry, which we can loosely call police studies.

The field burgeoned in the 1960s and 1970s, as more and more social scientists and legal scholars turned their attention to the police. In critical ways Westley's work set the pattern for these later studies. Westley thought the key to understanding the police was to see them "as a social and occupational group" (Westley 1970: 8). More precisely, the police were a "conflict group," united by the manner in which their work isolated them from the community and threatened their collective sense of status. The police officer came to regard himself as a "pariah" and came to "regard the public as an enemy"

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(Westley 1953: 35 and 1956: 256). The shared alienation of police officers led to the creation of a distinctive set of group norms, into which new recruits were systematically indoctrinated. The internal, group norms of the police were at war in important respects with their formal legal mandate. The norms of the police approved the selective use of illegal violence against suspects, for example, and forbade officers from testifying against each other.

Westley thus argued that the key to understanding the police was to understand their shared mentality—their subculture—and that the key to their shared mentality was the nature of their job, including the ways in which it estranged them from the community and threatened their collective sense of self-esteem. This set of premises—what Cain (1993) calls "the Policeman as Other"—became the central motif of police studies in the 1960s and 1970s. It linked together, in particular, the work of the two most influential social scientists to write about American police in the 1960s, James Q. Wilson and Jerome Skolnick. As Simon (2000) points out, Wilson and Skolnick differed fundamentally in their attitudes toward policing: Wilson was very much a conservative, and Skolnick was very much a liberal. But they both shared, with Westley, the Police Subculture Schema.

Wilson and Skolnick agreed, too, on an important extension of that schema. Like other police scholars of the era, they believed that the psychology of law enforcement officers was shaped not just by occupational role and outcast status, the factors Westley had stressed, but also by certain inclinations that officers brought with them to the job. Wilson (1968) speculated that the "working-class backgrounds" of police officers predisposed them to view violence as legitimate and gave them "a preoccupation with maintaining self-respect, proving one's masculinity, 'not taking any crap,' and not being 'taken in.'" Skolnick (1966) thought it plain that "a Goldwater-type conservatism was the dominant political and emotional persuasion of the police." The worldview of the police included a simplistic, acontextual understanding of criminality, an apprehensive traditionalism, an intolerance for nonconformity, and a hostility to permissive childrearing (Skolnick 1969).

The Police Subculture Schema and American Police Reform

The Police Subculture Schema made sense to scholars in the 1960s in part because it fit nicely with then-prevalent ideas about democracy and social relations. Those ideas included the fundamental role of interest groups in modern democratic politics and the existence of an "authoritarian personality." As to the first, the Police Subculture Schema resonated strongly with the view, held by many if not most social scientists in the middle decades of the twentieth century, that groups—including occupational groups—were "the primary, though not the exclusive, means by which the individual knows, interprets, and reacts to the society in which he exists" (Truman 1971: 21). As to the second, the distinctive mentality that scholars like Wilson and Skolnick saw in the police "was almost a classic example of the authoritarian personality" (Balch 1972: 107), that cluster of dispositions widely thought to characterize the bulk of

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ordinary, working-class citizens and to make them a dangerous force in democratic politics (see Adorno *et al.* 1950).

In turn, the Police Subculture Schema supported and helped to motivate the two major lines of police reform in the 1960s: the "police professionalism" agenda of law enforcement executives and the "criminal procedure revolution" mounted by the United States Supreme Court. Police professionalism, which reached the peak of its popularity in the 1950s and 1960s, aimed to raise the quality of law enforcement by streamlining operations, improving task specification, strengthening lines of command, tightening standards, and leveraging personnel with technology. The models were the Chicago Police Department under Superintendent O. W. Wilson and the Los Angeles Police Department under Chief William Parker (see, e.g., Fogelson 1977). Police leaders like Wilson and Parker fought hard for, too, for the political independence of police departments; this was part of what they meant by "professionalism." But autonomy for the rank and file, individually or collectively, was no part of the program—quite the contrary (see, e.g., Bittner 1990: 357-66).

The Police Subculture Schema, which understood police officers in terms of a pervasive and dangerous set of characteristic predispositions—what Skolnick (1966) called their "working personality"—made police professionalism, with its commitment to rigid top-down control of officers, much more attractive. In a similar way, the Police Subculture Schema lent support to the Supreme Court's "criminal procedure revolution," led by Chief Justice Earl Warren. Warren took office in 1953, the same year Westley published the first results of his fieldwork. Under Warren's leadership, the Supreme Court reined in the discretion of police officers, most notably by beefing up systems of judicial oversight. The Police Subculture Schema was never articulated and defended in these decisions, but it plainly lurked in the background. The Court sometimes deferred to judgments of forward-thinking law enforcement executives, but it was distinctly distrustful of line officers (see, e.g., Sklansky 2005: 1736-45).

That distrust helped motivate the most characteristic tool of the criminal procedure revolution—the requirement that searches and seizures be authorized in advance with a judicial warrant. The constitutional text does not explicitly require warrants; it requires only that searches and seizures be reasonable, and that warrants, when they do issue, be appropriately narrow and based on probable cause. The Court's efforts to harmonize these two commands were always erratic, but by the time Warren took the bench the Court seemed inclined to the general view that searches and seizures were constitutional if they were reasonable, regardless whether they were pursuant to warrant. The Warren Court emphatically rejected that position. Again and again, the Court insisted that, with certain narrow exceptions, every search and seizure required a warrant. The point was that judges should be in control, not police officers. The Court liked to quote Justice Jackson's famous warning in *United States v. Johnson* (1948) that the decision should not be left to "the officers engaged in the often competitive enterprise of ferreting out crime." So fond was the Court of this formulation that it was hard not to see it as a diplomatic expression of worries about the police that went beyond their excessive zeal. Justice Jackson himself voiced concern that the point of

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constitutional guarantees was "often not grasped" by the police—even, presumably, in their reflective moments—and that concern found echoes in the Court's later opinions (see Sklansky 2005: 1734).

Herbert Packer (1966: 241), a leading legal scholar largely sympathetic to the direction the Warren Court took in criminal cases, suggested that the Court saw the police as "suspect"; the Justices were "unconvinced that the police regard[ed] the rights of the accused as anything but a nuisance and an impediment." Packer shared that skepticism, as did many if not most scholars writing about the police in the 1960s—and, for that matter, in the 1970s. Their concerns about the police mentality, and their attraction to the Police Subculture Schema, were only heightened by the heavy-handed, reactionary police responses to the rioting and political protests of the late 1960s and early 1970s, and by the knee-jerk hostility that law enforcement administrators and police unions showed to key Warren Court rulings and to emerging proposals for civilian oversight boards (see, e.g., Fogelson 1977). The turmoil of the late 1960s and early 1970s made it seem more obvious than ever that police officers shared a distinctive and dangerous mentality—rigid, insecure, inclined toward violence, and hostile to anyone "different."

The Police Subculture Schema pictured the police as a discrete and unified group, alienated from mainstream society and inherently hostile to democratic values. It thus encouraged the notion that effective regulation of the police required strong oversight from the outside, or at least from the very top. And it contributed to the great pessimism shown by scholars in the 1960s and afterward about the potential for police forces ever to regulate themselves effectively, or even to cooperate voluntarily with systems of outside review. Herbert Jacob (1974: 10) was fairly typical in perceiving, "deeply embedded in the norms and work routines of policemen," a "gigantic conspiracy against the outside world." This perspective helps to explain why the major institutional reform drive in American policing over the past four decades has focused on civilian review boards. Samuel Walker (2001) counts roughly 100 police agencies across the United States now subject to some form of civilian oversight, including eighty percent of the departments in the fifty largest cities. Most commonly the oversight consists of civilian involvement in, or review of, police disciplinary proceedings.

Walker notes that civilian oversight, which existed virtually nowhere in the United States at the end of the 1960s, is now "firmly entrenched as an important feature of American policing." The criminal procedure revolution has faltered significantly since Earl Warren retired from the Supreme Court in 1969, but in many ways the Warren Court innovations still provide the doctrinal framework within which the police operate (see, e.g., Steiker 1996). Mid-twentieth-century police professionalism, on the other hand, fell into disfavor in the 1980s and never recovered. "Community policing," the new shared orthodoxy of police reformers and forward-thinking law enforcement executives, is notoriously ill-defined; its core, though, may be a rejection of the kind of policing championed in the 1960s by O. W. Wilson in Chicago and William Parker in Los Angeles. But community policing, like police professionalism, is fully compatible with the view of the Police Officer as Other—the view lying at the heart of the Police Subculture Schema. The rhetoric of community policing calls for the police to be

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partners with the community, not *part* of the community. In reality, the relationship falls short of true partnership: community policing as practiced rarely intrudes much on the operational autonomy of the police. But community policing does even less to challenge the longstanding view of police officers as necessarily a breed apart. Almost always, a police department engaged in community policing remains "a force of outsiders" (Frug 1998: 81).

It is telling in this regard that the reinstatement of residency requirements for police officers is rarely part of the community policing agenda. Requirements that officers live in the communities where they work were widely discarded in the era of police professionalism. A few departments brought back residency requirements in the early 1970s, but police unions strongly opposed the idea, and in most cases the opposition was successful (see, e.g., Fogelson 1977: 306-07). Since the 1970s, the number of departments imposing a residency requirement appears to have declined (see Waldeck 2001: 1295-96). Through the lens of the Police Subculture Schema, residency requirements seem pointless: police behavior is shaped by occupational norms, not by the lives officers lead off-duty.

Neglected Avenues of Reform: Institutional Design

The Police Subculture Schema has helped to shape American police reform not only by supporting the top-down management style of police professionalism, the judicial oversight model at the heart of the Supreme Court's criminal procedure revolution, and more recently the agenda of civilian oversight. It has also left a mark by diverting sustained attention *away* from certain other avenues of reform—notably those avenues of reform that focus on institutional design rather than occupational culture, differences between officers rather than similarities among them, and rank and file participation rather than top-down control. I will address each of these three large categories of reform possibilities in turn, starting with institutional design.

The Police Subculture Schema has encouraged academics and reformers interested in the police to train their sights on the shared mentality of law enforcement officers and away from the internal structure of police departments. Police administrators tinker endlessly with organization of their departments, but generally with an eye to efficiency, not with any real expectation of significantly changing the nature of policing. The civilian oversight boards for which so many outside reformers fought so long and so hard are also, of course, a kind of restructuring, but a relatively modest kind, consisting essentially of an added layer of review. Most academics, like most police reformers, persist in stressing the group psychology of the police and in treating the internal organization of police departments as largely irrelevant. In the words of Edward Maguire (2003: 39), "[r]esearchers have generally neglected studying police organizations in favor of studying police work—including situations, encounters, strategies, and occupational characteristics—and police officers—their attitudes, feelings, beliefs, behaviors, and interactions." The blue-ribbon commissions appointed after each police scandal in the United States typically take the same tack, stressing the importance of changing the "culture" and "mindset" of whatever department is at issue. The questions that rarely get

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asked about policing are the ones that would have seemed most obvious to, say, the eighteenth-century framers of the United States Constitution, had they foreseen the emergence of modern police departments: How should law enforcement be organized to best assure that the powers given to police officers are used wisely and fairly? What departmental structures will best harness and counterbalance the ambitions of police officers, aligning their collective objectives with public purposes?

For example, virtually every American police agency of significant size now has an internal affairs department, which investigates allegations of wrongdoing by officers (see Perez 1994). These departments vary widely in their functional organization, lines of reporting, operational protocols, and policies for rotating officers into and out of internal affairs work. We know very little about internal affairs departments and what features of institutional design work best, in large part because most scholars and reformers have written off the whole idea of internal review as a joke. How can police misconduct be addressed by police officers themselves, when the root problem is the shared mentality and culture of the police?

The widespread pessimism about internal review is not entirely baseless; officers obviously can experience divided loyalties when investigating their colleagues. But line officers do not view internal affairs investigations lightly, nor should they. In fact, internal affairs departments on average sustain allegations against officers at significantly higher rates than civilian oversight boards. No one thinks internal affairs departments can take sole responsibility for improving the quality of policing: wholly aside from conflicts of interest, internal affairs investigations tend by their nature to be punitive rather than forward-looking, and to focus on specific incidents rather than systemic failures. But some internal affairs departments function better than others, and some even depart from a pure incident-by-incident focus (see, e.g., Armcost 2004). Writing off internal affairs departments as hopeless make no sense. Finding the best ways to organize and to run internal affairs departments is an important, largely neglected strategy of police reform, and it is part of a broader category of neglected questions pertaining to institutional redesign of police departments. Some of the blame for this neglect can be laid at the feet of the Police Subculture Schema.

Neglected Avenues of Reform: Good Cops and Bad Cops

The Police Subculture Schema has also diverted attention from another set of approaches, focusing on differences between officers rather than on similarities among officers. Since the 1950s, the overwhelming bulk of research on the police has tried to explain the characteristics of police as a group. The question it poses is, "Why are the police the way they are?" Much rarer is research that tries to understand why some police officers wind up more effective and more trustworthy than others. Precisely because it *did* ask this latter question, the justly celebrated study of Oakland, California, police officers by William Ker Muir, Jr. (1977) has been far less influential than the work of scholars like Skolnick and James Q. Wilson, who focused on group characteristics and group behavior—the matters highlighted by the Police Subculture Schema, and the matters on which police researchers have continued to train their sights.

Police reformers, too, have tended to pursue measures that treat all cops alike and all recruits as essentially fungible. Recruiting practices have received less attention than they deserve, and all officers are generally treated as needing the same degree and kind of supervision. One encouraging departure from this approach is the increasing emphasis on the use of data management systems to identify and to track officers with a history of violent encounters and disciplinary actions. There is growing recognition that a small subgroup of officers accounts for a large share of police abuse, and that identifying these officers and closely monitoring them is a particularly promising strategy for reducing violence and illegality in the ranks (see Walker 2003). Tracking systems of this kind are required under the settlements negotiated in civil rights lawsuits brought against police departments by the United States Department of Justice, and in some case by private plaintiffs (see, e.g., Johnson 2004). But the systems are still far from universal (see Armacost 2004). More importantly, they differentiate officers only at the low end, distinguishing "problem officers" from the great majority. They do not pursue the agenda suggested by Muir's work: identifying excellent officers, rewarding them for their excellence, and learning from them.

Neglected Avenues of Reform: Participatory Decisionmaking

The third category of reform possibilities the Police Subculture Schema has tended to slight consists of efforts to enlist rank-and-file officers in the collective reshaping of their work. In ways discussed above, the police professionalism movement of the 1950s and 1960s and the Supreme Court's "criminal procedure revolution" both operated on a model of rigid, top-down reform of the police. In the late 1960s and early 1970s, when many people saw workplaces as ideal venues for experiments in participatory democracy, several scholars—including Westley (1970)—argued for bringing a degree of workplace democracy to policing (see also, e.g., Berkley 1969, Angell 1971). The core idea was that officers who participated collectively in the shaping of police work would be less alienated, more effective, and more acculturated to and comfortable with democratic values and practices. There even were scattered efforts to implement these ideas, and they met with some success. In Oakland, for example, Toch *et al.* (1975) led a team of officers that itself developed a novel institutional mechanism for reducing police violence—a mechanism that itself drew heavily on the involvement of rank-and-file officers, and that actually enjoyed a promising degree of success, before it fell victim to budget cuts (see Toch and Grant 2005: 100).

As it happened, the late 1960s and early 1970s were about the worst possible time to argue for giving police officers a larger role in reshaping their work. Police unionism and rank-and-file activism were surging at the time, and they took distinctly unattractive forms. The rallying issues included not only working conditions and compensation but also, and more strikingly, opposition to civilian review boards and related efforts at police reform. And those were some of the tamer forms of police politics in the late 1960s and early 1970s. The less tame forms included active participation in far right-wing organizations, vigilante attacks on black activists, organized brutality against

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political protesters, and open defiance of civilian authorities (see, e.g., Fogelson 1977). The Police Subculture Schema seemed to fit events better than ever.

As a result, liberal academics and reformers who might otherwise have been sympathetic to giving police officers a collective say in the nature of their work instead concluded that democracy and the rule of law required that police officers be followers, not innovators (see, e.g., Skolnick 1969). By the end of the 1970s, enthusiasm largely disappeared for bringing workplace democracy to law enforcement, and it has never really reappeared. "Team policing" and "problem-oriented policing," two important predecessors of community policing, each incorporated elements of participatory management (see Livingston 1997). But those elements became much more muted as time went on and as team policing and problem-oriented policing were absorbed into mainstream thinking about law enforcement. Theories of "cooperativist" management, which became popular in industrial relations circles in the 1980s and 1990s (see, e.g., Wilms 1996), had little impact on law enforcement.

Today, policing clings stubbornly to authoritarian management practices long discredited in other, traditionally hierarchical sectors of the American economy—including, ironically, the military (see Cowper 2004). Little has changed in this regard in the decade and a half since the assessment by Herman Goldstein (1990: 27) that "[t]he dominant form of policing ... continues to view police officers as automatons" and to ask them for "nonthinking compliance." An extreme, but telling illustration: The city of New London, Connecticut, went to court several years ago to defend, successfully, its policy of refusing to hire applicants who scored too high on a test of "cognitive ability" (see Allen 1999). The publisher of the test recommends its use to screen out employees unsuited for jobs "where creativity could be a detriment." New London's deputy police chief told a reporter that the department had adopted the test because "[p]olice work is kind of mundane." The president of the test publishing company agreed: "You can't decide not to read someone their Miranda rights because you felt it would be more efficient, or you thought they knew them already." All of this would make perfect sense to Frederick Taylor, the Progressive Era champion of top-down, thoroughly regimented workforces, and who warned that "[t]he man who is mentally alert and intelligent is for this very reason entirely unsuited" for monotonous work (Taylor 1911: 59). Taylorism has few fans today among management theorists and other students of employment, but law enforcement has remained a bastion of something not too distant, in some ways, from the Taylorist faith in "scientific management."

The Police Subculture Schema is part of the reason. The sense lingers that the self-perpetuating occupational norms of law enforcement are inherently antithetical to democracy. For some scholars, the power of those norms in shaping police behavior is reason to couple top-down reforms with management practices that "obtain 'buy-in' from the ground up." But in the main the Police Subculture Schema has dulled the interest of academics and reformers in efforts to "mobilize ... the energy, passion, commitment, and expertise" of the police rank and file. (Armacost 2004: 546). It has kept them wedded to a command-and-control model of police reform.

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Because departures from that model have been so limited, we have little evidence about how well they work. But the evidence we do have is encouraging. The success of the Oakland violence reduction project has already been mentioned. The Madison, Wisconsin, Police Department, which began experimenting with participatory decisionmaking in the 1980s, found that it increased job satisfaction, made officers more open to reform, and improved the level of police service in the eyes of the public (see Wykoff and Skogan 1993). More recently, the police department in Broken Arrow, Oklahoma, has turned much of its policymaking over to a twelve-member committee of management officials, union leaders, and rank-and-file officers, a move that appears to have contributed to greater productivity (as measured by arrest and clearance rates), a sharp drop in citizen complaints, and higher levels of job satisfaction (see Wuestewald and Steinheider 2006).

These results are consistent with the growing body of research on participatory management in workforces outside law enforcement. That research suggests that involving employees in decisionmaking does more than boost morale; it improves the quality of decisions by capitalizing on the diffused, hands-on knowledge that workers gain by actually doing their jobs (see, e.g., Wilms 1996). Mobilizing the energy and expertise of the rank and file may be particularly important in policing, given the large amounts of discretion that police officers exercise and the extent to which good police work relies on localized, ground-level intelligence—points stressed by Goldstein (1990). Valuing the intelligence and initiative of police officers may also be the best way to get the kind of educated, highly qualified recruits that most departments (contra New London) seem to want these days—and that they report increasing difficulty attracting (see McGreevy 2006).

These are not the only ways in which participatory decisionmaking may have special advantages in policing. A long tradition—dating back to John Stuart Mill and G. D. H. Cole and revived in the wake of the 1960s by scholars like Carol Pateman (1970) and Jane Mansbridge (1980)—sees the workplace as the ideal training ground for democratic citizenship and argues against rigid, autocratic workplaces on the ground that they stunt the political development of employees, not only depriving them of full, satisfying lives but also weakening democracy in the broader society. This viewpoint remains controversial. But even if democracy does not depend on fostering the political growth of *all* employees, there are two special reasons to want *police officers* to internalize democratic values and habits. First, the police are often placed in positions where they can actively support or actively threaten democratic activities: they can protect political protesters, for example, or they can attack them; they can help create a climate of respect for individual privacy and autonomy, or they can make privacy insecure and nonconformity difficult; they can enforce norms of tolerance, or they can reinforce bias and prejudice; they can teach citizens that authority may safely be challenged, or they can teach the opposite (see, e.g., Goldstein 1977). Second, there are reasons to think that effective policing *in general*—at least the forms of effective policing most congenial to a free and open society—depends on some of the same values and skills often thought important for democratic citizenship more broadly.

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This is one of the great lessons of Muir's extraordinary study of Oakland police officers in the early 1970s. Trying to determine what made some police officers more effective and more trustworthy than others, Muir concluded that good police officers had democratic virtues: a comfort with moral ambiguity, an ability to see shades of gray, a broad capacity for tolerance and empathy, and, perhaps most important, "an enjoyment of talk"—an affinity, that is to say, for conversation, argument, deliberation, advocacy, and compromise (Muir 1977). Police officers developed these virtues, in part, by working in a department that itself embraced them. Among the heroes of Muir's book is Chief Charles Gain, a legendary reformer who ran Oakland's police force from 1967 to 1973. Gain ruled with a heavy hand and was never popular with the rank and file; in 1972 the Oakland Police Officers' Association voted no confidence in his administration (see Jackson 1979). Muir admired him nonetheless for infusing the department "with a sense of purpose," which gave his officers "dignity and moral meaning." Much of that was accomplished, Muir thought, through a training style and a workplace climate that invited "participation, discussion, argument, and questioning." What Muir liked about the Oakland Police Department, in short, was the way it seemed to operate as a school for democratic citizenry—or, more precisely, democratic leadership. Muir saw police officers as "streetcorner politicians," and they were most likely to grow in that role if they worked in departments that within themselves fostered "widespread political participation." (Muir 1977: 253, 281).

Now is a propitious time to explore the potential of participatory decisionmaking in policing. There is a large literature on cooperative decisionmaking in other workplaces and organizations, and a small but instructive body of work experimenting with these ideas in policing. Police unions, implacable foes of reform in the late 1960s and early 1970s, have since moderated their rhetoric and their politics, and in some cases they have become active proponents of reform (see Marks and Fleming 2006). Increasingly, police unions are rivaled for influence by identity-based groups of police officers—groups of minority officers, of female officers, and of gay and lesbian officers—many of which are quite vocal in pushing for reform (see, e.g., Barlow and Barlow 2000). And police workforces have grown more educated and more diverse; they are more hospitable venues than they used to be for experiments in employee empowerment (see Sklansky 2006a). To take advantage of these changes, though, we need to recognize them, and recognition has been hindered by the lasting hold of the Police Subculture Schema.

Overlooked Dangers: Diversification and Affirmative Action

In addition to making certain reform possibilities harder to see, the Police Subculture Schema has also obscured a pair of increasingly pressing problems. The first is the risk that the diversification of police departments, which has done so much to clear space for debate and disagreement within the ranks, may be stalling prematurely, as court-ordered affirmative action remedies grow less common. The second is the set of challenges posed by the growth of police managerialism. Let me take each of these in turn.

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First, diversification and affirmative action. Much of the reason the Police Subculture Schema now seems out of date is that police workforces are no longer unified and homogeneous. Minority officers, female officers, and openly gay and lesbian officers are slowly but dramatically transforming a profession that 35 years ago was virtually all white, virtually all male, and uniformly homophobic. Blacks, for example, made up somewhere around 6% of sworn officers in the 300 or so largest American police departments in 1970; today the figure is around 18% (see McCrary 2003). In 2005, for the first time in the history of the New York City Police Department, a majority of the new officers graduating from its academy were members of racial minorities (see Lee 2005). In some major cities—including Los Angeles, Detroit, and Washington, D.C.—the entire police force is now majority minority (see Reaves and Hickman 2000). Women were 2% of sworn officers in large police agencies in 1972; today they are close to 13% (see National Center for Women and Policing 2002). Again, the figure in some departments is significantly higher, although it tops out around 25%. Like minority officers, female officers remain concentrated in lower ranks—although, as with minority officers, the extent and uniformity of the concentration is less than one might expect. It is therefore difficult to estimate the number of gay and lesbian police officers, or even those who are, to a greater or lesser extent, open about their status. The latter category is clearly growing, though, to the point where, in some departments, "the presence of self-disclosed gay and lesbian officers has become normalized" (Belkin & McNichol 2002:78, see also Miller 1999). And the mere fact that there are *any* openly gay officers, let alone gay police executives, is a sea change from the situation thirty years ago (see, e.g., Leinen 1993, Miller et al. 2003).

All of this has made the Police Subculture Schema, with its picture of police departments as insular, homogeneous bastions of unchallenged patriarchy, racism, and authoritarianism, increasingly out of date. Police officers today report lines of division, distrust, and resentment not only between white officers and minority officers, but also between male and female officers, between gay and straight officers, and sometimes between Black officers and Latino officers, Latino officers and Asian-American officers, and so on. In the words of one white, male officer, "It used to be we were all 'blue,' but that has changed over the past years. Today there is black, white, and female segregation." (Harr 1997: 66).

The decline in solidarity does not seem to have impaired police effectiveness; for operational purposes it appears still to be true that "blue is blue" (see, e.g., Myers et al. 2004). In between calls to service, though, police officers are a less cohesive group than they used to be, and that turns out to be a largely good thing. That has made the internal cultures of police departments less stifling, and it has opened up space for dissent and disagreement. Studies of police departments today read far differently than those of thirty or forty years ago: investigators rarely find a single police perspective on any given issue, but rather a range a conflicting perspectives (see, e.g., Barlow et al. 1994, Harr 1997).

Moreover, the social fragmentation has gone hand in hand with a decline in police insularity. For identity binds as well as divides (see Oberweis and Musheno 1999).

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Minority officer organizations frequently work closely with minority organizations outside law enforcement; to a lesser extent, female officers sometimes form organizational ties with women working in other historically male professions. The National Center for Women and Policing, for example, is part of Eleanor Smeal's Feminist Majority Project. Organizational alliances like this operate alongside, and help to foster, less formal ties of affinity between minority cops and minority citizens, female cops and women more broadly, and gays and lesbians inside and outside law enforcement (see Barlow and Barlow 2000). Both the formal, organizational alliances and the less formal ties of affinity create channels for expanding civilian involvement in the shaping and directing of law enforcement.

The growing, still far from complete acceptance of openly gay and lesbian officers may contribute in a particularly powerful way to the social realignment of law enforcement—in part by accelerating the fragmentation of the police subculture, in part by creating new channels of communication with groups outside of law enforcement, and in part by challenging the endemic homophobia of law enforcement. There is good reason to think that the suppression of homosexuality has played a central role in cementing police solidarity, in part by rendering professional male-male partnerships sexually unthreatening, and in part by helping to shape a whole, hyper-masculinized professional ethos (see, e.g., Harris 2000, Messerschmidt 1993). The presence of openly gay and lesbian officers, particularly once they begin to rise through the ranks, challenges the easy, taken-for-granted homophobia of law enforcement, and all that it has helped to foster—the nominally desexualized police workplace, the hyper-masculinized ethos of the profession, and the tacit acceptance of extra-legal violence. All of that is on top of the ways in which gay and lesbian officers, like minority officers and female officers, will help to fragment the police subculture and to build identity-based bridges to groups outside of law enforcement.

The clear weight of the evidence suggests that the diversification of American police departments over the last four decades owes much to race-conscious and gender-conscious affirmative action remedies, typically under court order (see, e.g., Sklansky 2006a). Some of the most striking evidence is the progress over time in particular departments. In Pittsburgh, for example, the percentage of women officers went from 1% in 1975, when court-ordered hiring quotas were imposed, to 27.2% in 1990, the highest figure at the time for any large city in the nation. When the quota was lifted in 1991, the female share of new hires plummeted from 50% (required under the court order) to 8.5%, and by 2001 the percentage of women in the rank of police officer had dropped to 22% and was continuing to decline. (National Center for Women and Policing 2003). The clear implication—that court-ordered affirmative action has played a pivotal role in diversifying police departments—is confirmed by more sophisticated and broad ranging statistical analyses of police hiring in the United States (see, e.g., Martin 1991, McCrary 2003). Because the statistics regarding gay and lesbian officers are so paltry, it is more difficult to assess the role of lawsuits here. Anecdotally, though, lawsuits appear to have played a significant role in spurring departments to become more welcoming to, and tolerant of, openly gay and lesbian cops, just as earlier lawsuits were pivotal in bringing

more race and gender diversity to policing (see, e.g., Belkin & McNichol 2002, Hernandez 1989).

All this gives reason to be concerned about the recent contraction of court-ordered affirmative action in the United States. Turnover in police departments is low—typically about 4% annually—so it takes many years for changes in hiring practices to have their full effect on workforce composition (see McCrary 2003). With affirmative action increasingly under fire in the United States, hiring and promotion quotas are often lifted before the demographics of police forces are brought fully in line with the communities they serve. Backsliding at that point is a real possibility—as Pittsburgh discovered. The Pittsburgh experience serves as a warning about what may happen elsewhere, and may in some respects already be happening. The nationwide increase in the representation of women in large police departments, for example, appears to have stalled since 1999, and the percentage of officers who are female in these departments may have ticked slightly downward (see National Center for Women and Policing 2003).

The danger of losing ground in the gradual diversification of American police forces has received less attention than it deserves. Part of the reason may well be the Police Subculture Schema, which conditions us to see police officers as fungible, police occupational norms as unchanging, and police demographics as functionally irrelevant. Cognitive burn-in has made it harder to see the dramatic though still incomplete ways in which the internal dynamics of police forces have been transformed, and how much rides on continuing that progress.

Overlooked Dangers: Police Managerialism

The Police Subculture Schema focuses attention on the occupational norms and practices of the police rank and file. Police leaders almost always start their careers as patrol officers and work their way up the ranks, but by the time they become managers, it is generally assumed, they are no longer part of the subculture. The police professionalism movement was predicated, in part, on this assumption; much of the point of police professionalism was to replace unwritten, rank-and-file norms with explicit rules imposed from above. An influential study in the early 1980s argued that "management cops" have their own culture, separate and distinct from "street cop culture". But "management cop culture" essentially consisted of a commitment to rules and regulations and a faith in "the theories and practices of scientific management and public administration." In contrast, street cop culture was a real culture, replete with socialization practices, informal role assignments, and an elaborate set of unwritten maxims of conduct—"the cop's code." (Reuss-Ianni and Ianni 1983: 257, 266). Not surprisingly, then, it is the street cop culture, not the management cop culture, that has continued to receive the lion's share of the attention from scholars and reforms, and the lion's share of the blame for the weaknesses and pathologies of law enforcement.

But alongside the social realignment within police forces, described above, there is another cultural change brewing in law enforcement, and focusing on the rank and file

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makes it harder to see. There has been a pronounced shift toward managerialism in American policing, and the change is most apparent in the command ranks.

The new managerialism of law enforcement has been driven in part by a shift of policing responsibilities to the private sector, discussed more extensively elsewhere in this book. Borrowing terms from Philip Selznick (1969), Elizabeth Joh (2004: 65-66) suggests that at bottom the difference between private policing and public policing may be the difference between "management" and "governance"—between organizations that emphasize "efficiency and goal achievement," and organizations that "take[] into account broader values such as integrity, the accommodation of interests, and morality." Selznick developed this distinction as part an argument for workplace democracy; he was part of a broad intellectual movement in the late 1960s and early 1970s that saw workplaces as particularly promising sites for participatory democracy. I discussed earlier the reasons why efforts to extend that kind of thinking to policing proved largely abortive. The frightening forms that police activism took in the late 1960s and early 1970s dulled the appetite of scholars and reformers for bringing any kind of participatory management to law enforcement. The idea was pretty much dead by the end of the 1970s, and it has never really been revived.

In some respects, though, democratic values *have* been brought into the internal operations of police workforces. Over the past three decades, police departments have become heavily unionized, and police officers have been given, by statute and court decision, a robust range of due process protections against adverse employment decisions. As we have seen, police workforces are also far more diverse than they were thirty years ago, far less monolithic, far less insular, and far more open to dissent and disagreement.

Police privatization puts these gains at risk. In a recent, illuminating study of a large Canadian security firm, George Rigakos (2002) found a workplace marked by extraordinary efforts at monitoring, controlling, and disciplining employees, and by levels of alienation and cynicism remarkable even in comparison with what we have come to expect from public law enforcement officers. There is no reason to think other security firms would look strikingly different in these regards. It may be possible, of course, to bring public values of employee due process and participatory decisionmaking to the private security industry. The industry is currently the target of a major organizing campaign (see Greenhouse 2006), and workplace democracy could be imposed by statute on private security firms—just as on any other private firm. At bottom, though, what a private security firm offers its customers is, as Rigakos puts it, "a management system for hire" (Rigakos 2002: 148). This will likely make public norms regarding the *internal* operation of police forces the hardest to export to the private sector. Their internal operations—overwhelmingly nonunion, unburdened by civil service rules and "police officers' bills of rights," relentlessly focused on efficiency and narrowly drawn performance goals—are precisely what the private firms have to offer. It is what distinguishes one firm from another, and what still, despite the spread of public sector managerialism, most strongly distinguishes private policing as a whole from public law enforcement. If the current trend toward police privatization has any single point, after all—other than retreating from a collective commitment to egalitarian protection against

illegal force—the point is to escape, to circumvent, or to limit the domain of the organizational styles associated with public law enforcement, and to move the internal operations of policing some distance from governance toward management (see Sklansky 2006b).

Rather than serving as the model for private policing, public police agencies may find themselves copying the strategies, rhetoric, and self-conception of the private police—much as Henry Fielding's Bow Street Runners brought the entrepreneurial spirit of thief-taking to the eighteenth-century London magistracy, and J. Edgar Hoover later mimicked the marketing tactics of Alan Pinkerton (see Sklansky 1999). Some police departments may already be drifting in this direction, pulled along by the mounting tendency for the public and private police to see themselves as partners, "with similar goals but different approaches and spheres of influence" (International Association of Chiefs of Police 2004: 1, see also Joh 2004).

In principle, the expanding cooperation between public law enforcement and the private security industry, and the growing feeling of affinity between the two sectors, could facilitate a transfer of norms in either direction. In practice, though, there is little evidence so far of private security firms becoming more mindful of values beyond efficiency and the achievement of narrowly-defined goals. It is easier to find signs of police departments becoming more "managerial," both in their practices and in their sense of organizational mission. Probably the best example is Compstat, the New York Police Department's statistics-based system of performance evaluations for mid-level supervisors, now emulated throughout the nation (see, e.g., Walsh and Vito 2004). But the growing managerialism of police departments is a much broader phenomenon (see, e.g., Garland 2001, Loader 1994, Wood 2004). Even the "client-driven mandate" of private security firms may be crossing over to the public sector: one of the many plausible definitions of "community policing" is "police treating a neighborhood the way a security guard treats a client property" (Sherman 1995: 338-39). Police unions, with their guild instincts, may slow growth of managerialism in some public law enforcement agencies (see Fleming and Lafferty 2000, O'Malley and Hutchinson 2005). But there are signs that police unions, too, are beginning to adopt, out of necessity, the rhetoric of managerialism (see McLaughlin and Murji 2001).

None of this is unambiguously bad. Managerialism has its strengths. Compstat, for example, may have contributed to New York City's unusually sharp decline in crime rates in the 1990s (see, e.g., Moore and Braga 2003, Walsh and Vito 2004)—although this is very much a matter of debate (see, e.g., Levitt 2004, Rosenfeld *et al.* 2003). The rapid spread of managerialism in public policing is cause for concern, though, because of the way in which it threatens to supplant older—and some newer—traditions of governance in public law enforcement with a focus on efficiency and narrowly defined goal achievement. "Community policing," for example, has at times meant something quite different from adopting the mindset of private security firms; it has meant reducing the organizational insularity by opening new channels of communication and cooperation with a variety of outside groups, both governmental and nongovernmental. Officers in these departments have been forced, regularly and systematically, to confront and to accommodate conflicting views of their mission and conflicting notions of how best to

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balance liberty and security (see Thacher 2001). They have been pushed away, in other words, from a single-minded focus on a narrow set of performance goals; they have been driven from management toward governance. It would be a mistake to overstate the extent of this trend in public policing. But there is no corresponding trend whatsoever in the private security industry.

A final caveat: there are grounds for strong skepticism about how strongly the official ethos of a police organization, public or private, shapes the behavior of officers out on the streets. Rigagos found that the private security guards he studied thought and acted, in many respects, much like public law enforcement officers engaged in similar work, and for much the same reasons. Among private police, just as among public police, "conditions of dependent uncertainty," "status frustration," and physical risk breed "a strong occupational ethic of interdependence in the face of immediate or impending dangers"—"not unlike the occupational codes of public police agencies" (Rigagos 2002: 119-20).

That is exactly what the Police Subculture Schema would predict, of course. It is one more piece of evidence that the schema retains considerable explanatory power. But the grounds for concern about the Police Subculture Schema have to do less with what it suggests than with what it obscures. The problem with a burned-in image, even a good one, is what it prevents us from seeing.

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