

# **Professional Issues in Criminal Justice**

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## Forward from the Editor

To the reader,

It seems as if it were just yesterday when I wrote the introduction to our inaugural issue of *Professional Issues in Criminal Justice (PICJ)*. Since the printing of that first issue, there has been a continual flow of activity from the editorial office. Indeed, during the past three months, the routine of operating a professional journal has been quickly set into motion and all parties involved have been called to the task. Article submissions have been received, reviewers have provided substantial contributions, and our editorial staff have worked diligently to get this second issue to print. Throughout this process, I have had the distinct pleasure of providing my own initial review of a number of quality submissions that have been received by our office.

I have found this experience to be both rewarding and enlightening. From my own position, I have had the unique opportunity to observe the current research of a number of scholars and practitioners within the field of criminal justice. This has allowed me to gain a richer exposure to the efforts of experts within our field and this has also left me with an understanding that the field of criminal justice is truly dynamic and broad in scope.

It is this last point that I would like to consider as the focus of this introduction to our second issue. The field of criminal justice (all segments included) is one that is in a constant state of change. This is certainly true for practitioners and it is equally true within the halls of academia. The sources for this change are many, but might include innovations in technology, new legal precedents, the passage of laws, and/or the occurrence of natural disasters or other tragedies. In all of these cases, the criminal justice practitioner and the criminal justice scholar are greatly affected. Likewise, the field of criminal justice is broad in scope, with issues ranging from the traditional segments of the justice system (police, courts, corrections) to any variety of historical events where law or public policy may come into play. In addition, there is an entire field of research and literature on various aspects of higher education and practitioner training within the criminal justice field. This aspect of the discipline is likewise in a continual state of transformation as researchers make new discoveries, professors and instructors integrate these discoveries into their own class lectures, and curricula are revised to reflect these discoveries. The reader is asked to keep all of these aspects in mind as we explain the structure and content of this current issue.

As you may recall, it was noted in our first issue that readers should expect to see a special “think-piece” article with the intention of providing a unique or contemporary topic to the reader. The selection of such an article could be based upon any number of criteria (i.e. a controversial issue, a technological breakthrough, a recent and crucial Supreme Court ruling, etc.). However, such article would need to be quite unique in subject matter or in its overall contention, to be considered suitable for such placement within *PICJ*. The specific topic for selection as a think-piece article is deliberately left open to ensure that a broad range of possibilities are provided to our readership.

Thus, our “*PICJ* Think-Piece” article for this issue, entitled *The Benefits of Philosophical Analysis for Criminological Research, Pedagogy and Practice*, represents a deliberate attempt to demonstrate that *PICJ* is committed to providing a broad sense of appeal to scholars and practitioners, both within the realm of higher education and the day-to-day work environment. Further, this article is very unique in orientation, being written by two scholars with backgrounds in both the academic field of philosophy and criminal justice education. This article is also a bit divergent from the mainstream articles that may typically be seen in most issues of *PICJ*, but was chosen because of its unique flair and the unorthodox questions that the authors raise when considering teaching within the fields of criminology and criminal justice. One thing is for certain, readers will find this selection to definitely be a “thinking piece” as the article is written with great depth and aplomb as is befitting any scholarly work written by true philosophers.

In this think-piece article, the authors contend that a philosophical analysis can improve and enrich the current teaching of criminology. These authors note that a richer philosophical basis will provide more depth and breadth to the student’s understanding of crime and punishment, as well as any number of other aspects of criminological theory. In addition, this article highlights the importance of philosophical ethics when teaching and training educators and practitioners in the discipline. The connection between philosophical ethics and socialized norms and mores should be intuitively obvious. Such connections can enrich the field of criminology and would likewise foster further theoretical development in the field. Given the dearth of new theories in the past two decades and given the fact that criminological theory still has yet to come anywhere near to fully explaining the phenomenon of crime, it may well be that such a perspective can enhance both the understanding of the field and the utility of that field. Such practical utility would then ironically spawn from a somewhat esoteric philosophical basis.

Our second article, entitled *Possible Antecedents of Correctional Staff Work on Family Conflict*, provides a unique perspective on correctional work and its effect upon family functioning. In essence, the authors examine how employment within the field of corrections may impact the family system that includes those persons related to the correctional worker. The authors, through the use of regression techniques, examine the impact of multiple work environment stressors and antecedents upon the family's overall ability to mitigate conflict. These authors found that the position held by the worker, their status as a supervisor (as opposed to non-supervisory staff), the perceived dangerousness of the job, fairness in the organization, and role ambiguity affecting correctional workers served to exacerbate conflict in the family of that correctional worker.

The third article, entitled *Police Knowledge of Older Populations: The impact of Training, Experience, and Education*, provides a look at an issue that is destined to be of increasing importance to society (both the United States and abroad) during the next several decades. In the United States, there is continual reference to the "graying of America," as the United States elderly population continues to increase proportionally. This has placed demands upon any variety of public and private industries, social service agencies, as well as the criminal justice system itself. In addition, such demands are requiring modifications in both law enforcement and corrections, with additional training being a critical component of these necessary modifications. The authors in this article note that law enforcement will continue to have increasing interaction with older populations over the next two decades and point toward the need for in-depth training in this area of service delivery. The current research on law enforcement responses to the older population has focused on either narrow topics related to elder abuse or overly broad topics such as the respondent's general perceptions of the elderly population. The article presented in this issue provides a direct examination of peace officer knowledge of older populations and demonstrates that formal education of officers as well as increased training can lead to increased knowledge of older populations. This is naturally bound to affect overall service delivery to the elderly community and the authors discuss the implications and the policy considerations that are likely to stem from this research.

Our next article, entitled *The Los Angeles Police Department's West Point Leadership Program: Participant Survey*, highlights the effectiveness of leadership training among command-level staff. In particular, the survey focuses on the post-hoc perceptions of the participants in the program to determine their own appraisal of the program's effectiveness in providing leadership training. One interesting finding is that most participants noted that their primary reason for participating in the program revolved

around the desire to gain and/or enhance leadership skills and abilities; this was in direct contrast to the hardly mentioned desire for increased compensation and/or advancement. Though these responses could result from reservations on the part of participants to fully disclose such extrinsic forms of motivation (despite the assurance of anonymity), the results do tend to be in agreement with much of the leadership research that points toward the fruitful use of transformational aspects of leadership and the value of intrinsic rewards that are inherent among persons that are focused on true career development. Presumably, respondents at the command-level of leadership would fall within such a category. Regardless, the findings presented by these authors do make one point clear – leadership training provides a sense of satisfaction and increased competence among supervisory staff that choose to participate in such training. This alone has merit and value for all types of agencies throughout the criminal justice system.

The fifth article, entitled *An Examination of Racial Profiling Data in a Large Metropolitan Area*, is the first of two articles that we present on the issue of racial profiling. In this first article on this issue, a quantitative analysis is provided that examines potential statistical support within the jurisdiction of a large metropolitan police department. The research presented by this author utilized data collected by the police department itself and analyzed various aspects of the data related to traffic stops and the charges that were correspondingly derived from those stops. One specific point of interest in this research centered on determining whether case processing of African American suspects reflected more pronounced disparity than did the case processing of other minority groups in the area. Ultimately, the author did find some statistical support for disparity in police stops for both the African American and Asian American communities. In addition, this article does note that there was more disparate processing for African American suspects than for suspects belonging to other minority groups. Though the reasons for these findings are not completely clear, the research presented by this author demonstrates the potential importance for such agency evaluations and also points the way toward further agency analysis and policy implementation.

Our sixth and last article, entitled *A Collection of Traffic Stop Information and Biased Enforcement: The Research and Legal Perspective*, is the second article that is presented on the issue of racial profiling. This article examines the issue from a different perspective than does the article that precedes it. The authors provide a legal examination that is combined with information from secondary data sources to demonstrate the implementation of statistical summaries regarding officer traffic stops. The authors specifically examine the effects of *The Illinois Traffic Stop Statistical Study Act*, an act



within the state of Illinois that mandates the recording of such data among state and local law enforcement agencies. These authors provide an excellent examination of the research components and the legal issues associated with the design and implementation of this program. Thus, this second article on racial profiling shows the policy outcomes that are shaped by public concern over this issue. This article also demonstrates the means by which many police departments seek to avoid such practices while also demonstrating accountability to the public. When combined with the article that precedes it, this article provides a multifaceted and thorough examination of this issue, providing a glimpse of both the research and policy-making aspects that tend to go hand-in-hand with one another when making service delivery refinements and modifications in the field of law enforcement.

As can be seen, there is a broad array of topics included in this issue of *PICJ*. Each article has its own unique point or purpose that likewise provides a unique contribution to the field of criminal justice. This is the precise desire of *PICJ*, since it is expected that our readership will continue to include persons from all aspects of the criminal justice field and the criminal justice academic discipline. As we noted in our first issue, readers should expect to see a similar format and a similarly diverse selection of articles during all of our even-numbered issues. On the other hand, our odd-numbered issues will carry a predetermined theme throughout all of the articles in that respective issue - with our third issue focusing on terrorism and counterterrorism. Thus, this current issue of *PICJ* has lived up to our prior stated expectations and we have every reason to expect that our fourth issue will also contain a similarly varied and unique selection of articles.

Naturally, it is my hope that our readership will find this issue of *PICJ* to be both informative and useful to their own research, teaching, and/or practice within the field. I genuinely do encourage our readership to provide comments so that we can continue to refine our efforts in providing articles that make a substantive contribution to our field. Likewise, if you are interested in submitting to *PICJ*, you are certainly encouraged to do so. Our editorial and review staff is both able and ready as we continue to prepare for the future issues that lie ahead.

Sincerely,

Robert D. Hanser, Ph.D.  
Editor-in-Chief, *PICJ*



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# The Benefits of Philosophical Analysis for Criminological Research, Pedagogy and Practice

**Andrew N. Carpenter and Craig N. Bach**

The skills and techniques of philosophical analysis, broadly construed, can enhance the professional practice of criminology. In this essay, we discuss the benefits of the philosophical metascientific work carried out in the philosophy of crime/criminology. We then turn to a discussion of how philosophical analysis of texts from the philosophical canon can help students of criminology to understand more incisively foundational issues of the discipline and key criminological concepts, as well as support theory development. We also explore ways philosophical training and collaboration with professional philosophers can support innovative criminological research. Finally, we advocate intensive engagement with philosophical ethics as a means for helping criminological educators, researchers, and practitioners to secure nuanced assessments of the rich ethical dimensions of criminology.

In this paper, we provide an overview of how each of four philosophical practices can inform the practice and pedagogy of criminology, and by doing so lay the groundwork for greater collaboration among philosophers and criminologists. In looking to identify how the practice and pedagogy of criminology could make use of philosophy and the tools of philosophical analysis, we first turn to the foundational role philosophy can play as developed in the philosophical metascience known as the philosophy of crime/criminology (Arrigo & Williams, 2006). Another important intersection between philosophy and criminology involves the use of works from the philosophical canon to ground theory development, provide important paradigmatic discussions of core ideas, and help students to acquire important analytical skills. A third area of investigation is the use of philosophical tools in social science research. We end the paper with a more sustained discussion on the benefits of developing a philosophical ethics for criminology.

## **Philosophical Metascience in Criminology**

The philosophy of crime/criminology sits within the broader field of the philosophy of social science, and, like its counterparts from other fields such as the philosophy of mathematics and the philosophy of science, it is comprised of a collection of epistemological, ontological, ethical, and aesthetic positions that seek to explain the fundamental nature of the science and the conditions which define the possibility of its

existence. However, unlike its more mature counterparts, the philosophy of crime/criminology is an underdeveloped field in its nascent stages (Arrigo & Williams, 2006, p. 15), and remedying this deficiency could lead to significant innovation in criminological pedagogy and research. This is why, as we explain in more detail below, we believe that criminology would be strengthened if degree programs in criminology provided students with relevant philosophical training, if criminological researchers directly engaged key philosophical issues, and if criminological researchers, teachers, and practitioners exploited opportunities for fruitful collaboration with professional philosophers.

To be sure, criminology is not dependent upon the philosophy of crime/criminology in any direct way; the conceptual relationship between the two fields is not that concrete. This fact is not unique to criminology. Mathematics, for example, is not dependent on results in the philosophy of mathematics (or not usually) – a fact about which many mathematicians are quite vocal. However, there are moments of fracture in the history of mathematics when long-held assumptions at the heart of mathematical practice were challenged by controversial results (e.g., Zermelo's choice axiom, the set-theoretic paradoxes, Gödel's incompleteness theorems). During these times, mathematicians engaged seriously in questions of philosophy in order to better define their own practices and resolve seeming contradictions that threatened their work.

Great controversies in a scientific discipline are rare and the application of philosophy in these cases is somewhat esoteric. However, we needn't wait for an upset in the field to take advantage of the benefits of increased philosophical engagement. The example of mathematics points to the kinds of benefits that support the engagement of criminologists in the philosophy of crime/criminology. These benefits include a more precise and incisive understanding of core concepts, methodologies and practices in the field, and the new perspectives gained by the kinds of analyses involved in the philosophical study of criminology can spark new avenues of inquiry and innovation. Philosophical engagement with the foundations of criminology stands as one powerful source of refinement and innovation in the field.

It is also worth noting that the benefit to criminology of engaging philosophy travels both ways. As Arrigo and Williams (2006) note, the specific details of criminology can lead to contributions in epistemology, ontology, ethics, and aesthetics. Thus, the discipline of philosophy can benefit from philosophical engagement by—and scholarly collaboration with—criminologists.

### The Philosophical Canon in Criminology

Perhaps the most common use of philosophy for teachers of criminology is the assignment of works from the canon of historical philosophical texts. Students are asked to read the “great works” of philosophy that provide the first, and sometimes foundational, conversations on topics central to the study of criminology. The examples of this use are too plentiful to detail here, but include Socratic (Apology, Protagoras) and Aristotelian (Nicomachean Ethics) discussions of wrong action (incontinent behavior) and its relationship to appropriate punishment (Plato 1995; Aristotle 1995), Plato’s discussion of justice in the *Republic* (1995), Dostoyevsky’s discussion of crime in *Crime and Punishment* (1886/2006), Foucault’s critique of Enlightenment assumptions in *Discipline and Punishment: The Birth of the Prison* (1975/1995), or Hobbes’ discussion of the law in the *Leviathan* (1651/1996). In all cases, the readings present content that informs contemporary discussions on crime and provide a theoretical framework for those discussions.

The pedagogical outcomes of assigning works from the philosophical canon go beyond the content of the positions and theoretical frameworks contained within them. Most philosophical texts notoriously are difficult – reading them well requires developing certain philosophical skills. These skills include, identifying, reconstructing and evaluating logical (argumentative) structures; isolating and outlining salient positions; developing counter arguments or counterexamples, describing and evaluating the structure of the text in its entirety, and comparing positions found in other philosophical texts. All of these skills can enhance the student experience and study of criminology, and thus the use of these texts should not be limited to just reading them for a cursory description of content but should involve teaching students how to actively engage philosophical texts.

For these reasons, we conclude that serious engagement with philosophical texts is a significant means for enhancing the skills and insights of criminology students. To maximize these benefits, we advocate criminology instructors receiving specialized training in philosophical analysis and collaborating with professional philosophers as they design and deliver philosophically-oriented learning activities. This collaboration would also provide new contexts for the application of philosophical texts and as such enhance their use in the philosophy classroom as well.

The use of the philosophical canon also has benefits for practitioners and researchers in the field. The most important of these benefits is the development and extension of theoretical frameworks within which to discuss issues in criminology. To illustrate some of the many examples already found in the field, we refer readers to Agozino’s (2003) use of Baudrillard to challenge assumptions of scientific objectivity in the practice of criminology, Goodrich’s and Valverde’s (2005) use of Nietzsche to develop a

critique of legal theory, and Lyng's (2004) adoption of Habermas to discuss risk taking in criminal behavior. We are encouraged that this use of philosophical texts is well-established within criminology, and that its benefits are widely recognized.

### **Philosophy and Research Methodology**

In a meaningful way, a research project is just a type of argument, presenting evidence (premises) intended to answer a research question (arrive at a conclusion), and a research method is the skeleton (structure) of that argument. As such, the logical tools developed within the fields of formal logic, philosophical logic, and informal logic (subfields of philosophy) are particularly well suited to describe the argumentative structures used in both qualitative and quantitative research. While some textbooks cover the basic structure of cause-effect experiments, briefly mention the syllogistic form, or distinguish between deductive and inductive arguments, more sophisticated logical formalisms are rarely used to explain or discuss the various methods used in research. We believe that, in addition to pedagogical benefits, the collaboration between philosophers and social scientists could lead to new areas of study, or greater nuances in existing areas, in the field of social science research design and methodology.

A second area of collaboration between philosophy and criminology is motivated by a simple philosophical observation. A research method is, in the simplest terms, a systematic means to arrive at knowledge. But, as a means of gaining knowledge, the selection of a research method requires that the researcher make assumptions about the appropriate means to acquire that specific knowledge, the kinds of objects the researcher can come to know, and the role of the researcher in that process. In other words, each research method is a formalization of a set of epistemological and ontological assumptions about the world and our place in that world. However, the benefit of this kind of philosophical discussion in the practice of social science research is seldom articulated and implemented. Textbooks sometimes provide cursory discussions of relevant issues in epistemology, ontology, or logic, and even when these discussions are more detailed they are often lacking appropriate sophistication and are idiosyncratic. Additionally, if we look at current research practice as presented in research articles in criminology, and social science more broadly, we find even fewer examples of the use of philosophical analyses.

This is not an indictment of current social science research methodology texts, pedagogies, or practices – the argument has not yet been sufficiently made that detailing the philosophical foundations of the various research methodologies improves outcomes for students, or that there are philosophical research techniques (Ross, 2006) that can add practical value to current research methods. We will begin that argument below by



illustrating two examples of how philosophical analysis can provide insights into the practice of research.

### *Taxonomies of Learning Outcomes*

Like other researchers into student learning, researchers who assess the efficacy of criminal justice education often develop a set of learning outcomes and a collection of mechanisms to collect data that provides information as to whether students are meeting the stated outcomes. Often, these outcomes are given a hierarchical structure (e.g., general-specific, Bloom's taxonomy, Maslow's needs hierarchy, Kolb's learning cycle) or organized across different categorical structures (e.g., Gardner's multiple intelligences, Perry's categories of knowing). For example, a common taxonomy of outcomes is to structure them using an embedded hierarchy. The larger hierarchy structures outcomes from specific/concrete to general/abstract (e.g., lesson outcomes to program outcomes) and within each of these levels, outcomes are ordered by cognitive complexity.

This all may seem straightforward; however, there are several areas of imprecision that impact the validity of these structures and therefore impact the validity of the educational research developed using them. For example, there are inconsistencies within many implementations concerning how program/course/lesson outcomes are defined: What are the appropriate levels of generality in which to express them? How do we identify when one outcome falls under another outcome of greater generality? To address both these concerns, we would expect to see a set of criteria, definitions, and necessary and sufficient conditions to refine and delineate the concepts and relationships at issue. In addition to these criteria, definitions and conditions being consistent, well-formed and capturing the relevant concepts, we would also expect that they are meaningfully connected to student learning in important ways. Each of these expected results describes the results of an appropriate philosophical analysis.

### *Conceptual Analysis*

In our second example of how philosophical techniques can enhance research, we discuss how sustained conceptual analysis allows researchers to identify and resolve conceptual confusion within their operational definitions. Lippke (1996) uses a conceptual analysis of punishment to argue that the crime reduction and retributive approaches to legal punishment rest on mutually incompatible philosophical assumptions. We submit that Lippke has identified philosophical tensions that are relevant to criminological research into "mixed" theories of legal punishment that seek to integrate crime reduction and retributive concerns.

Specifically, this stands as an example of a case where additional conceptual analysis of the main concepts allows criminological researchers to set up their research projects correctly: without additional philosophical analysis, attempts to define operationally variables related to mixed conceptions of punishment are likely to generate the conceptual tension and inconsistencies Lippke identifies. Put slightly differently, this is a case where sustained philosophical analysis allows researchers to operationalize their key concepts within a philosophical context that is conceptually richer and more sophisticated than operational definitions made solely in terms of research parameters. Identifying and resolving conceptual tensions and contradictions is a key area for fruitful collaboration between philosophers and criminologists: philosophers have developed extremely powerful techniques and skills for diagnosing and resolving conceptual confusions and tensions, and there also exists a large body of philosophical literature addressing concepts central to criminological research -- in this case, for example, the writings on punishment by the philosophers Hegel (1821/1965), Hart (1968), and Rawls (1999).

### **Philosophical Ethics and Criminology**

Philosophical engagement with ethics can enhance criminological pedagogy, research, and practice. Because it involves sophisticated reflective assessment of ethical issues and dilemmas, this activity is markedly different from non-philosophical ethical training that focuses on applying a set of pre-existing ethical standards to a few, usually simplified, case studies. The benefits of adopting a specifically philosophical perspective on ethics are significant: philosophical ethics provides its practitioners with skills and insight that allow them, first, to understand more fully complex, ethically-fraught situations, second, to more accurately plan ethically appropriate responses to these “messy” real-life situations, and, third, to more effectively implement ethical choices. In this section, we describe the benefits to students, researchers, and practitioners of criminology of attaining what we label a “philosophical ethical perspective.”

Since much contemporary philosophy is highly technical and inaccessible to non-specialists, our claims about the importance of philosophical ethics for criminologists might seem implausible. Within the discipline of philosophy, however, applied ethics stands as a field that embraces practical relevance. The tools and techniques of applied philosophical ethics are accessible by criminological researchers, practitioners, and students, and our purpose is to discuss ways that the skillful application of these tools and techniques can benefit criminology.

*Philosophical Ethics in the Criminal Justice Classroom*

Pollock (1993) maintains that courses in ethics should be included in every undergraduate and graduate criminal justice degree program. We too support the inclusion of ethics courses in criminal justice programs, but we also believe that these courses are most valuable when they are designed and delivered by instructors who have been trained in philosophical ethics. This may be accomplished by providing criminal justice professors with specialized philosophical training, by collaboration between criminal justice faculty and philosophers, or by instruction carried out by philosophical ethicists who have had relevant criminal justice training. We thus call for greater use of specialized philosophical skills and training in criminal justice pedagogy.

The approach we advocate requires distinctively philosophical content, focus, and objectives. With respect to content, a philosophically engaged criminal justice ethics course will discuss not only specific ethical standards, codes, and practices, but also the rational foundations on which those items rest. Students in a philosophically-informed ethics course will also learn philosophical methods of analysis and criticism and a basic understanding of normative ethical theories to assess and critique their own and others' ethical perspectives. As we explain below, the true power and relevance of a philosophical course in professional ethics rests on the ability to assess ethical attitudes and beliefs and decision-making processes from a foundational perspective.

Such a course distinguishes itself from a strictly philosophical course in theoretical ethics, which would focus on the fine points of ethical theory and may not discuss real-life situations and applications at all; and also differs from a less reflective course in applied ethics that focuses on describing and applying to case studies key ethical standards, but does not include philosophical reflection on, and assessment of, the rational and theoretical foundations of those standards. That this style of course differs from those commonly taught in philosophy and criminal justice programs is one reason why we call for philosophers and criminal justice specialists to work together to design and implement professional ethics courses for criminology students. A second reason is related to Kleinig's (1998) conclusion that many criminal justice ethics courses employ ethical theories in too abstract a manner: we believe that specialized philosophical training and skills provide conceptual tools for exploring in a sophisticated and nuanced way specific connections between ethical theories and real-life experiences and decision-making.

A philosophically engaged course in applied ethics will also have a distinctive focus, namely on the development of valuable philosophical skills. Relevant skills identified by Ross (2006) include sophisticated philosophical reasoning and argumentation, detecting fallacies and unvoiced assumptions, performing conceptual

analysis, and planning and carrying out nuanced thought experiments. We add to this list the specifically ethical skill of using a richly creative ethical imagination to understand how others experience the world.

These skills can help one to recognize and interpret moral issues as they arise in real life, and especially so when they are developed and manifested in a philosophical manner. This occurs when the rich philosophical content we have described informs a nuanced discussion of ethics that better mirrors and engages real-life ethical complexities than do less sophisticated discussions or more simplistic applications of moral principles to artificial case studies. In this way, philosophical discussion, analysis, and argumentation provide superb preparation for applying students' ethical training to the situations they will confront in the future. A course designed to do this will thus avoid what Caplan concludes are fatal flaws of shallow discussions of applied ethics: "oversimplifying, overidealizing, or underestimating the complexity of human behavior" (1980, p. 30).

Among philosophers who have discussed techniques for promoting this type of philosophical discussion, Callahan (1998) discusses strategies for achieving classroom emotional dynamics that promote deep philosophical engagement and Carpenter (2004) describes strategies for achieving this level of engagement in online discussions. Within the criminal justice literature, Pollock's (1993) discussion of reaching a systematic philosophical synthesis of key criminal justice concepts is an example of how a criminal justice educator has promoted sophisticated philosophical dialogue in criminal justice ethics courses.

This approach is especially well suited to adult learners who can discuss complicated situations they have experienced in their own professional lives, but also works well when a philosophically skilled facilitator introduces real-life complexities to a classroom of learners with little or no professional experience. For all learners, we believe that a philosophically sophisticated discussion can help students to understand the ethical significance of situations that are far more complicated than the pat examples and artificial case studies commonly found in textbook discussions of professional ethics.

A second and related skill that a philosophical course in ethics can provide is an enhanced ethical imagination. Philosophical reflection, analysis, and assessment of one's own ethical beliefs and attitudes, of the ethical consequences of public and institutional policies, and of cultural norms and values is an extremely effective way of overcoming "ethical parochialism." Engaging in this reflection cultivates the ability to understand the ethical perspectives of those different from oneself, and in this way allows students better to perceive how their actions and attitudes affect the members of the diverse communities in which they act. This ability to creatively project how others experience the world

obviously has great practical relevance and is a key skill for allowing students to perceive and accurately interpret the ethics of complicated real-life situations.

A philosophical ethics course should also focus on the development of sophisticated analytical and critical skills that promote nuanced ethical decision-making, and especially decision-making in situations where there exists significant ethical disagreement. Increased analytical and imaginative sophistication allows students to confront differences in ethical perspective more constructively (e.g., without becoming defensive, offended, or relying on a vulgar moral relativism as a means for evading substantive ethical disagreement). A sophisticated philosophical discussion and assessment of moral difference can have two constructive outcomes. First, careful analysis may show that what initially seem to be irreconcilable ethical perspectives in fact rest on significant shared ethical commitments. Second, mutual recognition of these commonalities, in turn, can help students either to understand that it is possible to resolve their differences or can provide a basis on which future cooperation is possible even when such resolution is impossible.

Philosophical analysis also allows students to identify and discuss the sources of ethical conflict and disagreement in a sophisticated, incisive, and clear manner. Being able to articulate such differences in this way promotes creative imagining of diverse perspectives, provides useful data for assessments of ethical options, and can help students to reach decisions about how to act even when a real-life situation generates serious ethical disagreement. For these reasons, the skill of philosophical analysis is a key element of the general “philosophical perspective” described above. The need to teach this skill effectively and efficiently is another reason why we believe professional ethics courses in criminology are strengthened by the involvement of professional ethicists.

Turning briefly to the design of a philosophical course in applied ethics, the philosophical content and focus described above require and support philosophical course objectives. First, the course must be designed to promote and assess the development of philosophical analytical, critical, and imaginative skills. Second, the course must be designed to construct and assess sophisticated ethical dialogue that engages ethical differences in a philosophically nuanced manner that avoids the dialogical traps of defensiveness, offensiveness, and the escape into relativism. Third, the course must be designed to provide students with insight and skills that allow them accurately to interpret and efficiently to respond to the true ethical complexity of the most important and challenging situations they confront in their professional lives. We submit that the philosophical ethical perspective that we endorse is uniquely effective at promoting these

ends, and we therefore conclude that philosophers and philosophy have much to contribute in the criminal justice classroom.

We close our discussion of teaching and learning by noting that philosophical ethics is valuable in other parts of the criminal justice curriculum. For example, training in philosophical ethics brings many of the benefits described above to discussions of the ethics of research in research methods courses. Likewise, philosophical perspectives and skills could be useful in statistics courses that discuss the ethical use of statistical data. Just as adopting a philosophical perspective adds much to criminal justice students' study of professional ethics, so can nuanced philosophical assessments allow students to perceive and to analyze the complicated ethical dimensions of research and data use in real life. To summarize, the philosophical skills and perspective described above allow students to make better ethical choices in their personal and professional lives, and this outcome is significant throughout the criminal justice curriculum and beyond.

### *Philosophical Ethics in Criminological Research*

Designing, implementing, and disseminating the results of research studies are rife with ethical significance. Ethical issues and dilemmas can arise in multiple contexts, including the actions of individual researchers, the actions of research teams, the treatment of research subjects, the gathering, storage, and dissemination of research data, researchers' relationships with the sponsors of research, and researchers' relationships with the scientific community. Moreover, various styles of research—experimental, historical-comparative, ethnographical, evaluative, etc.—each raise their own ethical issues and dilemmas. Issues of consent, anonymity, confidentiality, privacy, and accurate prediction of potential risk and potential benefit are also ethically significant.

The ethical perspective and the philosophical imaginative and analysis skills described above can help researchers to understand, to assess, and to anticipate ethical issues in their research. Just as students can use their grasp of the philosophical perspective to construct sophisticated and nuanced ethical dialogues that provide them with better insight and more accurate understanding of the ethics of complex situations, so too can researchers use that same perspective and the identical philosophical skills to secure a more comprehensive, more sophisticated, and more accurate assessment of the ethical consequences of their research.

To be sure, researchers with no specialized philosophical training have designed ethical codes and practices of consequence and have used them effectively. Our analysis of applied philosophical ethics, however, leads us to conclude that researchers who either possess prior rigorous philosophical training, or who collaborate with professional ethicists in the design and implementation of their research, are better able to understand and to

respond appropriately to the ethical obligations of their research than are those who do neither of these things. For the same reason, we advocate including professional philosophers who engage in applied ethics on institutional review boards and other bodies that participate in the design and oversight of research. If the philosophical perspective we have endorsed here is as powerful as we believe it to be, then there exists a significant opportunity for social scientists to collaborate with philosophers to improve professional ethical codes, standards, and best practices.

### *Philosophical Ethics in Professional Practice*

For many of the same reasons that they are valuable to researchers and students, philosophical training or collaboration with philosophers can enhance the ability of criminologists and other criminal justice professionals to understand and respond appropriately to the ethical demands and challenges they confront in professional practice.

Just as researchers benefit from the ability to anticipate and to interpret complex the ethical consequences of their research, so too do practitioners benefit when they become adept at understanding and responding in nuanced ways to complicated or “messy” professional situations. Useful skills include recognizing the ethical significance of professional situations in an accurate and nuanced manner, acquiring a sophisticated and insightful understanding of ethical differences that exist within their communities, imagining diverse options for responding to ethical challenges and conflict, and using a sophisticated understanding to select an appropriate course of action. These, however, are all skills that are acquired—with unique efficacy, we have argued—through the study of philosophical ethics. We therefore conclude that there is significant benefit in providing practitioners with training in philosophical ethics within criminal justice degree programs, within professional development programs, or both. We also submit that criminal justice organizations could benefit from maintaining consultative relationships with professional ethicists who could provide special assistance with the most ethically challenging situations.

### **Conclusion**

We have highlighted ways that philosophical training and skills can strengthen criminological education, research, and professional practice. The opportunities for innovation and improvement within criminology are significant, but realizing them requires increased engagement with philosophy, with the philosophical canon, and with ethicists and other professional philosophers.

We end with a call for creative collaboration between criminologists and philosophers to plan, implement, assess, and publish a wide range of cases of criminological philosophical engagement. The authors of this essay, both professional philosophers, welcome contact from criminologists interested in contributing to the innovative multidisciplinary scholarship that these engagements will ground.

### References

- Agozino, B. (2003). *Counter-colonial criminology: A critique of imperialist reason*. London: Pluto Press.
- Aristotle (1995). *The complete works of Aristotle: The revised Oxford translation* (Vols. 1-2, J. Barnes Ed.) . Princeton: Princeton University Press.
- Arrigo, B. & Williams, C. (Eds.). (2006). *Philosophy, crime, and criminology*. Urbana, IL: University of Illinois Press.
- Bloom, B., Englehart, M. Furst, E., Hill, W., & Krathwohl, D. (1956). *Taxonomy of educational objectives: The classification of educational goals. Handbook 1: Cognitive domain*. New York, Toronto: Longmans, Green.
- Callahan, J. (1998). From the 'applied' to the practical: Teaching ethics for use. In T. Kasachkoff (Ed.). In the *Socratic tradition: Essays on teaching philosophy* (pp. 57-70). Lanham, MD: Rowan & Littlefield.
- Caplan, A. (1980). Ethical engineers need not apply: the state of applied ethics today. *Science, Technology, and Human Values*, 6, 24-32.
- Carpenter, A. (2004, August). *Two advantages of online interaction*. Paper presented at the American Association of Philosophy Teachers Fifteenth International Workshop-Conference on Teaching Philosophy, Toledo, OH.
- Dostoyevsky, F. (2006). *Crime and punishment* (S. Monas, Trans.). New York: Signet Classics. (Original work published 1866).
- Foucault, M. (1995). *Discipline and punish: The birth of the prison* (2nd ed., A. Sheridan, Trans.). New York: Random House. (Original work published 1975).



- Gardner, H. (1983). *Frames of mind: The theory of multiple intelligences*. New York: Basic Books.
- Goodrich, P. & Valverde, M. (Eds.). (2005). *Nietzsche and legal theory: half-written laws*. New York, Routledge.
- Hart, H. (1968). *Punishment and responsibility: Essays in the philosophy of law* (revised ed). Oxford: Oxford University Press.
- Hegel, G. (1965). *Philosophy of right* (T.M. Knox, Trans.). London: Clarendon. (Original work published 1821).
- Hobbes, T. (1996). *Leviathan* (R. Flathman & D. Johnston, Eds.). New York: W.W. Norton & Company. (Original work published 1651).
- Kleinig, J. (1998). Teaching police ethics as professional ethics. In T. Kasachkoff (Ed.). *In the Socratic tradition: Essays on teaching philosophy* (pp. 71-80). Lanham, MD: Rowan & Littlefield.
- Kolb, D. (1984). *Experiential learning: Experience as the source of learning and development*. Englewood Cliffs, N.J.: Prentice-Hall.
- Lippke, R. (2006). Mixed theories of punishment and mixed offenders: Some unresolved tensions. *The Southern Journal of Philosophy*, 44, 273-295.
- Lyng, S. (2004). Crime, edgework and corporeal Transaction. *Theoretical Criminology*, 8(3), 359-375.
- Maslow, A. (1970). *Motivation and personality*. New York: Harper & Row.
- Perry, W. G. (1970). *Forms of intellectual and ethical development in the college years*. New York: Holt, Rinehart and Winston.
- Plato (1997). *Plato Complete Works* (J. Cooper & D. Hutchinsin, Trans.). Indianapolis: Hackett Publishing Company.
- Pollock, J. (1993). Ethics and the criminal justice curriculum. *Journal of Criminal*

Carpenter and Bach

*Justice Education*, 4, 377-390.

Rawls, J. (1999). *A theory of justice* (Rev ed.). Cambridge, MA: Belknap.

Ross, G. (2006, August). *Philosophy and the scholarship of teaching*. Paper presented at the American Association of Philosophy Teachers Sixteenth International Workshop-Conference on Teaching Philosophy, Washington, PA.

## Possible Antecedents of Correctional Staff Work on Family Conflict

### Eric Lambert and Nancy Hogan

As the empirical literature on correctional staff behaviors and attitudes expands, many salient relationships have been identified between the correctional work environment and different aspects of job satisfaction. One area just beginning to be explored is how the work environment affects family life. In the literature, this is referred to as Work on Family Conflict. The following study examines the impact of several work environment antecedents. Using Ordinary Least Squares (OLS) regression, perceived job dangerousness, role strain, instrumental communication, integration, input into decision-making, supervisor support, job variety, and organizational fairness were tested determine their influence on the dependent variable of Work on Family Conflict. The results indicate that worker position, supervisory status, perceived dangerousness of the job, organizational fairness, and role ambiguity were linked to Work on Family Conflict.

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The past several decades have seen an explosion of research on the attitudes and behaviors of correctional staff. A significant proportion of this research has explored how the work environment impacts correctional staff, identifying many salient relationships between the correctional work environment and the job stress, job satisfaction, and organizational commitment of employees. This research has been instrumental in better understanding the world of corrections. Work-family conflict has recently received greater attention in correctional literature. Work life and family life are inseparable for many individuals and often spill over and impact one another (Williams & Alliger, 1994; Zedeck, 1992). This is referred to as work-family conflict. Work-family conflict is a very real problem in the field of corrections. Correctional work is demanding and often involves long stretches of uneventful, routine activities, punctuated by brief periods of crisis. Violence is a constant possibility. Staff are sometimes unexpectedly required to stay for mandatory overtime shifts. Correctional facilities must be staffed year round and around the clock. In sum, there is a chance that correctional workers will experience work-family conflict.

The small but growing body of correctional literature on work-family conflict has mainly focused on the consequences of work-family conflict. There has been little, if any,

empirical research on how work environment factors impact work-family conflict among correctional staff. Therefore, this study was undertaken to examine the impact that perceived dangerousness of the job, role ambiguity, role conflict, instrumental communication, integration, input into decision-making, supportive supervision, job variety, and organizational fairness have on work-family conflict, while controlling for the effects of the personal characteristics of gender, age, position, tenure, education, race, and supervisory status.

### **Brief Literature Review**

Work and home are the two primary life domains for most adults (Frone, Russell, & Cooper, 1992), including those who work in the field of corrections. When work and home spill over into one another, conflict can arise. This is known as work-family conflict (Kahn, Wolfe, Quinn, Snoek, & Rosenthal, 1964). Work-family conflict is a bidirectional concept (Netemeyer, Boles, & McMurrian, 1996). Family matters may arise which impact the person at work. This form of work-family conflict is known as family on work conflict. Likewise, issues and problems at work may spill over to home, causing conflict. This form of work-family conflict is Work on Family Conflict. The focus of this study is Work on Family Conflict because, intuitively, work environment factors are more likely to be related to Work on Family Conflict than family on work conflict and are also more controllable by administrators.

There have only been a handful of correctional articles which have studied work-family conflict. These studies indicated that Work on Family Conflict was an issue for correctional employees and the levels of conflict varied by personal characteristics (i.e., age, tenure, position, and education level) (Lambert, 2001; Lambert, Hogan, & Barton, 2004). Work on Family Conflict also has been found to be negatively associated with correctional staff job satisfaction and positively related with job stress (Lambert, Hogan, & Barton, 2003; Triplett, Mullings, & Scarborough, 1999). While these are all important studies and findings, there is much more research needed on work-family conflict among correctional staff. One area yet to be researched is if and how the work environment is related to Work on Family Conflict. This study examines the following variables to ascertain their influence on Work on Family Conflict.

*Perceived dangerousness* of the job is a potential antecedent of Work on Family Conflict. Corrections is often viewed as a dangerous job because of threats by inmates and actual inmate violence. Empirical research has found that perceived dangerousness of the job is associated with lower job satisfaction and increased job stress for many correctional staff (Cullen, Link, Wolfe, & Frank, 1985; Moon & Maxwell, 2004). Intuitively,

it makes sense that a person who feels that his/her job is dangerousness is going to be more stressed and dissatisfied, which may impact home life.

*Role strain* is a potential antecedent of Work on Family Conflict. Role strain arises when a worker's responsibilities and duties are vague, ill-defined, and ambiguous, and/or when directives are inconsistent or contradictory (Hepburn & Knepper, 1993). Role ambiguity and role conflict are the two major forms of role strain. Role ambiguity is defined as uncertainty or a lack of information in carrying out the duties and responsibilities of a given position or job (Rizzo, House, & Lirtzman, 1970). Role conflict is defined as occurring when behaviors for a given job or position are inconsistent with one another (Rizzo et al., 1970). Both role ambiguity and conflict have been negatively linked with correctional staff job stress and job satisfaction (Hepburn & Albonetti, 1980; Hepburn & Knepper, 1993; Triplett et al., 1996; Van Voorhis, Cullen, Link, & Wolfe, 1991). Both role ambiguity and conflict could lead a correctional worker to experience Work on Family Conflict. Workers who suffer from role ambiguity and/or conflict will probably be stressed, and this stress is likely to spillover and cause problems at home.

Correctional staff need clear communication to accomplish their jobs. *Instrumental communication* is the "degree to which information about the job is formally transmitted by an organization to its members" (Agho, Mueller, & Price, 1993, p. 1009). Instrumental communication has been positively linked with organizational commitment of correctional staff (Lambert, Barton, Hogan, & Clarke, 2002). It is expected to have an inverse relationship on Work on Family Conflict. Instrumental communication should help employees do their jobs and be effective organizational members, leading to less conflict for them.

When work groups in the same organization are pitted against one another, unintended negative outcomes may result. Creating group cohesion among employees, work groups, departments, and/or divisions within an organization is *integration* (Lincoln & Kalleberg, 1990; Mueller, Boyer, Price, & Iverson, 1994). Integration has been found to have a positive impact on both correctional staff job satisfaction and organizational commitment (Lambert et al., 2002). Lower organizational integration allows different groups of employees to compete against one another, which can lead to an AUs vs. Them@ type of working environment, which ultimately can lead to problems for correctional employees (Lambert et al., 2002). Therefore, it is possible that integration is an antecedent of Work on Family Conflict among correctional employees.

Employees want a say in their jobs and organizations. In other words, they want *input into decision-making*. Lack of decision-making has been found to be positively associated with job stress and negatively related with job satisfaction and organizational commitment among correctional workers (Hepburn, 1987; Stohr, Lovrich, & Wilson, 1994;

Wright, Saylor, Gilman & Camp, 1997). It is postulated that input into decision-making should have an inverse association with Work on Family Conflict. Little control over one's job can lead to internal conflict for a person, and this can ultimately cause the person to experience Work on Family Conflict.

Research by Cherniss (1980) illustrated the importance that *supervision* has in the development of positive attitudes among employees in social service organizations. Supervisors need to be approachable, fair, considerate, give direction, and provide feedback (Bruce & Blackburn, 1992). If employees feel that supervisors fail in these aspects, particularly in terms of support and consideration for workers, they are less likely to be satisfied with their job and less committed to the organization. Quality, open, and supportive supervision has been associated with higher levels of job satisfaction and organizational commitment among staff across a wide range of correctional settings (Cullen et al., 1985; Grossi, Keil, & Vito, 1996; Jurik & Winn, 1987; Lambert, 2004; Van Voorhis et al., 1991). Therefore, supervision is predicted to have a negative effect on Work on Family Conflict among correctional employees.

*Job variety* is simply the degree of variation in the job (Price & Mueller, 1986). Some jobs require role performance that is highly repetitive, while other jobs have significant degree of variety in the required tasks and how they are performed (Mueller et al., 1994). A positive association has been found between job variety and correctional job satisfaction (Jurik & Winn, 1987; Lambert, 2004). Job variety should make work more pleasant so as to lead to lower Work on Family Conflict for correctional workers.

To be successful, organizations need to be perceived as being just and fair by their employees (Greenberg, 1990). This is often referred to in the literature as *organizational justice*. Distributive and procedural justice are the two major dimensions of organizational justice. Distributive justice is the perception of fairness in distribution and allocation of outcomes within an organization based upon inputs by an employee (Greenberg, 1987). Procedural justice is the perception of fairness of the processes and procedures used to arrive at organizational outcomes (Greenberg, 1986). Correctional workers want to be treated fairly and justly at work. Both forms of organizational justice have been found to have positive impacts on correctional staff job satisfaction and organizational justice (Lambert, 2003; Lambert, Hogan, & Barton, 2002). Perceptions of unfair outcomes and/or procedures can lead to resentment, which in turn can increase the amount of Work on Family Conflict experienced by correctional employees.

## Methods

### *Respondents*

In the fall of 2000, a sixteen page survey, which was pre-tested on correctional staff at another facility, was administered to the staff at a Midwestern state maximum correctional institution.<sup>1</sup> The institution had been in operation for several decades and, at the time of the survey, housed more than 1000 medium and high security adult male inmates. Due to sick leave, temporary reassignment, annual vacation leave, etc., it was estimated that only approximately 400 of the 450 employees were available at the time of the survey. A cash raffle, with several cash awards ranging from \$50 to \$100, was used to increase participation, and one follow-up survey was done. A total of 272 useable surveys were returned, representing a response rate of 68%. Overall, the respondents appeared to be representative of the staff at the prison. Of the total prison staff, about 77% were male, 86% were white, and 53% were correctional officers. Among the respondents, about 76% were male, 82% were white, and 50% were correctional officers.

Seventy-six percent of the respondents were male. The mean age was 43. Respondents represented all areas of the correctional facility: 50% of respondents worked in custody (i.e., correctional officers), 6% worked in unit management (i.e., counselors, case managers, and unit managers), 3% worked in the correctional-based industry, 4% worked in the education and vocational department, 3% worked in the medical department, 5% worked in the business office, 3% worked in administration, and 26% worked in other areas. The median tenure at the facility was 9 years and ranged from 0 to 26 years. In terms of highest educational level, 9% of the respondents indicated that they had a high school diploma or GED, 50% had some college but no degree, 20% had an associate's degree, 16% had a bachelor's degree, 4% had a master's degree, and 1% had a professional or terminal degree. About 82% of the respondents indicated that they were White, 8% were Black, 2% were Hispanic, 3% were Native American, and 5% were another race.

### *Measures*

*Personal Characteristics.* Gender, age, position, tenure, education, race, and supervisory status were selected as control variables. For how the variables were measured, see Table 1.

*Dangerousness.* Perceived dangerousness of the job was measured using four questions (e.g., *All work in a dangerous job,*<sup>ⓐ</sup> and *In my job, a person stands a good chance of getting hurt.*<sup>ⓑ</sup>) adapted from Cullen et al., (1985). All of the indexes were measured using the following response options: 1 = strongly disagree, 2 = disagree, 3 = uncertain, 4 = agree, and 5 = strongly agree, and all of the indexes were summed.

*Role Ambiguity.* Four items (e.g., *I clearly know what my work responsibilities are @ (reverse coded)*) from Rizzo et al., (1970) and Ivancevich and Matteson (1980) were used to measure role ambiguity.

*Role Conflict.* Role conflict was measured using four items (e.g., *I regularly receive conflicting requests at work from two or more people.@*) from Triplett, Mullings, and Scarborough (1996), Ivancevich and Matteson (1980), and Cullen et al. (1985).

*Instrumental Communication.* Instrumental communication was measured by five items from Curry, Wakefield, Price, and Mueller (1986), some of which were reworded to reflect a correctional setting. Respondents were asked how well they were informed about tasks to be done, what was important about their job, how equipment was to be used, and rules and regulations.

*Integration.* Integration was measured by five items (e.g., *At this prison, there is a great deal of departmental interaction on most decisions,@ and IThere is bickering between the various departments@ (reverse coded for the index)*) adapted from Miller and Droge (1986), some of which were reworded to reflect a correctional setting.

*Input into Decision-Making.* Seven items (e.g., *When decisions are made at this prison, persons affected are asked their ideas,@ and I have input into matters that effect me at my job.@* ) adapted from Curry et al. (1986) were used to measure perceptions on input into decision-making.

*Supervision.* Three items (e.g., *My supervisor encourages me in doing my job.@*) were used to measure a person's perception of accessibility, fairness, and candidness of the relationship with his/her supervisor(s), and the items were based upon supervision questions from the Prison Social Climate Survey (Camp, 1994; Wright & Saylor, 1992).

*Job Variety.* Five items (e.g., *My job requires that I be very creative,@ and I rarely get to do different things on my job@ (reverse coded)*), adapted from other studies (Curry et al., 1986; Mueller et al., 1994), were used to measure job variety.

*Organizational Fairness.* Perceptions of organizational justice were measured using five items (e.g., *My last annual performance rating presented a fair and accurate picture of my actual job performance, @ and IPromotions are more related to whom you know rather than the quality of work@ (reverse coded)*). Both distributive and procedural justice were measured.

*Work on Family Conflict.* Work on Family Conflict was the dependent variable in this study. It was measured using a nine item index. The items were adapted (and reworded for a correctional setting) from studies of work-family conflict outside the field of corrections (Bacharach, Bamberger, & Conley, 1991; Bohlen & Viveros-Long, 1981; Higgins & Duxbury, 1992). The nine survey items utilized for this measure reflect the time



conflict, strain, and harm to family and home life, which sometimes results from working at a correctional facility. Examples are, ΔWork makes me too tired or irritable to fully enjoy my family and/or social life, @ ΔMy time off from work does not really match other family members schedules and/or my social needs,@ and ΔI frequently argue with my spouse/family members about my job.@

## Results

Descriptive statistics for the measures used in this study are presented in Table 1. There appears to be significant variation in the measures. The median and mean were similar to one another for each variable, which indicates that the variables were normally distributed. For the index measures, Cronbach's alpha, a measure of internal reliability, is also reported. In addition, all the indexes have a Cronbach's alpha value above .60 (see Table 1), which is the generally accepted cut-off point of an acceptable level of internal consistency (Gronlund, 1981).

**Table 1**  
**Descriptive Information of Variables**

| Index Name         | Description   | Mean  | Sdev. | Med. | Min. | Max. |
|--------------------|---|-------|-------|------|------|------|
| Gender             | 0 = Female, 1 = Male  | 0.76  | 0.43  | 1    | 0    | 1    |
| Age                | Continuous years  | 42.55 | 8.32  | 44   | 20   | 61   |
| Position           | 0 = Not a correctional officer,<br>1 = Correctional officer   | 0.50  | 0.50  | 0.50 | 0    | 1    |
| Tenure             | Years at the prison   | 9.63  | 6.81  | 9.00 | 0    | 26   |
| Education          | 0 = No College degree,<br>1 = College degree  | 0.41  | 0.49  | 0.00 | 0    | 1    |
| Race               | 0 = Nonwhite, 1 = White   | 0.81  | 0.39  | 1.00 | 0    | 1    |
| Supervisory Status | 0 = Not a supervisor,<br>1 = Supervisor of other staff  | 0.24  | 0.42  | 0.00 | 0    | 1    |
| Dangerousness      | 4-item index measuring perceived dangerousness at work, $\alpha = .82$                              | 13.58 | 3.54  | 14   | 4    | 20   |
| Role Ambiguity     | 4-item index measuring degree of perceived clarity of expectations, $\alpha = .62$                  | 8.67  | 2.41  | 8    | 4    | 18   |
| Role Conflict      | 4-item index measuring perceptions of confusing and conflicting tasks/roles at work, $\alpha = .70$ | 10.76 | 2.76  | 10   | 4    | 19   |
| Instrumental       | 5-item index measuring timely and useful communication and information for the                      | 17.65 | 3.69  | 18   | 5    | 25   |

|                            |  |       |      |       |    |    |  |
|----------------------------|--|-------|------|-------|----|----|--|
| Communication              | job, $\alpha = .85$  |       |      |       |    |    |  |
| Integration                | 5-item index measuring perceived cooperation/joint efforts between different work groups, $\alpha = .73$ | 13.44 | 3.04 | 14    | 5  | 22 |  |
| Input into Decision-Making | 7-item index measuring level of input allowed in decision-making, $\alpha = .84$                         | 14.08 | 4.12 | 14    | 5  | 25 |  |
| Supervision                | 3-item index measuring perception of supportive, quality supervision, $\alpha = .77$                     | 9.51  | 2.79 | 10    | 3  | 15 |  |
| Job Variety                | 5-item index measuring the variety of job tasks, $\alpha = .76$  | 15.74 | 3.91 | 16    | 5  | 24 |  |
| Organizational Fairness    | 5-item index measuring perceived fairness of distributive and procedural justice, $\alpha = .79$         | 15.10 | 3.89 | 15.00 | 5  | 25 |  |
| Work on Family Conflict    | 9-item index measuring the degree that work problems cause conflicts at home, $\alpha = .79$             | 21.74 | 5.41 | 21    | 10 | 37 |  |

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*Note.* Sdev. stands for standard deviation. Med. stands for median. Min. and Max. stand for minimum value and maximum value, respectively.  $\alpha$  r

**Table 2**  
**OLS Regression Results**

| Variable                   | B     | $\beta$ | t-value |
|----------------------------|-------|---------|---------|
| Gender                     | -0.23 | -0.02   | -0.33   |
| Age                        | -0.04 | -0.06   | -1.04   |
| Position                   | 2.09  | 0.20    | 2.92**  |
| Tenure                     | -0.09 | -0.12   | -1.76   |
| Education                  | -0.50 | -0.05   | -0.81   |
| Race                       | -0.09 | -0.01   | -0.12   |
| Supervisory Status         | 1.73  | 0.14    | 2.32*   |
| Dangerousness              | 0.22  | 0.15    | 2.36*   |
| Role Ambiguity             | 0.54  | 0.25    | 3.61**  |
| Role Conflict              | -0.06 | -0.03   | -0.41   |
| Instrumental Communication | 0.08  | 0.05    | 0.87    |
| Integration                | -0.12 | -0.07   | -1.03   |
| Input Into Decision-Making | 3.41  | 0.04    | 0.32    |
| Supervision                | -0.26 | -0.14   | -1.57   |
| Job Variety                | -0.02 | -0.01   | -0.21   |
| Organizational Fairness    | -0.27 | -0.20   | -2.41*  |
| R-Squared                  |       | .34**   |         |

*Note.* See Table 1 for how the variables were measured. B represents the unstandardized regression coefficients.  $\beta$  represents the standardized regression coefficients.

\*  $p \leq .05$  \*\*  $p \leq .01$

Ordinary Least Squares (OLS) regression was computed with the Work on Family Conflict as the dependent variable. The seven personal characteristics and the nine work environment indexes were entered as independent variables. The results are reported in Table 2. Based upon the R-Squared statistics, about 34% of the variance observed in the Work on Family Conflict index was explained by the independent variables. Among the seven personal characteristics, only position and supervisory status had a statistically significant relationship with Work on Family Conflict. Correctional officers and supervisors reported higher levels of conflict than did non-custody and non-supervisory employees respectively. Dangerousness and role ambiguity had positive relationships with Work on Family Conflict. Organizational fairness had an inverse relationship. Role conflict, instrumental communication, integration, input into decision-making, supervision, and job variety all had non-significant effects. Based upon the standardized regression coefficients, role ambiguity had the greatest impact, followed closely by organizational fairness and position. Supervisory status had the least impact.

### **Discussion and Conclusion**

Of the sixteen independent variables used in the multi-variate analysis, only five had a statistically significant relationship with Work on Family Conflict. Correctional officers on average reported higher levels of this form of conflict than did non-custody staff. The nature of correctional officers' work likely causes higher levels of Work on Family Conflict. Custodial work requires around the clock shifts and dealing with inmates, a group who are not willing clients. Correctional officers bear the brunt of the mistreatment, both at the hands of the inmates and, occasionally, the administration. They are also more likely to witness violence. All of these factors may lead to greater conflict for this group of correctional employees.

Likewise, supervisory staff reported greater levels of Work on Family Conflict. Again, it is probably the nature of the position that causes the conflict. Supervisors direct, guide, and control other workers. Not every employee is a model worker. Some cause headaches and problems for supervisors. In addition, supervisors may be pressured to solve difficult problems. Further, supervisors may be expected to stay after their shift to complete work, usually with no additional pay. Supervisors have also been found to have greater commitment to the organization (Lambert, 2004). It could be that this higher level of organizational commitment causes supervisors greater stress when they see things going wrong within the correctional facility, particularly if they are held responsible for the situation. Finally, gender and age had no significant association, nor did tenure, race, or educational status.

Among the nine work environment measures, only dangerousness, organizational fairness, and role ambiguity had significant effects. Working in corrections is often perceived by society as a dangerous job. Dangerous jobs often lead to people being on a heightened level of alert, which may not only result in biological changes (i.e. adrenalin), but a higher level of anxiety. It is difficult to turn off this heightened state when the shift is over, and thus, carries over into the family environment where such behavior is inappropriate.

Organizational fairness was negatively related to Work on Family Conflict. We live in a society that stresses that people should be treated fairly and justly. If they are not, frustration and even anger can result. It seems if correctional staff feel that they have been treated unfairly at work, it spills over to their home life. It is hard to shut off anger when one leaves the front door of work. Again the frustration and unhappiness from the work setting may carry over into behaviors at home.

Finally, role ambiguity had the greatest level of impact on Work on Family Conflict. It appears that role ambiguity not only affects the job satisfaction of correctional staff but may also cause them to experience greater levels of Work on Family Conflict. A lack of clarity at work leads to frustration at work as tasks may be missed or not done correctly. These errors may be pointed out by supervisors, either informally or through formal channels of discipline. The result may leave employees feeling upset at the end of their shift and those emotions are taken home where anger and frustration are vented on family members. Role ambiguity may also affect officer safety. Since violence is a constant possibility, workers who are unsure of their specific tasks, may exhibit higher levels of anxiety and fear. Again, it is hard to turn off these emotions at the end of the shift.

Interestingly role conflict, instrumental communication, integration, input into decision-making, supervision, or job variety had statistically significant associations with Work on Family Conflict. These findings need to be replicated before it can be concluded that these dimensions of the work environment have no direct impact on Work on Family Conflict for correctional workers. There is a good possibility that many of these variables may indirectly affect Work on Family Conflict. For example, a lack of integration or poor supervision may lead to increased role ambiguity for a person, in turn leading to increased conflict. While not reported, integration and supervision both had significant negative correlations with role ambiguity ( $R^2 = .39$  and  $r = -.48$ ,  $p \leq .001$ ).

There is a need for future research in this area. This study does have limitations. Only staff at one correctional facility were surveyed. Staff at other institutions need to be studied until the antecedents of Work on Family Conflict among correctional staff are identified and understood. Other work environment measures should be studied to see

how they are related to Work on Family Conflict. R-squared was 34%, which means that only a third of the variance in Work on Family Conflict was accounted for by the sixteen independent variables used in this study. Therefore, two-thirds of the variance was the result of other variables. These other variables need to be identified. This is critical information if scholars and administrators are to develop programs to effectively deal with correctional staff work-family conflict.

Knowledge of and ability to understand the antecedents of correctional employee affective states, attitudes, and behaviors is critical for all parties involved, including correctional administrators, correctional employees, inmates, academicians, and society in general. The results of this study support the premise that the job characteristics of job stress, supervision, job variety, and job autonomy are critical aspects of the work environment which impact correctional staff. The effects of job characteristics on correctional staff should not be ignored by future research on correctional staff or by correctional administrators.

In closing, employees are at the heart and soul of any correctional facility. Correctional facilities succeed or fail because of their staff. Working in corrections is abounding with opportunities for work-family conflict, particularly Work on Family Conflict. It is only in the last decade that there has been empirical research on Work on Family Conflict among correctional staff. This small, but growing body of research has mainly examined the consequences of Work on Family Conflict. It has been found that Work on Family Conflict leads to greater job stress, lower job satisfaction and organizational commitment among correctional workers. This is a negative outcome for all involved. A greater concern for quality of life of correctional employees is required. Not only is there a need for more research on the consequences of work-family conflict, but there is a need to identify potential antecedents. In this study, it was found that position, supervisory status, perceived dangerousness of the job, organizational fairness, and role ambiguity were linked to Work on Family Conflict. It is hoped that there will be greater research on work-family conflict among correctional workers, especially for possible antecedents. It is only then that we will have a better understanding of the nature of correctional work.

## References

- Agho, A., Mueller, C., & Price, J. (1993). Determinants of employee job satisfaction: An empirical test of a causal model. *Human Relations, 46*, 1007-1027.
- Bacharach, S., Bamberger, P., & Conley, S. (1991). Work-home conflict among nurses and engineers: Mediating the impact of role stress on burnout and satisfaction as work. *Journal of Organizational Behavior, 12*, 39-53.
- Bohen, H., & Viveros-Long, A. (1981). *Balancing jobs and family life: Do flexible work schedules help?* Philadelphia: Temple University Press.
- Bruce, W., & Blackburn, J. (1992). *Balancing job satisfaction and performance: A guide for the human resource professional*. Westport, CT: Quorum Books.
- Camp, S. (1994). Assessing the effects of organizational commitment and job satisfaction on turnover: An event history approach. *The Prison Journal, 74*, 279-305.
- Cherniss, C. (1980). *Professional burnout in human service organizations*. New York: Praeger.
- Cullen, F., Link, B., Wolfe, N., & Frank, J. (1985). The social dimensions of correctional officer stress. *Justice Quarterly, 2*, 505-533.
- Curry, J., Wakefield, D., Price, J., & Mueller, C. (1986). On the causal ordering of job satisfaction and organizational commitment. *Academy of Management Journal, 29*, 847-858.
- Frone, M., Russell, M., & Cooper, M. (1992). Antecedents and outcomes of work-family conflict: Testing a model of the work-family interface. *Journal of Applied Psychology, 77*, 65-75.
- Greenberg, J. (1986). Determinants of perceived fairness of performance evaluations. *Journal of Applied Psychology, 71*, 340-342.
- Greenberg, J. (1987). Reactions to procedural injustice in payment distributions: do the means justify the ends? *Journal of Applied Psychology, 72*, 55-61.



- Greenberg, J. (1990). Organizational justice: Yesterday, today, and tomorrow. *Journal of Management, 16*, 399-432.
- Gronlund, N. (1981). *Measurement and evaluation in teaching*. New York: MacMillan.
- Grossi, E., Keil, T., & Vito, G. (1996). Surviving 'the joint': Mitigating factors of correctional officer stress. *Journal of Crime and Justice, 19*, 103-120.
- Hepburn, J. (1987). The prison control structure and its effects on work attitudes: The perceptions and attitudes of prison guards. *Journal of Criminal Justice, 15*, 49-64.
- Hepburn, J., & Albonetti, C. (1980). Role conflict in correctional institutions: An empirical examination of the treatment-custody dilemma among correctional staff. *Criminology, 17*, 445-459.
- Hepburn, J., & Knepper, P. (1993). Correctional officers as human service workers: The effect of job satisfaction. *Justice Quarterly, 10*, 315-335.
- Higgins, C., & Duxbury, L. (1992). Work-family conflict: A comparison of dual-career and traditional-career men. *Journal of Organizational Behavior, 13*, 389-411.
- Ivancevich, J., & Matteson, M. (1980). *Stress and work: A managerial perspective*. Glenview, IL: Scott Foresman and Company.
- Jurik, N., & Winn, R. (1987). Describing correctional security dropouts and rejects: An individual or organizational profile? *Criminal Justice and Behavior, 24*, 5-25.
- Kahn, R., Wolfe, D., Quinn, R., Snoek, J., & Rosenthal, P. (1964). *Organizational stress: Studies in role conflict and ambiguity*. New York: John Wiley.
- Lambert, E. (2001). An unexplored stressor for correctional staff: The issue and impact of work-family conflict. *Corrections Compendium, 26*(5), 1-3, 22-23.
- Lambert, E. (2003). Justice in corrections: An exploratory study of the impact of organizational justice on correctional staff. *Journal of Criminal Justice, 31*, 155-168.

- Lambert, E. (2004). The impact of job characteristics on correctional staff members. *Prison Journal, 84*, 208-227.
- Lambert, E., Barton, S., Hogan, N., & Clarke, A. (2002). The impact of instrumental communication and integration on correctional staff. *The Justice Professional, 15*, 181-193.
- Lambert, E., Hogan, N., & Barton, B. (2002). Building commitment among correctional staff: The issue of feedback, promotional opportunities, and organizational fairness. *Corrections Compendium, 27*(3), 1-5, 24-28.
- Lambert, E., Hogan, N., & Barton, S. (2003). The impact of work-family conflict on correctional staff job satisfaction. *American Journal of Criminal Justice, 27*, 35-51.
- Lambert, E., Hogan, N., & Barton, S. (2004). The nature of work-family conflict among correctional staff. *Criminal Justice Review, 29*, 145-172.
- Lincoln, J., & Kalleberg, A. (1990). *Culture, control and commitment: A study of work organization and work attitudes in the United States and Japan*. Cambridge: Cambridge University Press.
- Miller, D., & Droge, C. (1986). Psychological and traditional determinants of structure. *Administrative Science Quarterly, 31*, 539-560.
- Moon, B., & Maxwell, S. R. (2004). The sources and consequences of corrections officers' stress: A South Korean example. *Journal of Criminal Justice, 32*, 359-370.
- Mueller, C., Boyer, E., Price, J., & Iverson, R. (1994). Employee attachment and noncoercive conditions of work. *Work and Occupations, 21*, 179-212.
- Netermeyer, R., Boles, J., & McMurrian, R. (1996). Development and validation of work-family conflict and family-work conflict scales. *Journal of Applied Psychology, 81*, 400-410.

Price, J., & Mueller, C. (1986). *Absenteeism and turnover among hospital employees*. Greenwich, CT: JAI Press.

Rizzo, J., House, R., & Lirtzman, S. (1970). Role conflict and ambiguity in complex organizations. *Administrative Science Quarterly*, 15, 150-163.

Stohr, M, Lovrich, N., & Wilson, G. (1994). Staff stress in contemporary jails: Assessing problem severity and type of progressive personnel practices. *Journal of Criminal Justice*, 22, 313-327.

Triplett, R., Mullings, J., & Scarborough, K. (1996). Work-related stress and coping among correctional officers: Implications from organizational literature. *Journal of Criminal Justice*, 24, 291-308.

Triplett, R., Mullings, J., & Scarborough, K. (1999). Examining the effect of work-home conflict on work-related stress among correctional officers. *Journal of Criminal Justice*, 27, 371-384.

Van Voorhis, P., Cullen, F., Link, B., & Wolfe, N. (1991). The impact of race and gender on correctional officers' orientation to the integrated environment. *Journal of Research in Crime and Delinquency*, 28, 472-500.

Williams, K., & Alliger, G. (1994). Roles stressors, mood spillover, and perceptions of work-family conflict in employed parents. *Academy of Management Journal*, 37, 837-867.

Wright, K., & Saylor, W. (1992). Comparison of perceptions of the environment between minority and nonminority employees of the Federal Prison System. *Journal of Criminal Justice*, 20, 63-71.

Wright, K., Salyor, W., Gilman, E., & Camp, S. (1997). Job control and occupational outcomes among prison workers. *Justice Quarterly*, 14, 525-546.

Zedeck, S. (1992). Introduction: Exploring the domains of work and family concerns. In S. Zedeck (Ed.). *Work, families, and organizations* (pp. 1-32). San Francisco: Jossey-Bass.

### **Endnote**

1. The data from the 16 page survey with 221 questions has been used in other studies. A full list of these studies is available upon request. Therefore, there may be some familiarity in the in the discussion of the data. Nonetheless, none of the previous studies examined the possible antecedents of Work on Family Conflict among correctional staff.

# Police Knowledge of Older Populations: The Impact of Training, Experience, and Education

**Brion Sever and Robert Youdin**

Older populations are growing at a rapid pace in America, creating new challenges for service related industries, including law enforcement. Since police officers will undoubtedly have more interaction with older populations over the next 20 years, it is critical that attention is also given to their knowledge of these populations. Most research focusing on this issue examined police chiefs and college students' opinions about laws and penalties for elder abuse and their perceptions of older populations in general. The present study concentrates on officer knowledge of older populations, and examines 126 police officers of all ranks in New Jersey. We find that formal education of the officers as well as their training both lead to increased knowledge of older populations. Policy implications surrounding this study are also discussed.

The term "old" has typically been used to denote people 65 years of age or older in the United States; an age that was once considered the last stage of a person's life. But, with better nutrition and medical advances, life expectancy of Americans has steadily increased over the past century. The 65 and over population has increased in number from 3 million to 35 million during the 19<sup>th</sup> century, and the population age 85 and over increased from 100,000 to 4.2 million during the same time period (Federal, 2004).

As the medical profession discovers more about the human body, these population increases will likely burgeon as will the social, economic, and justice related issues and concerns that these populations generate. On average, a male child born in 1990 will live 75 years while a female child will live to age 80 or older (Cockerham, 1991). Moreover, while the population age 65 and over currently accounts for just over 12 % of the population, it is predicted to expand to 20 % by the year 2030, doubling its overall population numbers during this time (Federal, 2004). Some hypothesize a more intense growth of older populations, calculating that they will account for 25% of the population by 2025 (Treas, 1995). In addition, those age 85 and older are expected to increase at an even faster pace, increasing from 4.2 million in 2000 to nearly 21 million by 2030 (Federal, 2004).

The controversy associated with the impending social security crisis demonstrates the impact that the growth of older populations can have on America's

economic structure. But, the implications of expanding older populations may be just as imposing for governmental agencies that provide social and justice services. In particular, theorists believe that increases in older populations will have a number of implications for criminal justice, most notably an increase in crime victims (Lachs, Williams, O'Brien, Hurst and Horrwitz, 1996; Minaker & Frishman, 1995).

While it is often declared that older populations have the highest fear of crime, yet the lowest actual crime victimization, the increase of older populations over the next twenty years will, nonetheless, have serious implications to the phenomenon of crime. White collar crime, particularly that being related to scams and technology is on the rise, and older populations are highly victimized by this brand of crime (Baron & Welty, 1996). Considering the fixed financial budget concomitant with older populations, the potential future crisis in social security, and the biological changes that contribute to older populations being vulnerable to fear and concern (Payne, 2000), increases in crime to this population could cause vexing concerns for their quality of life.

Increases in crime of older populations would have repercussions to the criminal justice system that extend beyond the quality of life for older populations, and the increased volumes of crime bestowed upon the criminal justice system. Since the treatment of ailments in aging bodies has outpaced knowledge of the problems impacting aging brains, an increase in older populations further complicates the jobs of criminal justice personnel, particularly the first responders. For instance, both elderly victims and offenders are more likely to have special needs (Blakely & Dolon, 1991; Enter, 1991; Sengstock & Hwalek, 1986), psychiatric disorders (Moak, Zimmer & Elliot, 1988; Petrie, Lawson & Hollender, 1982) and provide challenges for communication (Aaronson, 1998).

One concern of this study is that an increase in calls for police services by older populations, even non-crime related calls, may place law enforcement officers in conditions for which they have little training or experience. Although there is no shortage of literature focusing on strategies for policing different genders, races, and other groups, older populations have not attracted the same attention. This is not to say that the issue has been completely neglected, however, as some strides have been made over the past 15 years with the formulation of TRIAD programs that help inform the elderly about crime prevention techniques (Bourns, 2000). Indeed, by the year 2000, 30 states had state level TRIAD boards and a number had developed approved officer training curriculums in how to respond to the elderly (2000). But, police training on older populations still lags behind that placed on most of the other demographic groups.

The issues surrounding attention on older populations, or lack thereof, may extend beyond existing law enforcement officers to future law enforcement officers who are now in the classroom. Indeed, sparse attention has been found on older populations

in curriculums at the graduate level of study in criminal justice (Sever, 2004). There are also few textbooks available that have focused their coverage on the relationship between elderly and crime (Payne, 2000). Although this inattention may be due to the traditionally low incidence of crime among the elderly, it is cause for concern considering the mounting non-crime related calls for service by older populations. Moreover, since the increase of elder abuse cases will also increase interaction between law enforcement and older populations, a strong case is made for greater criminal justice student exposure to aging populations.

Axiomatic with increases in police interaction with older populations is the need for more training, education, and focus on older populations. It also necessitates a better understanding of the impact that officer training and education has on their knowledge of older populations. The present study examines the general knowledge that police officers have with regard to older populations, and it also examines a number of factors that may impact their knowledge. Specifically, we tested for the potential impacts of officer background characteristics, prior experience with older populations, training on older populations, and formal education. Since most officer interaction with the public is not crime related (Sever, 2001), we focused on the officers' general knowledge of older populations rather than knowledge related to their crime and victimization.

### **Prior Literature on Police and Older Populations**

Although there has been some literature on the fear of crime of older populations, (Gurnack & Zevitz, 1993; Norton, 1982; Norton & Courlander, 1982; Yin, 1980), the preponderance of criminal justice literature pertains to their victimization and strategies used to accommodate them. This literature extends back to the 1970's with the bulk of attention placed on police service delivery to elderly populations (Bourns, 2000; Gurnack & Zevitz, 1993; Lachs, O'Brien, Hurst, & Horowitz, 1996; Schack & Frank, 1978; Zevitz & Gurnack, 1991; Zevitz & Rettammel, 1990) and police response to elderly abuse (Cavan, 1991; Dolon & Hendricks, 1989; Heisler, 1991; Minaker & Frishman, 1995; Sengstock & Hwalek, 1986). There has also been research on the implications that increasing elderly populations have on police (Burgheim & Sterbling, 2002; Cockerham, 1991; Enter, 1991), including issues ubiquitous in crime reporting and eyewitness testimony of the elderly (Starrett, 1988; Yarmey & Jones, 1982), as well as how to train and educate officers with regard to these populations (Bachand, 1984; Bourns, 2000; Enter, 1991; Needham-Bennett, Parrot, & MacDonald, 1996).

While the aforementioned police strategies for victims in older populations have been consistently written about over the past 15 years, perceptual research surrounding this group is less common. In fact, there have been as many studies testing older

people's perceptions of criminal justice personnel as *visa versa*. Specifically, researchers have examined older people's perceptions of the quality of police services to the elderly (Sundeen, 1979; Zevitz & Gurnack, 1991; Zevitz & Rettammel, 1990) as well as their perceptions of police in comparison to other criminal justice agencies (Sundeen, 1979).

We located four studies that investigated the attitudes of the criminal justice system personnel handling elderly populations. All four of these studies placed much of their emphasis on perceptions that police and other groups have with regard to the sanctions appropriate in elder abuse cases. For instance, Dolon and Hendricks (1989) compared the opinions of police and social service providers about elder abuse, while Payne and Berg undertook a series of studies that focused on the beliefs of police chiefs, students, nursing home personnel, and related groups (1999; 2003a; 2003b).

Payne and Berg (2003a) examined the perceptions of police chiefs and ombudsmen (nursing home investigators) about the criminalization of elder abuse. These two groups were surveyed because the authors sought to include the opinions of officials (as in comparison to most legislators) who are more likely to have been involved in the decisions surrounding elder abuse cases. Specifically, they asked these police executives and investigators what penalties they favored for six different types of crimes, ranging from negligence to theft to battery. Both groups had a number of similar ideas surrounding the management of elder abuse, and both favored criminal charges as a consequence for this crime.

Payne and Berg (2003b) examined these same general issues surrounding perceptions of elder abuse, but added criminal justice students and nursing home employees along to the sample of police chiefs. While the sample of police chiefs and nursing home employees considered those currently in charge of older populations and elder abuse cases, the idea behind this study was to also shed light on a population (students) that will likely have even greater involvement with older populations in a law enforcement capacity. The study indicated that although criminal justice students did not view crime as cumbersome of a problem in the lives of elderly as did police chiefs, they were sensitive to many of the social service needs of this group.

Although it was not a focus of their study, Payne and Berg (1999) did compare the knowledge of police chiefs, criminal justice students, nursing home directors and employees on criminal victimization of older populations. Using a strict legal definition of crime victimization (blue collar crime), they found that police chiefs and criminal justice students were more likely to know that older populations are victimized less than younger populations. The rest of their study focused on the opinions between four groups, and found that police chiefs and nursing home directors were more likely to hold older populations responsible for their own victimization than were the college students and



nursing home employees. Not surprisingly, nursing home directors and employees were more likely to believe that nursing homes are safe environments than police chiefs and students.

The four perceptual studies above examined a variety of issues concerning older populations, but mainly focused on the opinions of police chiefs, students and nursing home employees about the appropriateness of sanctions for specific crimes against older populations. When concentrating on studies specific to patrol officers and other such law enforcement personnel having greater interaction with the public, we were only able to find a study focusing on their understanding of elder abuse laws (Daniels, Baurnhover, Formby and Clark-Daniels, 1999). We were not able to locate any studies that explore the attitudes that police at any lower levels have about older populations, let alone their knowledge of these populations. Thus, the present study attempts to fill this research gap. Again, since most police encounters with the elderly are not at a crime scene, we will explore police officers' general knowledge of older populations. We believe that this knowledge greatly impacts how officers are able to communicate and handle calls for service involving older individuals as well as how older individuals perceive the police.

### **Methods**

The data for this study were taken from 126 sworn police officers who were spread across nine city police departments in central New Jersey. Surveys were given to the chief of police or the officer handling research requests in each department and then dispersed to the individual officers. Officer participation was voluntary, and we received completed responses from 57% of the total 221 officers in the nine agencies during the spring and summer of 2005. Since this was a non-probability sample of officers, the results can only be generalized to the sample and not to all officers in New Jersey. However, given the exploratory nature of this study and the omission of this type of investigation in the prior literature, the results should be of interest to the fields of both policing and gerontology.

#### *Dependent Variables*

The dependent variable in this analysis was police knowledge of older populations. This variable was created via an index of 20 scaled questions about older populations. Specifically, officers were presented 20 statements on aging, some being more accepted as fact in the field of gerontology and some being viewed as myths. Examples of questions include: "older drivers have fewer accidents per person than drivers under the age of 65" and "Most old people have little desire in, or capacity for sexual relations."

Since there can never be a 100% correct or incorrect statement, officers were given a scale of 1-6 (one being definitely false and 6 being definitely true) and asked the extent to which they agree or disagree with each statement. If the statement is an accepted idea in the field of gerontology and the officer answered a four (possibly true), then the officer received four points for that particular statement. Conversely, if the statement is considered a myth in the field and the officer answered a five (most likely true), then the officer was credited with only two points for that statement, while a definitely false answer would have achieved six points. The officers' answers were totaled with a potential scoring range from 20 to 120.

The first knowledge variable in this study was the officer's *total knowledge score*. The officers' scores ranged between 59 and 105 with overall mean and median scores of 76.6 and 76 respectively. The second knowledge variable, *high score*, was a simple dichotomy indicating whether the officer scored over the median score of 76. An officer score of 76 or higher was considered a high score (1=high score, 0= low score).

### *Independent Variables*

One of the primary objectives of this study was to ascertain the impact that police training about older populations has on our two knowledge variables. We tested nine dichotomous training variables against the knowledge of older population's variable. These nine variables included six distinct types (1=received training on aging, 0=did not receive training on aging) of training that may potentially indoctrinate information about older populations. These training types include: role call training, recruit training, promotional training, in-service training, specialized training, and field training. *Role call training* perhaps is the most common type of training, occurring daily in some departments. In such departments, officers meet at the beginning of their shift and discuss issues and current events pertinent to their work detail. *Recruit training*, on the other hand, only occurs at the beginning stages of an officer's career, but is longer in duration (up to six months for many departments), and thus has a great deal of potential for officer training on older populations.

The remaining four training variables usually occur at different levels of an officer's career. For instance, *promotional training* is typically required of officers who are being promoted to a higher rank or given a different assignment. Since the new job will have different responsibilities, officers receive training on the protocol and standard procedures necessary for the position. *In-service training* is required for officers regardless of any impending advancement, and officers normally must complete a required number of in-service training hours per year. This training could serve as a

review of many of the issues covered in recruit training or it could center on contemporary issues involving specific populations.

*Specialized training* is typically provided to officers specifically selected to receive training on an issue that is critical to the department, for which perhaps only a few experts in the department are necessary. Examples would include officers who receive specialized training in crime analysis, hate crimes, or other modern-day requirements for policing. Finally, *field training* commonly follows recruit training and is a more informal process used to indoctrinate inexperienced officers. At this stage, a new officer is assigned to an experienced officer who instructs the officer while on the job. Officers may encounter older populations during this stage and could potentially receive tips from the experienced officers about their understanding of these populations.

Three summary variables are included in the analysis, indicating whether the officer had received no training (1=yes, 0=no), one or more training types (1=yes, 0=no), and two or more training types (1=yes, 0=no). These variables were included to assess whether exposure to a variety of training styles has any impact on knowledge distinct from individual training type.

We also hypothesized that experience with older populations will impact officer knowledge. Therefore, six measures of experience with older populations were controlled for, encompassing the officers' job experience as well as experiences in their personal life. All of these experience variables are dichotomous (1=yes, 0=no), and they all have potential to confound the impact of the training variables on knowledge. The three job experience variables simply denote whether the officers have ever been *involved in arrest* in elder abuse, *investigated elder abuse* or *discussed an elder abuse case* with other officers. The three personal experience variables gauge whether the officer is *currently in a caretaking role*, *has been in a caretaking role in the past* and whether he or she has *witnessed a relative in a caretaking role*. Tantamount to past research (Hyde & Miller 1999; Silverstein & Parrott 1997) that has found increases in exposure with older populations adds to favorable perceptions towards them, we believe that exposure will also amplify general knowledge about this group.

Finally, several officer characteristics were included as controls in this study. These variables include the officers' *age*, *years of experience*, *education* (bachelors or higher =1, no bachelors =0), and whether or not the officer works as a *patrol officer* (1=yes, 0=no). Education and rank were originally ordinal variables, but were dichotomized due to the small numbers in some of the categories. Officer experience in years is a continuous interval variable, while age is included as both an interval and dichotomous variable (40 and over =1, under 40=0).

Officer age, experience, and education are expected to have positive impacts on knowledge of the elderly. Although we located no evidence that these variables impact officer knowledge of older populations, there is some research suggesting that age and experience influence the general populations' stereotypes about these groups (Scott, Minichiello & Brown, 1998; Minichiello, Browne, & Kendig 2000; Silverstein and Parrott (1997).

### **Findings**

Table 1 displays the cross-tabulation break-down for each of the independent variables, indicating the percentage of officers that answered "yes" to each of the survey questions. For each dichotomous variable, the table also shows the difference in mean knowledge for the officers who answered yes and no for each variable.

**Table 1**  
**Officer Training on Aging**

|                   |             |            |
|-------------------|-------------|------------|
| (Knowledge Score) | (Mean=71.3) | Mean=77.4) |
|-------------------|-------------|------------|

**Aging Experience Variables**

|  |                        |                       |
|--|------------------------|-----------------------|
| Involved In arrest in Elder Abuse<br>(Knowledge Score) | Yes-15%<br>(Mean=79.8) | No=85%<br>Mean=76.1)  |
| Investigated Elder Abuse<br>(Knowledge Score)          | Yes-29%<br>(Mean=78.2) | No-71%<br>(Mean=76)   |
| Discussed Elder Abuse Case<br>(Knowledge Score)        | Yes-43%<br>(Mean=75.8) | No-57%<br>Mean=77.3   |
| Caretaking Role Currently<br>(Knowledge Score)         | Yes-9%<br>(Mean=74.5)  | No-91%<br>(Mean=76.8) |
| Caretaking Role In Past<br>(Knowledge Score)           | Yes-38%<br>(Mean=78.4) | No-62%<br>Mean=75.6)  |
| Witnessed Relative Caretaking<br>(Knowledge Score)     | Yes-31%<br>(Mean=78)   | No-68%<br>(Mean=76)   |

**Characteristics of Officers**

|                |         |        |
|----------------|---------|--------|
| Age of Officer | Mean=36 | SD=8.8 |
|----------------|---------|--------|

|                                |           |        |
|--------------------------------|-----------|--------|
| Years of Experience of Officer | Mean=11.3 | SD=8.8 |
|--------------------------------|-----------|--------|

|   |                        |                       |
|---|------------------------|-----------------------|
| Over 40 Years of Age<br>(Knowledge Score) | Yes=29%<br>(Mean=79.3) | No=79%<br>(Mea=75.5)  |
| Bachelors or higher<br>(Knowledge Score)  | Yes=26%<br>(Mean=78.5) | No=74%<br>(Mean=76)   |
| Patrol Officer<br>(Knowledge Score)       | Yes=65%<br>(Mean=75.8) | No=35%<br>(Mean=78.1) |

Table 1 demonstrates that the overwhelming majority of officers, (88%) in our sample, have received at least one kind of training on aging, with half of them being exposed to two or more types. Officers most commonly received training at the recruit stage, followed by in-service training. While none of the individual training types radically impacted officer knowledge, officers receiving some type of training on older populations had higher knowledge scores than those not receiving training. Fortunately, there were only fifteen officers in our sample who had not received training on older populations. Interestingly, having two or more types of training had no impact on knowledge, indicating that being exposed to some training is helpful in increasing or establishing knowledge, but additional training may simply be redundant.

The experience variables had mixed results in Table 1. Officers having past experience with care taking and those that witnessed care taking in their families both had slightly increased knowledge scores. The same was true for officers who were involved in arrests in elder abuse cases and those who had investigated elder abuse cases. As expected, higher education, age, and rank all related to increases in knowledge scores.

**Table 2**  
**Officer Characteristics and Knowledge Index on Aging**

| <b>Officer Variables</b>                       | <b>Knowledge Index</b> |
|--|------------------------|
| <b>Education</b>                               |                        |
| No College Degree (n=93)                       | 46%                    |
| College Degree (n=33)                          | 67%                    |
| <b>Age</b>                                     |                        |
| Under 40 (n=89)                                | 46%                    |
| Over 40 (n=37)                                 | 65%                    |
| <b>Rank</b>                                    |                        |
| Patrol Officer (n=82)                          | 44%                    |
| Higher Ranked Officer (n=44)                   | 66%                    |
| <b>Training</b>                                |                        |
| Received No Training on Aging (n=15)           | 27%                    |
| Received one type of training below (n=47)     | 57%                    |
| Received two or more of Training below (n=65)  | 52%                    |
| Received Roll Call Training on Aging (n=42)    | 55%                    |
| No Roll Call Training on Aging (n=84)          | 50%                    |
| Received Recruit Training on Aging (n=65)      | 54%                    |
| No Recruit Training on Aging (n=61)            | 49%                    |
| Received In-Service Training on Aging (n=57)   | 54%                    |
| No In-Service Training on Aging (n=69)         | 49%                    |
| Received Specialized Training on Aging (n=23)  | 61%                    |
| No Specialized Training on Aging (n=103)       | 50%                    |
| Received Field Training on Aging (n=11)        | 64%                    |
| No Field Training on Aging (n=115)             | 50%                    |
| <b>Experience with Aging Populations</b>       |                        |
| Involved in Arrest in Elder Abuse Case (n=19)  | 58%                    |
| Never Made Arrest in Elder Abuse Case (n=107)  | 50%                    |
| Investigated Elder Abuse (n=37)                | 59%                    |
| Never Has Investigated Elder Abuse (n=89)      | 48%                    |
| In Caretaking Role in Past (n=48)              | 60%                    |
| Never in Caretaking Role in Past (n=78)        | 46%                    |
| Witness to Relative in Caretaking Role (n=39)  | 62%                    |
| Never Had a Relative in Caretaking Role (n=87) | 47%                    |

Table 2 shows cross-tabulations between the independent variables and whether or not the officers scored high on the knowledge test. These results generally support the results in Table 1. For instance, older officers, those with college degrees, and those with ranks above patrol officer were all more likely to score high on the knowledge index than were comparable groups. The results for the training variables were also mirrored in this table, as officers without any training were much less likely to score high than those with training. Officers who received specialized and field training were the most likely to score high in Table 2.

Experience with older populations again had a strong impact on knowledge in Table 2. Indeed, being in a caretaking position in one's personal life and involvement in elder abuse cases both increased knowledge scores. While the age of officers had similar impact on knowledge scores in Tables 1 and 2, however, paradoxical results were found for education.



**Table 3**  
**Logistic Regression of Training, Experience, and Officer Characteristics**  
**On High Police Knowledge Scores of Older Populations**

|                          | (1)    | (2)    | (3)    | (4)    | (5)    | (6)    | (7)    |
|--------------------------|--------|--------|--------|--------|--------|--------|--------|
| Witness to Elder Care    | 1.15*  | 1.19*  | 1.11*  | 1.13*  | 1.14*  | 1.15*  | 1.15*  |
|                          | (.472) | (.477) | (.472) | (.480) | (.472) | (.472) | (.473) |
| Past Care Of Elderly     | .973*  | 1.14*  | .951*  | .963*  | .993*  | 1.03*  | 1.01*  |
|                          | (.466) | (.485) | (.456) | (.461) | (.460) | (.470) | (.461) |
| College Degree           | 1.15*  | 1.13*  | 1.16*  | 1.12*  | 1.11*  | 1.17*  | 1.16*  |
|                          | (.486) | (.489) | (.492) | (.487) | (.486) | (.497) | (.490) |
| Over 40 Years Old        | .068   | .188   | .286   | .202   | .176   | .223   | .191   |
|                          | (.543) | (.531) | (.542) | (.531) | (.532) | (.530) | (.534) |
| Patrol Officer           | -.774  | -.764  | -.676  | -.698  | -.703  | -.712  | -.696  |
|                          | (.505) | (.507) | (.500) | (.503) | (.499) | (.499) | (.504) |
| Arrest Experience        | -.102  | -.126  | -.149  | -.135  | -.144  | -.115  | -.135  |
|                          | (.585) | (.597) | (.588) | (.587) | (.581) | (.583) | (.579) |
| Investigation Experience | .397   | .317   | .367   | .369   | .363   | .417   | .392   |
|                          | (.439) | (.440) | (.438) | (.438) | (.437) | (.446) | (.438) |
|                          |        |        |        |        |        |        |        |
|                          |        |        |        |        |        |        |        |

(Table 3 Continued)

|   | (1)     | (2)     | (3)     | (4)     | (5)     | (6)     | (7)     |
|---|---------|---------|---------|---------|---------|---------|---------|
| Training<br>(Two or<br>more)                    | .165    |         |         |         |         |         |         |
|   | (.398)  |         |         |         |         |         |         |
| Roll Call<br>Training                           |         | .544    |         |         |         |         |         |
|   |         | (.440)  |         |         |         |         |         |
| Recruit<br>Training                             |         |         | .310    |         |         |         |         |
|   |         |         | (.399)  |         |         |         |         |
| Promotion<br>Training                           |         |         |         | -.042   |         |         |         |
|   |         |         |         | (.613)  |         |         |         |
| In Service<br>Training                          |         |         |         |         | .162    |         |         |
|   |         |         |         |         | (.395)  |         |         |
| Specialty<br>Training                           |         |         |         |         |         | -.280   |         |
|   |         |         |         |         |         | (.565)  |         |
| Field<br>Training                               |         |         |         |         |         |         | .735    |
|   |         |         |         |         |         |         | (.725)  |
| -2 Log Like.                                    | 152.827 | 154.028 | 154.982 | 155.583 | 155.420 | 155.343 | 154.522 |
| Chi-Square                                      | 19.387  | 20.518  | 19.564  | 18.963  | 19.127  | 19.203  | 20.024  |
| *p<.05<br>(Standard<br>Error in<br>Parentheses) |         |         |         |         |         |         |         |

Table 3 lists the findings for the multivariate logistic regression analyses of officer knowledge. The table has seven models, each with a different training variable included in order to control for their individual effects. Despite which training variables are used as controls, we find that education, past care of older populations and being a witness to care of older populations all have consistent significant positive impacts on knowledge across the models. While bivariate analyses had found that age, arrest, and investigative experience impacts knowledge scores, these impacts did not persist in multivariate analysis. These results suggest that investigative and arrest experience may simply be correlated with personal experience with care of older populations and not knowledge scores. Finally, none of the individual training variables included in Table 3 significantly impacted officer knowledge, but their positive impacts remain stable across the various models.

### **Discussion and Conclusion**

The research in this study indicates that officers who receive training on older populations have more knowledge about these populations than those who receive no training. There does not appear to be an additive effect, however, whereby the more types of training that an officer receives would increase overall knowledge. There also does not appear to be a particular training type that is specifically effective in increasing knowledge. Formal education does impact officer knowledge in all of the tests undertaken in this study, suggesting that these officers receive additional knowledge of older people through their college experience and/or their resulting desire to continue their learning process.

This study has significance for the field of criminal justice through a number of different contexts. First, it suggests that it is common for officers, at least in central New Jersey, to be exposed to training about older populations. We provide evidence that this training, at least its mere existence, has positive impacts on officer understanding of older populations. Since law enforcement officers will likely have increased interaction with older populations in the future, these results provide support for enhancements in such training. Indeed, Payne and Berg (1999) found that 84% of their police chiefs sampled believed that officers were not receiving enough training on older populations.

While some may argue that college educated officers may have scored higher on the knowledge index due to testing effects, whereby they have become acclimated to taking exams and recognize the direction to which they should answer, we feel that education does have an impact beyond this phenomenon. We believe that this study demonstrates the potential that universities and colleges have in exposing future officers to subject areas that will become pertinent in their jobs. Indeed, institutions of higher

education are recognizing the necessity of gerontology as a subject for study, and related courses may also see an increase in coverage of this topic.

Since criminal justice students will be engaging older populations in the future in a number of different settings, it is critical that their exposure to older populations be augmented in and out of the classroom. As elucidated previously, there is evidence that exposure to older populations can impact college students' perceptions of these groups and diminish the existence of negative stereotypes that exists between both groups (Hopkins, 2000; Hyde & Miller, 1997).

Future research on older populations should move its focus beyond a general knowledge index and extend to officer knowledge specific to law enforcement and crime related issues. Perhaps research could be directed at the myths surrounding older populations' involvement as victims and offenders in crime and criminal justice. Moreover, other criminal justice personnel, such as prosecutors, judges, corrections officers, and probation officers, could also be surveyed to ascertain their training levels and knowledge of older populations.

### References

Aaronson, M. (1998). *Understanding Alzheimer's Disease*. New York: Scribner's Publishing.

Bachand, D. (1984). *The Elderly Offender: An Exploratory Study With Implications for Continuing Education of Law Enforcement Personnel*. Ann Arbor, MI: University Microfilms International.

Baron, S. & Welty, A. (1996). Chapter IV: Elder Abuse. *Journal of Gerontological Social Work*, 25 33-57.

Blakely, B. & Dolon, R. (2001). Another Look at the Helpfulness of Occupational Groups in the Discovery of Elder Abuse and Neglect. *Journal of Elder Abuse and Neglect*, 13, 1- 21.

Bourns, W. (2000). Police Gerontology Services for the Elderly: A Policy Guide. *The Justice Professional*, 13, 179-192.

Burgheim, J. & Sterbling, A. (2002). Subjective Safety, Quality of Life, Police Community Relations-With a Special Emphasis on Age Specific Perspectives. *Die-Kriminalpraevention*, 6, 91-98.

- Cavan, R. (1991). The Role of the Criminal Justice System in Elder Abuse Cases. *Journal of Elder Abuse and Neglect*, 3, 5-33.
- Cockerham, W.C. (1991). *This Aging Society* (2nd ed.). New Jersey: Prentice Hall.
- Daniels, R., Baurnhover, L., Formby, W. & Clark-Daniels, C. (1999). Physician's Mandatory Reporting of Elder Abuse. *The Gerontologist*, 29, 321-327.
- Dolon, R. & Hendricks, J. (1989). An Exploratory Study Comparing Attitudes and Practices of Police Officers and Social Service Providers in Elder Abuse and Neglect Cases. *Journal of Elder Abuse and Neglect*, 1, 75-90.
- Enter, J. (1991). Police Administration in the Future: Demographic Influences as they Relate to Management of the Internal and External Environment. *American Journal of Police*, 10, 65-81.
- Federal Interagency Forum on Aging Related Statistics. (2004). *Older Americans 2004: Key Indicators of Well Being*. Retrieved 2005, from <http://www.agingstats.gov/chartbook2004/default.htm>.
- Gurnack, A. & Zevitz, R. (1993). Components of Variation in Elderly Crime Victims' Perceptions of Neighborhood Safety: The Role of Specialized Police Services for Seniors. *Police Studies*, 16, 20-27.
- Heisler, C. (1991). The Role of the Criminal Justice System in Elder Abuse Cases. *Journal of Elder Abuse and Neglect*, 3, 5-33.
- Hopkins, G. (2000). How Important Are Intergenerational Programs to Today's Schools? *Phi Delta Kappan*, 82, 317-323.
- Hyde R. & Miller, D. (1999). Multidisciplinary Approach to Home Health Care. *Journal of Dental Hygiene*, 73, 78-89.
- Lachs, M., Williams, C., O'Brien, S., Hurst, L. & Horowitz, R. (1996). Older Adults: An 11 Year Longitudinal Study of Adult Protective Service Use. *Archives of Internal Medicine*, 156, 449-553.

- Minaker, K. & Frishman, R. (1995). Elder Abuse: Love Gone Wrong. *Harvard Health Letter*, 9-12.
- Minichiello, V., Browne, J. & Kendig, H. (2000). Perceptions and Consequences of Ageism. *Ageing and Society*, 20, 253-279.
- Moak, G., Zimmer, B. & Elliott, M. (1988). Clinical Perspectives on Elderly First-Offender Shoplifters. *Hospital and Community Psychiatry*, 39, 649-651.
- Needham-Bennett, H., Parrot, J. & MacDonald, A. (1996). Psychiatric Disorder and Policing the Elderly Offender. *Criminal Behavior and Mental Health*, 6, 241-252.
- Norton, L. (1982). Crime Prevention Education for Elderly Citizens, Fear of Crime, and Security Conscious Behavior. *Criminal Justice Review*, 7, 9-15.
- Norton, L. & Courlander, M. (1982). Fear of Crime Among the Elderly: The Role of Crime Prevention Programs. *The Gerontologist*, 22, 388-393.
- Payne, B. (2000). *Crime and Elder Abuse: An Integrated Perspective*. Springfield, IL: Charles C. Thomas.
- Payne, B. & Berg, B. (2003a). Perceptions About the Criminalization of Elder Abuse Among Police Chiefs and Ombudsmen. *Crime and Delinquency*, 49, 439-459.
- Payne, B. & Berg, B. (2003b). Criminal Justice Students' Understanding, or Misunderstanding, of Issues Facing Elderly Persons. *Journal of Criminal Justice Education*, 14, 53- 71.
- Payne, B. & Berg, B. (1999). Perceptions of Nursing Home Workers, Police Chiefs, and College Students Regarding Crime Against the Elderly: An Exploratory Study. *American Journal of Criminal Justice*, 24, 139-149.
- Petrie, W., Lawson, E. & Hollender, M. (1982). Violence in Geriatric Patients, *Journal of the American Medical Association*, 248, 443-444.
- Schack, S. & Frank, R. (1978). Police Service Delivery to the Elderly. *The Annals*. 438,

81-95.

Scott, T., Minichiello, V. & Brown, C. (1998). Secondary School Students' Knowledge of and Attitudes Towards Older People. *Ageing and Society, 18*,167-184.

Sengstock, M. & Hwalek, M. (1986). Domestic Abuse of the Elderly: Which Cases Involve the Police. *Journal of Interpersonal Violence, 1*, 335-349.

Sever, B. (2004). Criminal Justice Graduate Programs at the Beginning of the 21<sup>st</sup> Century: A Curriculum Analysis. *The Annual Meeting of the Academy of Criminal Justice Sciences*. Las Vegas, Nevada.

Sever, B. (2001). The Relationship Between Minority Populations and Police Force Strength: Expanding Our Knowledge. *Police Quarterly, 4*, 28-68.

Silverstein, M. & Parrott, T. (1997). Attitudes towards Public Support for the Elderly. *Research on Aging, 19*, 108-133.

Starrett, R. (1988). The Crime Reporting Behavior of Hispanic Older Persons: A Causal Model. *Journal of Criminal Justice, 16*, 413-423.

Sundeen, R. (1979). Differences in Attitudes Toward Criminal Justice Agencies and Practices: A Comparative Study Among Elderly. *Justice System Journal, 5*, 97-106.

Treas, J. (1995). Older Americans in the 1990s and Beyond. *Population Bulletin, 56*, 2-46.

Yarmey, D. & Jones, H. (1982). Police Awareness of the Fallibility of Eyewitness Identification. *Canadian Police College Journal, 6*, 113-124.

Yin, P. (1980). Fear of Crime Among the Elderly: Some Issues and Suggestions. *Social Problems, 27*, 492-504.

Zevitz, R. & Gurnack, A. (1991). Factors Related to Elderly Crime Victims' Satisfaction with Police Service: The Impact of Milwaukee's "Gray Squad." *The Gerontologist, 31*, 92-101.

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Zevitz, R. & Rettammel, R. (1990). Elderly Attitudes About Police Service. *American Journal of Police*, 9, 25-39.



## **The Los Angeles Police Department's West Point Leadership Program: Participant Survey**

**David A. Jenks, J. Scott Carter, Catherine A. Jenks, and Mark Correia**

The Los Angeles Police Department's West Point Leadership Program (WPLP) was established in 1996. It is one of very few programs in the country that is directed at improving leadership among current command staff within police organizations. The purpose of this project is to assess perceptions of past participants as to the overall effectiveness/usefulness of the WPLP training. Generally, the WPLP was found to be very effective at meeting its stated goals and better equipping command staff to deal with leadership issues.

Leadership is an inherent necessity in any organization, perhaps even more so in those formulated in a paramilitary style, such as that found in police organizations. It is a value that police organizations have historically sought, yet have only indirectly mentioned in training. One common rationale for this incongruity is that leadership is often viewed as a trait that is inborn. New and innovative programs directed at training officers to be better leaders, however, have recently challenged this assumption. Both the New York Police Department (NYPD) and the Los Angeles Police Department (LAPD) have constructed and implemented police training programs directed at improving leadership among command staff personnel.

While the NYPD has a similar training program for leaders, to date no formal results have been released from exit surveys. In Los Angeles, the program is based on an andragogical method, or adult-centered learning, originally developed at West Point. The model used at West Point to improve the leadership of higher-ranking officers was adapted in the mid 1990s for use with command staff in law enforcement and became the Los Angeles Police Department's West Point Leadership Program.

Although very few studies on police training have focused on leadership, many either directly or indirectly included it in their analyses (Lumb, 1995; Dantzker, 1996). Dantzker (1996) sampled police chiefs across the country and found that leadership was cited as the most important skill to possess in order to be an effective chief. Carter (1994) noted that the most common complaint from police officers was a lack of leadership. Leadership is commonly mentioned throughout the literature on police training, largely in response to reports from the rank and file that their commanders are not clear and concise regarding department initiatives. The ongoing debate regarding higher education

as a requirement for police recruits inevitably mentions the ability to help lead the movement of organizational change (Baro and Burlingame, 1999). Despite the seemingly common acceptance of leadership as a necessary characteristic for police officers, only recently has the issue been addressed.

The purpose of this article is to evaluate reasons officers in police organizations choose to participate in the WPLP, as well as the program's effectiveness from participants' points of view. The article provides a perfunctory look at how effectively the program is providing motivation to officers who have recently completed the program, as well as assessing the possible impact of various demographic characteristics.

### **Program Summary**

The current curriculum at the LAPD's West Point Leadership Program (WPLP) was modeled after the United States Military Academy (USMA) at West Point, which they developed shortly after the Vietnam War. The military realized that their leaders had fallen short of expectations. To address this issue, they developed the Department of Behavioral Sciences and Leadership by combining techniques from educational institutions around the world.

In the 1990s, the LAPD had fallen short of community expectations and turned to the current experts in leadership at the USMA at West Point. In 1992, former LAPD Assistant Chief Jessie Brewer identified the need to improve leadership training and contacted the USMA at West Point for its support (LAPD, 2002). In 1994, the LAPD sent Deputy Chief Rick Dinse, Commanders John Moran and George Gascon, Lieutenant Kathleen Sheehan, and Sergeant Stanley Lemelle to participate in a Faculty Development Workshop on leadership at the USMA at West Point (LAPD, 2002). They adapted the 40-hour program at West Point and expanded it to 136 hours, adding a variety of materials that were more applicable to the law enforcement community. The first class was taught in 1996 and has since been offered an average of three times each year. The program has graduated 304 students representing law enforcement agencies across the west coast and is accredited through the California State University Los Angeles for undergraduate and graduate credits.

The conceptual foundation for leadership adopted by the program is "the process of influencing human behavior so as to accomplish goals" (LAPD, 2003: pg 4) Influencing human behavior is calculated through a leader's ability to meet the needs of individuals within his/her command and goals are defined as those of the organization. The WPLP focuses on improving individual ability to maintain a balance between the needs of subordinates and the demands of superiors at all levels of the command. They define the program as using a decision-making model based on the scientific method. The WPLP

refers to this process as Intellectual Procedure. Intellectual Procedure helps focus command staff on situations when personal attributes and goals such as motivation, performance, and satisfaction are in direct conflict with the goals of the organization. Intellectual Procedure can also be used to proactively reduce the likelihood that these conflicts will occur.

It is important to place the WPLP in context with other leadership programs currently being offered in the United States. Two such programs are Harvard's National Preparedness Leadership Initiative (NPLI), and the National Highway Safety Transportation Administration and the National Sheriff's Association (NHSTA/NSA) officer leadership program. While both of these programs have been praised for their effectiveness, their goals are much narrower than the WPLP. The NPLI is designed to prepare officials to "respond to situations beyond the scope of their immediate experience, cope with high levels of uncertainty and stress, reach coherent decisions under pressure, and coordinate, define and guide the actions of a wide range of people and organizations" (Harvard, 2006). The NHTSA/NSA officer leadership program focuses on developing officers' skills through the creation of training materials and traffic safety initiatives (NHTSA, 2002). The WPLP is unique in its approach to teaching leadership techniques that are designed for use on an everyday basis, whether in traffic safety, threat of terrorism, or any number of daily situations.

*The purpose of this study is to evaluate the effectiveness of the WPLP by assessing participants' perceptions of its usefulness. The WPLP aims to motivate officers to achieve their full potential and make every effort to become better leaders. While a longitudinal study following the careers of participants to their fruition would certainly provide more empirical support, the present study seeks only to provide a cursory look at how recent graduates view the WPLP, using their numerous years of experience and prior in-service training as a basis for comparison. This analysis will investigate their perceptions, along with any possible effects of various demographics.*

### **Leadership Defined**

Strong leadership is a hallmark of any successful organization. A good leader should exhibit qualities that inspire subordinates and receive praise from superiors. "Leadership, quite simply, is the ability to influence others" (Green, 2006). Many people have tried to clarify exactly what comprises a great leader. Warren Bennis (1982) wrote twenty-five years ago that there were over 350 definitions of leadership, with more being adopted every day. While these definitions are numerous, there are several attributes that seem to be universally acknowledged. Northouse (2004) classified leadership theories into four categories: the "great man" and genetic theories, a traits approach,

behavioral explanations, and situational theories. The problem with these theories, however, is that few authors have included clear examples from policing (Haberfield, 2006). Some organizations (e.g., the Leadership Development Institute at the FBI Academy) feel that leadership requires an accumulation and application of prior learning (Corderman, 2006). These qualities that the FBI and other law enforcement agencies (as well as the Los Angeles Police Department 's West Point Leadership Program ) emphasize include values such as integrity, respect, fairness, focus, and empowerment.

Leadership in law enforcement has historically followed the three basic eras in policing. During the political era (1840-1930), the police were led predominantly by the politicians who granted them power. Close ties to politicians caused an enormity of problems that culminated with the Wickersham Commission reports in 1931. In response to these reports and widespread dissatisfaction with the police, the professional era (1930-1980) developed. It was during this time that a professional distance was emphasized for police officers. Leadership, therefore, was found within organizations, predominantly through the office of the chief. With the emphasis on professionalism, however, came the loss of the police officer as a neighbor and more as an occupying army (Kerlikowske, 2004). This viewpoint and a renewed emphasis on police behavior in the 1960s and '70s led to the community era of policing (1980-present). The community era stressed citizen input and attempted to take leadership cues from community leaders, as well as from within the organization. It was during this time that police organizations began looking for leadership in every officer, thus accentuating the role leadership plays in every communication between command staff and line officers and thereby stressing some of the very core values of police officers.

Integrity has long been a core value sought by police organizations. Haberfield (2006) suggested that using the term integrity was much less threatening than any discussion involving the term ethics. A good leader will show integrity "on and off duty" (Staveley, 2004). This is especially important for police leaders because officers typically rely on the ethics of their superiors to guide their own behavior (Martinez-Carbonell, 2003). A summary of integrity by Devore (2004) is that, "people don't want to follow a person they cannot trust. [And] bosses don't want to promote those they cannot trust." Integrity adds consistency to one's character. The good leader is predictable in how he or she will address ethical and moral issues.

Another type of risk is the leader's capacity to empower his employees. The good leader will want to share some power with his employees. In empowering subordinates, the leader allows them to realize their own potential. The Intellectual Procedure taught at the WPLP encourages command staff to lead by example and thus recognize this need. Scandura, Graen, and Novak (1986) suggested that this balance had

to be considered for an effective leader-member exchange to take place. This promotes the employees to exercise their own decision-making skills. Employees that are empowered are self-confident. They are often encouraged to present new ideas and suggestions and also solutions to solve such problems. By doing this, the leader has created an atmosphere that encourages more leaders and not just followers.

The WPLP is founded on the idea that through training it is possible for officers to become effective leaders. They learn how to set higher standards for themselves and those around them. They learn that respect is a two-way street that promotes respect throughout the whole of the organization. They learn how and when to make decisions based on the "big picture" and what is best for the organization, and they learn to empower their officers to become better leaders themselves.

### **Methodology**

Although the program has received numerous accolades within the law enforcement community and throughout Los Angeles, no formal evaluation of the WPLP has been conducted. This study was undertaken in coordination with the LAPD's continuing education division to address this need. During the early stages of this project, it became apparent that directly measuring leadership was not feasible. First, we had no method by which to compare officers prior to completing the program. Officers in the program could have ranged from exceptional to inadequate prior to entering the program. Second, leadership in and of itself is a vague concept that could be operationalized in a number of ways and would be affected by numerous variables. An officer's likeability, friendliness, or subordinate fear could seriously alter results. Third, the goals of the WPLP were not consistent with building great leaders, rather helping officers achieve their personal potential and striving to become better leaders.

A survey was developed to directly assess whether WPLP graduates believed the course content succeeded in its main goals. Thus, the survey was designed to elicit the efficacy of the program from the participants' points of view. The survey was sent to graduates at least six months removed from the program (N=304). A systematic random sample of 100 graduates was drawn and surveys were distributed using standard mailing practices using an electronic medium. The response rate was 52% (N=52), which was attributed in part to the unwillingness of command staff to complete surveys (as noted by personal comments), an admitted lack of familiarity with the medium, and limited follow-up with potential respondents. While the response rate was not as high as was anticipated, a 52% response rate for management within a law enforcement organization for a voluntary survey is not considered poor. In regard to the issue of nonresponse, we investigated the possibility of systematic bias due to nonresponse. Since we do not have any information

about survey nonrespondents other than the facts that their ranks within their respective organizations were sergeant or higher during the survey field period and that they worked for a law enforcement agency within the State of California, it was deemed impractical to try and ascertain any systematic way that nonrespondents may have differed from those who completed the survey.

Several areas of interest were measured by the survey. First, respondents were asked to rate using Likert-style responses whether various statements corresponded with their reasons for choosing to participate in the WPLP (mnemonic in parenthesis). The statements include:

- 1) To learn new skills (SKILLS)
- 2) To enhance my understanding of leadership (LEADERSHIP)
- 3) Provide an opportunity to improve the way I do my job (IMPROVE JOB)
- 4) Gain personal recognition and respect from my fellow officers (RESPECT)
- 5) Support my agency's mission/goals (GOAL)
- 6) Increase in compensation (COMPENSATION)
- 7) To become a more effective leader (LEADER)
- 8) Advancement within my organization (ADVANCEMENT)

Range of possible responses provided to the participant was "1" ("Not at all") to "7" ("Very Much").

Second, using a Likert scale, respondents were asked whether they agreed or disagreed that their experiences with the WPLP were positive. These statements correspond with the stated goals of the WPLP: to integrate course content into daily practices, challenge students to reach their potential, and inspire students to adopt a lifelong study of leadership. Several statements were used on the survey to assess their experiences, including (mnemonic in parenthesis):

- 1) The material presented in the WPLP has practical application to my job (APPLICATION)
- 2) The techniques taught in the WPLP are useful in my position (POSITION)
- 3) Since completing the WPLP, I am better able to attain the goals of my agency while meeting the needs of my subordinates (SUBORDINATES)
- 4) The program helped me to enhance my problem-solving skills (PROBLEM)
- 5) I am able to apply the strategies presented in the WPLP to leadership situations daily (STRATEGIES)
- 6) I am able to translate the theories presented into effective leadership behaviors that suit my rank and assignments (THEORIES)

- 7) Since completing the program, I am better able to manage inter-group conflict (CONFLICT)
- 8) The program better enabled me to develop clear objectives and set goals (OBJECTIVES)
- 9) Since completing the program, I am better able to help subordinates internalize the values of my organization (INTERNALIZE)

The range of responses provided to respondents was “1” (“Strongly Disagree”) to “7” (“Strongly Agree”). It should also be noted that respondents were also provided a “Neutral” response (4).

Finally, several demographic questions were included for comparative purposes. Respondents were asked several open-ended questions, including age in years, affiliated agency, rank, years employed with current agency, and total years of service in law enforcement. Respondents were also asked their sex (Male = 0 and Female = 1) their race/ethnicity, and highest level of education completed. Race was treated as a nominal variable with the following categories: African-American/Black (0), Hispanic (1), Asian/Pacific Islander (2), Native American (3), non-Hispanic White (4), and Other (5). Education was treated as an ordinal variable with the following categories: High school graduate/GED (0), Vocational school beyond high school (1), Some college (2), Associate (3), Bachelor’s degree (4), Some graduate education (5), and Graduate degree (6).

### **Comparative Analysis**

Along with describing basic statistics regarding the overall experience the participant had with the WPLP (including why participants chose to attend and the effectiveness of the program), we also attempted to assess the impact of demographic variables on these outcomes. First of all, we assessed whether these outcomes varied by sex and race. We also assessed the effect of age, affiliated agency, and rank on these outcomes. For clarity purposes, the latter variables were collapsed into distinct nominal categories. Age was treated as a nominal variable with respondents aged 30-39, 40-49, and 50-59 being compared. Because age was highly correlated to job tenure, similar results were expected for age and years on the job. Affiliated agency was treated as a nominal variable comparing the Los Angeles Police Department with larger agencies and other smaller agencies<sup>1</sup>. Rank was also treated as a nominal variable with two categories: captain or higher and lieutenant or lower. Morris, Shinn, and Dumont (1999)

found that officers who held a higher rank or had longer job tenure were more likely to hold a stronger commitment to the department and the profession.

### **Results**

Respondents included in this analysis completed the WPLP and exit survey (N=52). Of those who met those qualifications, 78.8 percent were male and 21.2 percent were female. Furthermore, the majority of respondents self-identified as white (73.1 percent), while the remaining identified themselves as Hispanic (15.4 percent), African American (5.8 percent), Asian/Pacific Islander (3.8 percent), and other (1.9 percent). The average age of respondents was 43.82 years.

Respondents who completed the program and exit survey were affiliated with various law enforcement agencies and maintained different ranks in their respective organizations. The majority of respondents were directly affiliated with the LAPD (32.7 percent), while 19.2 percent of respondents were from other larger agencies. Remaining respondents (48.1 percent) came from various smaller agencies around Los Angeles. Of respondents, 44.2 percent were lieutenants, 19.2 percent were captains, and 9.6 percent were detectives. Remaining respondents included a variety of civilian/non-sworn, management personnel, and detectives. Furthermore, the average participant was a part of his or her organization for an extensive time period. Respondents served an average of 20.3 years in law enforcement and were employed at their current agencies an average of 19.9 years.

Respondents generally learned about the WPLP through past program graduates (51.9 percent). However, a smaller proportion of respondents learned about the training program through superiors who did not graduate from the program (11.5 percent) and program instructor/coordinators (11.5 percent), while others learned about the program through subordinates who did not graduate from the program (1.9 percent) and friends (3.8 percent).



Table 1

## Mean scores for statements regarding why respondents chose to attend the WPLP

| Pneumonic           | Overall     | Sex  |        | Race  |      |       |       | Age   |       |       | Agency |       |       | Rank   |       |
|---------------------|-------------|------|--------|-------|------|-------|-------|-------|-------|-------|--------|-------|-------|--------|-------|
|                     | Mean Scores | Male | Female | Black | Hisp | Asian | White | 30-39 | 40-49 | 50-59 | LAPD   | Large | Small | Capt + | Lt -  |
| <b>Skills</b>       | 6.39        | 1.49 | 2.09   | 7.00  | 6.63 | 6.00  | 6.32  | 6.30  | 6.50  | 6.00  | 6.53   | 6.00  | 6.44  | 6.31   | 6.64  |
| <b>Leadership</b>   | 6.48        | 1.49 | 1.64   | 6.33  | 6.88 | 6.50  | 6.42  | 6.60  | 6.56  | 6.00  | 6.665  | 6.10  | 6.52  | 6.40   | 6.57  |
| <b>Improve Job</b>  | 6.42        | 1.54 | 1.73   | 6.00  | 6.50 | 6.00  | 6.47  | 6.00  | 6.66  | 6.00  | 6.53   | 6.00  | 6.52  | 6.37   | 6.64  |
| <b>Respect</b>      | 3.04        | 5.23 | 4.00*  | 2.67  | 2.38 | 5.00  | 3.08  | 3.20  | 3.07  | 3.00  | 2.94   | 2.67  | 3.24  | 2.91   | 3.36  |
| <b>Goals</b>        | 4.96        | 3.05 | 3.00   | 2.67  | 5.00 | 5.50  | 5.14  | 4.00  | 5.23* | 4.88  | 4.50   | 5.11  | 5.20  | 4.74   | 5.92* |
| <b>Compensation</b> | 1.74        | 6.54 | 5.27*  | 1.33  | 1.63 | 3.00  | 1.72  | 2.10  | 1.77  | 1.25  | 2.00   | 2.00  | 1.48  | 1.82   | 1.57  |
| <b>Leader</b>       | 6.42        | 1.49 | 1.91   | 7.00  | 6.63 | 6.50  | 6.37  | 6.60  | 6.47  | 6.00  | 6.88   | 5.50  | 6.48* | 6.46   | 6.21  |
| <b>Advancement</b>  | 4.24        | 3.77 | 3.73   | 4.33  | 3.50 | 6.00  | 4.36  | 4.10  | 4.55  | 3.63  | 3.63   | 4.67  | 4.48  | 4.24   | 4.14  |

N=52

\* =  $p < .05$ ; \*\*  $p < .01$ ; \*\*\* $p < .001$  (independent samples t-test)

Note: Means being compared and found to be significantly different are highlighted for each category.

Table 1 provides descriptive mean statistics regarding why respondents chose to participate in the program. Table 1 also provides a statistical comparative analysis of mean scores by basic demographic groups, including sex, race, age, agency, and rank. As noted above, several statements ranging from 1 to 7 described reasons respondents chose to participate in the WPLP. A score of “1” indicated that the respondents considered the statement as having little (“Not at all”) impact on their decision to enroll in and complete the program, while a score of “7” indicated that the statement had a lot to do with their decisions to enroll in and complete the program (“Very much”). Therefore, greater mean scores reflect more prominent reasons for participating in the WPLP.

In general, reasons for taking the WPLP that received the greatest support include learning new skills (SKILLS), enhancing their understanding of leadership (LEADERSHIP), improving the way they do their job (IMPROVE JOB), and becoming a more effective leader (LEADER). In particular, the LEADERSHIP and IMPROVE JOB reasons maintain mean scores of 6.48 and 6.42, respectively. Statements dealing with leadership (SKILLS and LEADER) maintain similar mean scores of 6.39 and 6.42, respectively. Statements that did not receive as great support include statements dealing with gaining more respect (RESPECT) with a mean average of 3.04, increasing chances of advancement (ADVANCEMENT) with a mean score of 4.24, supporting the agency’s mission/goals with a mean of 4.96 (GOALS). To gain compensation (COMPENSATION) appears to be the least accepted reason for participating in the training program with a mean score of 1.74. Therefore, respondents reported being interested in improving their skills and leadership abilities rather than personal gain for attending the WPLP.

Table 1 also assesses the impact of demographic variables on why respondents chose to participate in the WPLP. As compared to the overall mean findings, sex and race responded in a similar fashion. Regardless of sex or race, respondents reported the need for skills and to enhance their leadership abilities as reasons for attending, while denying the need for promotion or compensation as reasons for attending the WPLP.

However, there appears to be difference by sex. Using an independent-samples t-test, findings reveal a statistical mean difference between male and female respondents on two questions: RESPECT and COMPENSATION. Female respondents were more likely to state that gaining personal recognition and respect from my fellow officers (RESPECT) and increasing compensation (COMPENSATION) were reasons for participating in the WPLP. A comparison by race revealed no mean differences that reached statistical significance.

Comparing mean scores across age groups provides quite similar results to the overall mean pattern: each age group maintained lower mean averages on statements

that reflect gaining skills and leadership enhancement as the key reasons for participating in the program. Interestingly, although the mean scores for all statements actually increase from the 30's to the 50's age group (exception GOALS), the difference never reaches statistical significance (see the comparison of 30's age group and 40's age group on GOALS). Although not significant, this could reflect a need of gaining compensation and respect for their actions once officers get to a certain point in their careers.

Assessing the impact of being a member of the LAPD versus other agencies reflected similar mean scores as those for the group as a whole with very little variation. Therefore, no impact of agency was found (see mean difference between large and small agencies on the LEADER statement). All three types were more likely to indicate the reason for attendance revolved around gaining skills and leadership abilities rather than advancement or compensation. Comparing ranks provides some interesting observations. Respondents ranked lieutenant or below maintained greater mean scores for five of the eight statements, although only one mean difference reached statistical significance. Using an independent samples t-test, respondents ranked lieutenant or above were statistically more likely to state that the reason they are participating in the program is to support the goal/mission of their agencies (GOALS).

**Table 2**

**Mean scores for Experience Statements.**

|              | Overall     |      |        |       |      |       |       |       |       |       |        |       |       |        |      |
|--------------|-------------|------|--------|-------|------|-------|-------|-------|-------|-------|--------|-------|-------|--------|------|
|              | Mean Scores | Sex  |        | Race  |      |       |       | Age   |       |       | Agency |       |       | Rank   |      |
| Pneumonic    |             | Male | Female | Black | Hisp | Asian | White | 30-39 | 40-49 | 50-59 | LAPD   | Large | Small | Capt + | Lt - |
| Application  | 5.81        | 5.78 | 5.91   | 3.67  | 4.88 | 4.50  | 6.28* | 5.10  | 6.06  | 5.67  | 5.47   | 6.60* | 5.72  | 5.80   | 6.00 |
| Position     | 5.70        | 5.73 | 5.59   | 4.33  | 4.88 | 4.00  | 6.14  | 5.05  | 5.97  | 5.44  | 5.50   | 6.10  | 5.68  | 5.54   | 6.04 |
| Subordinates | 5.04        | 5.02 | 5.10   | 3.67  | 4.25 | 4.50  | 5.34  | 4.44  | 5.28  | 4.89  | 4.59   | 5.60  | 5.12  | 5.06   | 5.07 |
| Problem      | 5.36        | 5.34 | 5.41   | 5.33  | 4.63 | 4.00  | 5.59  | 5.04  | 5.47  | 5.33  | 5.32   | 6.00  | 5.12* | 5.29   | 5.32 |
| Strategies   | 5.17        | 5.12 | 5.32   | 5.00  | 4.88 | 3.00  | 5.36* | 4.85  | 5.35  | 4.67  | 5.09   | 5.10  | 5.24  | 5.12   | 5.18 |
| Theories     | 5.35        | 5.27 | 5.64   | 5.33  | 4.75 | 4.00  | 5.55  | 5.30  | 5.41  | 5.11  | 5.35   | 5.50  | 5.28  | 5.17   | 5.43 |
| Conflict     | 5.25        | 5.10 | 5.82   | 4.00  | 4.38 | 4.50  | 5.58  | 5.00  | 5.38  | 5.22  | 5.24   | 5.80  | 5.04  | 5.26   | 5.14 |
| Objectives   | 4.81        | 4.68 | 5.27   | 4.00  | 4.13 | 4.00  | 5.03  | 4.20  | 4.94  | 5.00  | 4.59   | 5.30  | 4.76  | 4.83   | 4.79 |
| Internalize  | 5.01        | 5.00 | 5.05   | 3.67  | 4.63 | 4.50  | 5.20  | 4.65  | 5.00  | 5.44  | 4.79   | 5.10  | 5.12  | 4.94   | 5.18 |

N=52

\* = p< .05; \*\* p<.01; \*\*\*p<.001 (independent samples t-test)

Note: Means being compared and found to be significantly different are highlighted for each category

Table 2 provides descriptive statistics assessing the respondents' personal experiences in the WPLP program using Likert-scaled items. Table 2 also provides a statistical comparative analysis of mean scores by basic demographic groups, including agency, rank, sex, age, and race. Options provided to the respondents ranged from 1 ("Strongly Disagree") to 7 ("Strongly Agree"), with 7 reflecting more positive attitudes toward the program. Overall, respondents report high levels of agreement for each of the questions. For all statements, respondents in general maintain a mean score greater than 5.00 (exception OBJECTIVES). This reflects general agreement that the WPLP training is applicable and translates into their abilities and skills at work. However, it should be noted that, with a mean of 4.81, respondents did not necessarily feel as confident that the program better enabled them to develop clear objectives and set goals (OBJECTIVES). Meeting this need could be emphasized in future agendas.

Assessing whether the WPLP training had practical application to their jobs (APPLICATION) and was useful in their positions (POSITION), 82.7 percent and 73.1 percent of respondents agreed, respectively. Respondents also agreed that the WPLP training helps them meet the needs of subordinates (SUBORDINATES; 82.7 percent), enhances their problem-solving skills (PROBLEM; 82.7 percent), apply the strategies presented in WPLP to their leadership situations daily (STRATEGIES; 74 percent), translate theories presented into effective leadership behaviors (THEORIES; 76.9 percent), and manage inter-group conflict (CONFLICT; 75.0 percent). As noted above, the statement regarding the ability to develop clear objectives and set goals received a lower proportion (65.4 percent agreed) of responses than the above statements (OBJECTIVES). A lower proportion of respondents (63.1 percent) also agreed that the WPLP better enabled them to help subordinates internalize the values of the organization (INTERNALIZE). However, it should be noted that although less popular, these statements were agreed upon by a majority of the respondents.

Table 2 also provides the impact of demographic variables on the experience of the respondents. The sex of the respondent appears not to impact the responses. Both males and females maintain high mean scores and, therefore, are likely to agree with the statements that the WPLP positively impacted their work experiences. Race also did not have much of an impact, with responses not varying across racial groups. Respondents, regardless of race, were more likely to agree with the statements than not. A few exceptions did exist. Using an independent samples t-test, white respondents were more likely to state that the material presented in the WPLP has practical application to their jobs than African American respondents. Furthermore, white respondents were statistically more likely to state that they are able to apply the strategies presented in the WPLP to leadership situations daily than Asian respondents. Assessing the impact of the

age groups provides similar results. Respondents, regardless of age, generally agreed that the WPLP training had a positive impact on their experiences at work.

Similarly, the impact of agency was consistent: the LAPD and other organizations maintained similar mean scores. It should be noted that respondents from the larger organizations maintain higher mean scores for all statements (exceptions STRATEGIES and INTERNALIZE) than respondents from the LAPD and the smaller organizations, although most remained statistically insignificant. Exceptions in the results did exist. Using an independent samples t-test, respondents from the LAPD were less likely than respondents from larger organizations to agree with the following statement: The material presented in the WPLP has practical application to my job. Furthermore, in comparing means of individuals from larger and smaller agencies, respondents from larger agencies were more likely to state that the program helped them enhance their problem-solving skills than respondents from smaller agencies.

Regardless, respondents from all agencies were more likely to agree with the statements that the WPLP positively impacted their work experiences. Finally, rank also appeared not to have an impact on responses. Regardless of rank, respondents were more likely to agree with the statements than they were to disagree.

### **Conclusion**

This analysis is a cursory evaluation developed to establish a baseline for future analysis. It was neither designed nor intended to directly measure leadership, rather to assess graduates' opinions regarding the training program. It was assumed that due to the experience of the officers completing the training, a baseline could be drawn regarding its effectiveness. Using the three main goals of the program as a measure of effectiveness, we found that the WPLP had effectively met all three of its goals. It was remarkable to find that all respondents agreed that the training met their expectations and that it inspired them to continue a study of leadership. It is recommended that future research focus on more concrete measures of leadership, moving toward a standard conceptual and operational definition.

In particular, this research found that reasons for participating in the program revolved around gaining skills and enhancing leadership abilities that would benefit them in their positions. Respondents were unlikely to state that compensation or advancement were viable reasons for WPLP participation. This response pattern persists regardless of demographic characteristics such as age, race, sex, agency of employment, or rank. Such responses should be considered limited considering the impact of social desirability. Respondents may feel reluctant to state that compensation or advancement was the impetus for participating. They may feel such responses would not reflect well to their

superior officers, although no results were released prior to this analysis. Nonetheless, these questions at least reflect social norms. Respondents appear to understand that this program is meant to improve skills and leadership abilities. Therefore, upon entering the program, they know the skills the WPLP are teaching and attempting to implement in the organization.

This research also reflects positive feedback regarding the impact of the WPLP on improving skills and leadership abilities. This is especially noted, as respondents tend to be high-ranking officials in their respective organizations and generally feel they are better able to meet the needs of and relate to subordinates. Although there is always a chance of the social desirability effect, such positive findings do reflect glowingly on the effectiveness of this program. Respondents generally feel that the WPLP training has helped them improve their skills and helped them become better leaders.

### References

- Baro, A. L., & Burlingame, D. (1999). Law enforcement and higher education: Is there an impasse? *Journal of Criminal Justice Education*, 10(1), 57-73.
- Bennis, W. (1982). The Artform of Leadership. *Training & Development Journal*, 36(4), 44-46.
- Carter, D. A. (1994). Contemporary issues facing police administrators: Guideposts for the academic community. *Police Forum*, 4(1), 9-10.
- Corderman, D. (2006). What is leadership? *FBI Law Enforcement Bulletin*, 75(2), 13.
- Dantzker, M. L. (1996). The position of municipal police chief: An examination of selection criteria and requisite skills. *Police Studies*, 19(1), 1, 9 pp.
- Devore, L. (2004). How to become a leader in your organization. *Journal of California Law Enforcement*, 38(2), 4.
- Green, J. (2006). The leadership paradox. *FBI Law Enforcement Bulletin*, 75(3), 13.
- Haberfield, M. R. (2006). *Police Leadership*. Upper Saddle River, NJ: Prentice Hall.
- Harvard University, John F. Kennedy School of Government National Preparedness Leadership Initiative (2006). Retrieved from

<http://ksgexecprogram.harvard.edu/ProgramDetail.aspx?programID=208&sessionID=416>.

Hoffman, J. (2000). Special report: Police Corp--An update two years after the first Police Corps graduation. *Law & Order*, 48(1), 50-58.

Kerlikowske, R. G. (2004). The End of Community Policing: Remembering Lessons Learned. *FBI Law Enforcement Bulletin*, April, 6-10.

LAPD (2002). Press Release, Wednesday, February 27.

Lumb, R. C. (1995). "Policing culturally diverse groups: Continuing professional development programs for police." *Police Studies*, 18(1), 23, 14pp.

Martinez-Carbonell, K. (2003). Inching toward Ethical Leadership. *PA Times*: 7.

Morris, A., Shinn, M., & DuMont, K. (1999). Contextual Factors Affecting the Organizational Commitment of Diverse Police Officers: A Levels of Analysis Perspective. *American Journal of Community Psychology*, 27(1), 75-105.

Morrison, G. B., Vila, B. J. (1998). Police handgun qualification: practical measure or aimless activity? *Policing*, 21(3), 510.

National Highway Safety Transportation Administration (2002). NHTSA/NSA officer leadership program (OLP). *Sheriff*, 54(6), 31.

Northouse, P.G. (2004). *Leadership, Theory and Practice* (3rd ed.). Thousand Oaks, CA: Sage.

Scandura, T., Graen, G.B., & Novak, M.A. (1986). When Managers Decide not to Decide Autocratically: An Investigation of Leader-Member Exchange and Decision Influence. *Journal of Applied Psychology*, 71, 579-584.

Staveley, S. (2004). Service leadership made simple. *Journal of California Law Enforcement*, 30(1), 5-17.



# An Examination of Racial Profiling Data in a Large Metropolitan Area

**Courtney T. Joiner**

This study was conducted to determine if claims of racial profiling had statistical support in a large metropolitan police department. Of interest was whether support existed for the racial profiling of African American, Latino American, and Asian American citizens. Another more specific point examined was whether disparity in case processing was more pronounced with African American suspects than with other minority groups. The results of this study found some support for profiling with the African American and Asian American community, but not the Latino American community. It was also found that African Americans received more disparate treatment than did Asian Americans or Latino Americans.

## Review of the Literature

The issue of racial profiling has emerged as a key concern among both practitioners and scholars of law enforcement. Across the country, profiling incidents have been noted, with some being simply minor inconveniences while other incidents have been more serious. But proving or disproving racial profiling has been noted to be very difficult to say the least. Because of this, it is the goal of this research to examine whether indication of potential profiling exists and to determine if African Americans are, in fact, more at risk of being profiled than are other groups.

As Smith and Petrocelli (2001) point out, there is still a need for further empirical research as to whether police traffic stop practices disproportionately impact minority drivers. In their research, they have found that minority citizens in general, and African Americans in particular, were disproportionately stopped compared with their percentage in the driving-eligible population (Smith & Petrocelli, 2001). However, contrary to the contentions of those concerned about racial profiling, they also found that minorities were not searched anymore frequently than Caucasians. Rather, Caucasians were significantly more likely to be the subjects of consensual searches. Compared with Caucasians, Smith and Petrocelli (2001) noted that minority drivers were more likely to be warned, as opposed to Caucasians who were more likely to be ticketed or arrested. It should be added that this could, in fact, be a potential indicator of profiling since police who stop

minorities on the simple basis of their appearance would be likely to stop citizens where no evidence of wrongdoing could be found.

Among those studies that do exist, a few emerge as particularly relevant to the data analyzed in this current article. One of these studies examined the stop-and-frisk practices of the New York City Police Department and found that despite the fact that blacks made up only 25.6% of the city's population, they accounted for 50.6% of all persons stopped by the police department (Smith & Alpert, 2002). The study by Smith and Alpert (2002) is relevant to this current article because it was conducted in a major metropolitan area of the United States (similar to the data source for this article) and because the numbers and percentages for the various categories of stops appear to be similar to those of the data source for this article.

Another notable and relevant study was perhaps one of the most comprehensive and rigorous statistical analyses concerning racial profiling. This study was conducted in New Jersey and Maryland (Harris, 1999). This study was conducted by Lamberth (1997) in the wake of allegations by the African American community that police stopped them on the New Jersey Turnpike more frequently than their numbers on that road would have predicted. The goal of this study was "to determine if the State Police stop, investigate, and arrest black travelers at rates significantly disproportionate to the percentage of blacks in the traveling population, so as to suggest the existence of an official or de facto policy of targeting blacks for investigation and arrest" (Harris, 1999, p. 9). The results of this analysis were startling. Lamberth (1997) used the turnpike violator census, in which observers in moving cars recorded the speeds of the cars around them, and showed that blacks and whites violated the traffic laws at almost exactly the same rate; there was no statistically significant difference in the way they drove (Harris, 1999). Thus, Lamberth found that driving behavior alone could not explain differences in how police might treat black and white drivers.

Beyond the research, the issue of racial profiling has drawn a substantial amount of attention that corresponds to all levels of law enforcement throughout the nation. For example, the Justice Department, acting on President George W. Bush's directive that racial profiling is "wrong and we will end it in America" campaign, issued a policy to ban federal law enforcement officials from engaging in racial profiling (Justice Department, 2003, p. 2). Thus, this social phenomenon has been directly addressed by this nation's Chief Executive officer who has stated clearly that "...it's wrong, and we will end it in America. In so doing, we will not hinder the work of our nation's brave police officers. They protect us every day, often at great risk. But by stopping the abuses of a few, we will add to the public confidence our police officers earn and deserve" (Justice Department, 2003, p. 12). The conviction of these political leaders further resonates with the final comments

provided by Attorney General John Ashcroft, who remarked that "...this administration... has been opposed to racial profiling and has done more to indicate its opposition than ever in history. The President said it's wrong and we'll end it in America, and I subscribe to that. "Using race... as a proxy for potential criminal behavior is unconstitutional, and undermines law enforcement by undermining the confidence that people can have in law enforcement" (Justice Department, 2003, p. 12).

From the stance taken by the nation's top officials, it would seem that racial profiling is indeed a law enforcement issue worthy of further consideration. Whether law enforcement has heeded the word of the U.S. President regarding this issue is not always certain. Many critics allege that law enforcement continues to operate with a "business-as-usual" attitude toward this topic. The goal of this research was to examine whether indication of racial profiling could or would be found and to also determine if African Americans are more at risk of being profiled than the rest of the minority population.

## **Methods**

### **Data Collection**

This research employs data from a major metropolitan area that include all recorded traffic stops by police officers from January 1, 2002 to September 30, 2002 in that city's patrol division. During this time, police officers in this department were required to document various types of information whenever they made a stop. The data set that resulted from these efforts included a total of 540,760 traffic stop incidents.

This data is secondary data that has been analyzed previously by this specific police department to examine a variety of issues pertaining to racial profiling. The analyses in this study were conducted separately from that research and are independent of the results found by that research. The data for this study were used only as a means of testing the hypotheses presented. Specifically, Investigatory Stop, Case Dispositions, and Type of Charge were the variables that were examined for this study.

### **Data Characteristics and Limitations**

These data have several limitations. First, the data do not report the race of the officer. This is an oversight that potentially hides a critical issue in determining whether any profiling (whether it does or does not exist) is truly based on racism. Further, one cannot determine whether the racism is from Caucasian officers on African American motorists, from African American officers on Caucasian motorists, or from African American officers on African American motorists.

Second, the data do not provide details on the ultimate charge against the suspects. Rather, broad categories such as "Felony" and "Misdemeanor" are all that are

provided. With this in mind, there is no way to determine if these charges represent motor vehicle, drug-related, gun-related, gang-related, or other offenses. No details on the type of charge or reason for the charge can be provided. The only discernable information that can be examined is whether the charge is classified as a felony or a misdemeanor.

Third, the data included modest information on the suspects themselves other than their race. Specifically, with the data available, socioeconomic status of each suspect cannot be determined. Suspect income, employment status, age, and/or location of residence would allow a researcher to attempt to determine those factors that might be based more on economics rather than racial membership. This was one of the major limitations in prior research and has been one of the main concerns in determining whether discrimination is due to economic disparity or racial disparity.

Fourth, the data do not indicate whether the car was stopped for observed driver or passenger behavior. If this had been provided, then it could be determined whether the initial suspect was the driver or perhaps a passenger within the vehicle. From the data provided, it must be presumed that all suspects were the driver of the automobile.

Fifth, the data does not make note of whether arrests subsequent to these stops were due to evidence found at the scene of the stop or if such arrests were the result of some form of previous warrant. If the arrest was made based on an outstanding warrant, then the discretion of the individual officer is not an issue. This missing information is problematic in the data and results should be interpreted with caution.

### **Sample Characteristics**

This data sample consists of 540,760 traffic stop incidents conducted by a major metropolitan police department. For the purposes of this article, the sample will be defined as a purposive sample because it resulted from police purposively stopping motorists that aroused police suspicion to a level that validated a stop. The police were the practical data collectors in this instance. Thus, researchers have no ability to identify police errors in reports, account for absent data, or determine how many traffic offenders were not stopped who could have been stopped. Accordingly, researchers presume that the data set is the result of legal police practices related to stops, investigations, and arrests of potential traffic offenses.

## Hypotheses

**H 1** In the categories of Investigatory Stop, Case Disposition, and Type of Charge, minority citizens will have a representation that is proportionally higher than would be expected by their representation in the sample.

**H 2** As the seriousness of the variable increases from Investigatory Stop, Case Disposition, then to Type of Charge (more specifically, a progression from Investigatory Stop to Arrest to Felony Charge) African American citizens will experience a progressively greater proportional representation than other minority groups.

## Results

The data were analyzed using the Statistical Product and Service Solutions (SPSS) program on an IBM desktop computer. The statistic used in the inferential analysis to test the hypotheses was chi square because most data were nominal. According to Fitzgerald and Cox (2002), “chi square is a statistic used only with relatively large... samples to test for a relationship between two variables measured at the nominal level and cross-tabulated in a contingency table” (p. 137). This calculation determines if empirically obtained cell frequencies differ significantly from those that would have been expected if no relationship existed between the variables. Thus, chi square is a simple, yet effective statistic to test a given hypothesis.

The total number of stops during the period of data collection was 540,760 incidents. For purposes of this research the number and percent of suspects by race was considered important. Table 1 provides this data.

**Table 1**

### Race of Cases Processed by Number and Overall Percent

| Race               | Number         | Percent      |
|--------------------|----------------|--------------|
| Asian American     | 17,977         | 3.3          |
| African American   | 191,066        | 35.3         |
| Latino American    | 158,874        | 29.4         |
| Native American    | 310            | .1           |
| Caucasian American | 172,533        | 31.9         |
| <b>Total</b>       | <b>540,760</b> | <b>100.0</b> |

The data in Table 1 indicates that African Americans constituted the largest group of offenders in the sample. Specifically, they constituted 35.3% of the total sample.

### Racial Dynamics of Investigatory Stops

Perhaps the most controversial and relevant stop that was made among this group is that category known as the investigatory stop. This is the discretionary stop - based on reasonable suspicion rather than probable cause - that the racial profiling literature holds as being of interest. With this data, investigatory stops were examined because these are typically the types of stops that employ the most amount of police discretion. For this reason, these stops are the most susceptible to potential bias that advocates of racial profiling would allege.

Chi square (see Table 2) was used to compare the number of expected investigatory stops with those that actually occurred. This analysis essentially examined the total number of investigatory stops made for each racial category and compared this with the number that should have occurred based on each racial category's percentage of the total recorded incidents. From the chi square, roughly 36,000 African American motorists would be stopped for investigatory stops. In fact, almost 52,000 African Americans were stopped for investigatory stops. This means that, for whatever reason, approximately 44% more African Americans were stopped for investigatory stops than would be expected when examining the total number of African Americans and the total number of investigatory stops made.

**Table 2**

#### Racial Frequencies for Investigatory stops of Motorists by Police: Chi Square Comparison of Actual versus Expected Frequencies

|                                 | Asian | Black  | Hispanic | Native American | White  | Total   |
|---------------------------------|-------|--------|----------|-----------------|--------|---------|
| <b>Investigation (occurred)</b> | 2,009 | 51,899 | 27,489   | 48              | 20,229 | 101,674 |
| <b>Investigation (expected)</b> | 3,380 | 35,924 | 29,872   | 58              | 32,440 | 101,674 |

**Found significant at the .05 level through Pearson Chi Square.**

The same analysis indicated that over 32,000 investigatory stops would have been expected to be Caucasian American. However, only a little over 20,000 Caucasian Americans were stopped for investigatory purposes. This analysis also showed that over 3,300 investigatory stops were expected to be Asian American, but instead only 2,000 were actually stopped. For Latino Americans, the difference between those expected and those actually stopped showed the amount to actually be 2,400 less than what would have been expected. From this analysis, the greatest disparity existed in the over-

representation of African Americans among those stopped for investigatory purposes and the under-representation of Caucasian Americans stopped for investigatory purposes.

From the results contained in Table 2, the amount of Asian Americans stopped for investigatory stops was only about 59% of what would normally have been expected. For Latino Americans, the proportion was substantially different, with roughly 92% of the expected proportion of Latinos being stopped. With African Americans, the situation is different with the amount stopped being 144% of what would be expected. Thus, of the minority population, Asian Americans are stopped the least, Latino Americans are stopped more frequently, and African Americans are stopped the most frequently. Further, this progression from 59% for Asian Americans to 92% for Latino Americans and finally 144% for African Americans is pronounced.

When looking at the disposition of those stopped for investigatory purposes, results contained in Table 3 indicate that 58% of all African Americans stopped for investigatory purposes are ultimately released. However, 71% of all Asian Americans stopped for investigatory purposes are likewise released. In fact, with Latino and Caucasian Americans a respective 50% and 55% are released as well (Table 3). Indeed, when all groups are considered together, roughly 55% of all investigatory stops resulted in the release of those stopped. In determining whether these percentages are higher than what would be expected for each group, chi square revealed that for both African and Asian Americans, more were released than would be expected. However, with Latino and Caucasian Americans this is not the case. In fact, the number of Caucasians released was almost identical to what one would expect. For Latino Americans, fewer were released than would have been expected given the dynamics of the sample. This means that while profiling of minorities could be occurring (at least with African and Asian Americans) the data tend to contradict the notion that minorities as a whole are targeted.

**Table 3****Comparison of Case Dispositions of those Stopped for Investigatory Purposes by Racial Demographics**

| <b>Disposition of Stop</b>      | <b>Asian</b> | <b>Black</b> | <b>Hispanic</b> | <b>Native American</b> | <b>White</b> | <b>Total</b> |
|---------------------------------|--------------|--------------|-----------------|------------------------|--------------|--------------|
| <b>Released</b>                 |              |              |                 |                        |              |              |
| <b>Number Released</b>          | 1,430        | 29,843       | 13,850          | 31                     | 11,177       | 56,331       |
| <b>Percent of Race Released</b> | 71.2         | 57.5         | 50.4            | 64.6                   | 55.3         | 55.4         |
| <b>Ticketed</b>                 |              |              |                 |                        |              |              |
| <b>Number Ticketed</b>          | 275          | 5,639        | 5,803           | 6                      | 3,574        | 15,303       |
| <b>Percent of Race Ticketed</b> | 13.7         | 10.9         | 21.1            | 12.5                   | 17.7         | 15.1         |
| <b>Arrested</b>                 |              |              |                 |                        |              |              |
| <b>Number Arrested</b>          | 304          | 16,417       | 7,836           | 11                     | 5,461        | 30,040       |
| <b>Percent of Race Arrested</b> | 15.0         | 31.6         | 28.5            | 22.9                   | 27.1         | 29.5         |
| <b>Total of Dispositions</b>    |              |              |                 |                        |              |              |
| <b>Total Number</b>             | 2,009        | 51,899       | 27,489          | 48                     | 20,229       | 101,674      |
| <b>Total Percent</b>            | 2.0          | 51.0         | 27.0            | 0.0                    | 19.9         | 100.0        |

Though the data in Table 4 do not show potential profiling with Latino Americans, the possible profiling is a minority issue rather than just an African American issue. Results contained in Table 4 do support this perspective when considering data on Asian Americans. One possible explanation for the possible profiling of Asian Americans is the proliferation of Asian gang violence that is particularly problematic in this city's locale. However, the Latino American population is strongly represented in this same community and there is a known gang issue with this population as well. But Latino Americans were not released more than would be expected and this makes the notion of profiling less certain. Thus, the use of racial profiling is not completely supported or refuted with the data on releases. When examining the charges given to those stopped for investigatory purposes, African Americans were the only group that received more felony charges than would be expected. This is likely because of the total number of arrests (30,040 total arrests) African Americans account for over half of all arrests (a total of 16,417 African American arrests as per Tables 3 and 4). This in all likelihood led to African Americans



further accounting for the majority of all felony charges that occurred (see Table 7 further in this article).

**Table 4**

**Chi Square Comparison of Case Dispositions of those stopped for Investigatory Purposes: Actual Outcomes versus Expected Outcomes**

|                                   | Asian   | Black    | Hispanic | Native Amer. | White    | Total     |
|-----------------------------------|---------|----------|----------|--------------|----------|-----------|
| <b>Released (occurred)</b>        | 1,430   | 29,843   | 13,850   | 31           | 11,177   | 56,331    |
| <b>% Race Released (occurred)</b> | 71.2    | 57.5     | 50.4     | 64.6         | 55.3     | N/A       |
| <b>Released (expected)</b>        | 1,113   | 28,754   | 15,230   | 26.6         | 11,207   | 56,331    |
| <b>% Race Released (expected)</b> | 55.4    | 55.4     | 55.4     | 55.4         | 55.4     | N/A       |
| <b>Ticketed (occurred)</b>        | 275     | 5,639    | 5,803    | 6            | 3,580    | 15,303    |
| <b>% Race Ticketed (occurred)</b> | 13.7    | 10.9     | 21.1     | 12.5         | 17.7     | N/A       |
| <b>Ticketed (expected)</b>        | 302     | 7,811    | 4,137    | 7.2          | 3,044    | 15,303    |
| <b>% Race Ticketed (expected)</b> | 15.1    | 15.1     | 15.1     | 15.1         | 15.1     | N/A       |
| <b>Arrested (occurred)</b>        | 304     | 16,417   | 7,836    | 11           | 5,472    | 30,040    |
| <b>% Race Arrested (occurred)</b> | 15.0    | 31.6     | 28.5     | 22.9         | 27.1     | N/A       |
| <b>Arrested (expected)</b>        | 594     | 15,334   | 8,122    | 14.2         | 5,977    | 30,040    |
| <b>% Race Arrested (expected)</b> | 29.5    | 29.5     | 29.5     | 29.5         | 29.5     | N/A       |
| <b>Total</b>                      | 2,009.0 | 51,899.0 | 27,489.0 | 48.0         | 20,229.0 | 101,674.0 |

**Found significant at the .05 level through Pearson Chi Square.**

### *Racial Dynamics and Arrest for All Stops Combined*

The next point of interest was case dispositions, which were divided into three categories: arrested, ticketed, and released. African Americans constituted roughly 45% of those who were released after being stopped. Latino Americans constituted 25% of those who were released upon being stopped. When compared with Caucasian Americans, who constituted 27% of releases, it is not clear why the disparity exists. It could be due to the general over-representation of African Americans and Latino Americans among the overall cases of police stops. On the other hand, this could likewise be the result of stops that are based less on evidence and more on appearances; therefore, supporting potential profiling.

Data contained in Table 5 shows that among those arrested 50% were African American and 30% were Latino American. Thus, African and Latino Americans combined accounted for approximately 80% of all those arrested after being stopped by the police. Caucasian Americans constituted only 20% of those arrested despite their greater number of overall stops. A chi square analysis of case dispositions (Table 6) was conducted to examine the expected rate of arrests, releases, and ticketed offenses as compared to those that actually were observed to occur (Table 6). Specifically, each racial category was examined to determine if some races were more likely to be arrested, ticketed, or released than would be normally expected given that respective race's composition within the total of disposed cases.

**Table 5**

#### **Comparison of Case Dispositions of those Stopped by Police by Racial Demographics**

| <b>Disposition of Stop</b>       | <b>Asian</b> | <b>Black</b> | <b>Hispanic</b> | <b>Native Amer.</b> | <b>White</b> | <b>Total</b> |
|----------------------------------|--------------|--------------|-----------------|---------------------|--------------|--------------|
| <b>Released</b>                  |              |              |                 |                     |              |              |
| <b>Number Released</b>           | 3,906        | 58,361       | 33,350          | 80                  | 35,440       | 131,137      |
| <b>Percent of Those Released</b> | 3.0          | 44.5         | 25.4            | .1                  | 27.0         | 100.0        |
| <b>Ticketed</b>                  |              |              |                 |                     |              |              |
| <b>Number Ticketed</b>           | 13,411       | 105,982      | 109,627         | 213                 | 126,533      | 355,766      |
| <b>Percent of Those Ticketed</b> | 3.8          | 29.8         | 30.8            | .1                  | 35.6         | 100.0        |

| <b>Arrested</b>                  |        |         |         |     |         |         |
|----------------------------------|--------|---------|---------|-----|---------|---------|
| <b>Number Arrested</b>           | 660    | 26,723  | 15,897  | 17  | 105,60  | 53,857  |
| <b>Percent of Those Arrested</b> | 1.2    | 49.6    | 29.5    | .0  | 19.6    | 100.0   |
| <b>Total of Disp.</b>            |        |         |         |     |         |         |
| <b>Total Number</b>              | 17,977 | 191,066 | 158,874 | 310 | 172,533 | 540,760 |
| <b>Total Percent</b>             | 3.3    | 35.3    | 29.4    | .1  | 31.9    | 100.0   |

**Found significant at the .05 level through Pearson Chi Square.**

Among the nearly 54,000 who were arrested, approximately 19,000 were expected African American (Table 6). Instead, over 26,000 arrestees were African American. Further, by the same demographics, roughly 17,000 arrested were expected Caucasian Americans. Surprisingly, only 10,500 were actually arrested. Those who were ticketed constituted over 355,000 of the total 540,000 cases. In this case, African Americans were expected to consist of about 126,000 tickets, but in fact only constituted approximately 106,000-ticketed persons (Table 6). This was partially caused by the over-representation of African Americans who were arrested. Likewise, the over-representation of African Americans among those released accounted for this disparity as well. With Caucasian Americans, over 113,000 were expected to receive tickets but over 126,000 were found to receive tickets. This means that approximately 13,000 more Caucasians were ticketed than would have been expected by the demographics of the cases processed and disposed. However, nearly 7,000 of these cases occur due to the extreme under-representation of Caucasians among those who are arrested. On the other hand, Caucasians are less likely to be released (see data in Table 6), indicating that while police are not as likely to find grounds for arresting Caucasian suspects, they are not more likely to be lenient when issuing traffic tickets.

**Table 6****Chi Square Comparison of Case Dispositions: Actual Outcomes versus Expected Outcomes**

|                            | Asian    | Black     | Hispanic  | Native Amer. | White     | Total     |
|----------------------------|----------|-----------|-----------|--------------|-----------|-----------|
| <b>Arrested (occurred)</b> | 660.0    | 26,723.0  | 15,897.0  | 17.0         | 10,560.0  | 53,857.0  |
| <b>Arrested (expected)</b> | 1,790.4  | 19,029.2  | 15,823.1  | 30.9         | 17,183.4  | 53,857.0  |
| <b>Released (occurred)</b> | 3,906.0  | 58,361.0  | 33,350.0  | 80.0         | 35,440.0  | 131,137.0 |
| <b>Released (expected)</b> | 4,359.5  | 46,334.5  | 38,527.7  | 75.2         | 41,840.1  | 131,137.0 |
| <b>Ticketed (occurred)</b> | 13,411.0 | 105,982.0 | 109,627.0 | 213.0        | 126,533.0 | 355,766.0 |
| <b>Ticketed (expected)</b> | 11,827.1 | 125,702.3 | 104,523.2 | 203.9        | 113,509.5 | 355,766.0 |
| <b>Total</b>               | 17,977.0 | 191,066.0 | 158,874.0 | 310.0        | 172,533.0 | 540,760.0 |

**Found significant at the .05 level through Pearson Chi Square.**

In a different vein, the total number of African Americans who would have been expected to be released was 46,000 but over 53,000 were released. Similarly, nearly 42,000 Caucasians were expected to be released, but less than 36,000 were actually released. The African American differences between expected releases and those that occurred could be explained by the disproportionate cases of investigatory stops that involve this group. Such stops may not always provide the necessary evidence to proceed further with the case and thus may result in the release of the suspect. On the other hand, the under-representation of Caucasian Americans in the released category is most likely attributed to their over-representation within the ticketed category of motorists.

From the data in Table 6, the proportion of Asian Americans arrested was only a little more than a third of what would normally have been expected in this sample (roughly 37%). With Latino Americans the amount arrested almost exactly matches the amount that would be expected (approximately 100.4%). However, for African Americans the situation is much different, with the amount arrested being well over what we would normally expect (roughly 140%). This progression from 37% for Asian Americans, to 100.4% for Latino Americans, to 140% for African Americans demonstrates a similar dynamic observed in the data on investigatory stops. In the case of arrests, it would appear that support exists for this study's second hypothesis.

*Racial Dynamics and Type of Charge for All Stops Combined*

A chi square comparison was again statistically significant at the .05 level as seen in the data from Table 7. This chi square found that felony charges among African Americans greatly exceeded numbers that would normally be expected. Conversely, Latinos and Caucasians had numbers that fell well under what would have been expected, with Caucasians consisting of less than half the number expected. Less than a fourth of the expected amount of Asian Americans received a felony charge. Lastly, with respect to misdemeanors, African Americans constituted a third more than would have typically been observed, and Caucasians have nearly a third less than would typically have been expected.

**Table 7**

**Observed Racial Frequencies in Type of Charges - Chi Square Comparison of Actual Charges with Expected Charges**

|                               | Asian    | Black     | Hispanic  | Native Amer. | White     | Total     |
|-------------------------------|----------|-----------|-----------|--------------|-----------|-----------|
| <b>Felony (occurred)</b>      | 90.0     | 8140.0    | 1973.0    | 3.0          | 1881.0    | 12,087.0  |
| <b>Felony (expected)</b>      | 401.8    | 4270.7    | 3551.1    | 6.9          | 3856.4    | 12,087.0  |
| <b>Misdemeanor (occurred)</b> | 396.0    | 13897.0   | 9299.0    | 13.0         | 6349.0    | 29,954.0  |
| <b>Misdemeanor (expected)</b> | 995.8    | 10583.6   | 8800.4    | 17.2         | 9557.0    | 29,954.0  |
| <b>Traffic (occurred)</b>     | 13,585.0 | 110,668.0 | 114,252.0 | 214.0        | 128,863.0 | 367,582.0 |
| <b>Traffic (expected)</b>     | 12,219.8 | 129,877.3 | 107,994.7 | 210.8        | 117,279.3 | 367,582.0 |
| <b>No Charges (occurred)</b>  | 3906.0   | 58361.0   | 33350.0   | 80.0         | 35440.0   | 131,137.0 |

**Found significant at the .05 level through Pearson Chi Square.**

Interestingly, as the type of charge gets more severe the representation of the African American community becomes more pronounced.

## Summary and Conclusion

The first hypothesis (H 1) states that when examining the categories of Investigatory Stop, Case Disposition, and Type of Charge, minority citizens will have a representation that is proportionally higher than would be expected by their representation in the sample. Examination of the data on all types of stops indicate support for this hypothesis with African and Asian Americans, but not for Latino Americans. According to the data contained in Table 1, African Americans accounted for 35.3% of the total number of stops. Likewise, when examining the data in Table 5, African Americans accounted for 49.6% of the total number of arrests. Similarly, data in Table 6 showed that African Americans accounted for nearly half of all misdemeanors and approximately two thirds of all felony charges. This is despite the fact that African Americans accounted for less than 19% of the total population in the surrounding county.

The second hypothesis (H 2) states that as the seriousness of the variable increases (Investigatory Stop, Case Disposition, Type of Charge, and more specifically, a progression from Investigatory Stop to Arrest to Felony Charge) African Americans will experience a progressively greater proportional representation than other minority groups. Data contained in Tables 2, 5, 6, and 7 provide considerable overall support to this hypothesis. For example, data contained in Table 1 show that African Americans accounted for 191,066 of the total number of investigatory stops. This means that more African Americans were subjected to an investigatory stop in comparison of other races. In examining data contained in Table 6, more African Americans were released (58,361 or 44.5% of all releases) than the other races. The fact that more African Americans were released in comparison with other races suggests that more African Americans were subjected to an investigatory stop where no evidence was found to further process the case. This results in their subsequent release at greater rates when compared to the other races. However, more importantly, data contained in Table 6 shows that more African Americans were arrested than Asian Americans, Latino Americans, and Caucasian Americans combined. When conducting a chi square for significance of these differences, all results were found to be statistically significant at the .05 level (Table 7). When examining the type of charge given to those arrested, African Americans were charged with more misdemeanors and felonies. In fact, as the type of charge gets more severe the proportional representation of the African American population in that category was shown to increase, with African Americans constituting close to half of all misdemeanor charges and likewise accounting for a full two-thirds of all felony charges. Therefore, an increased progression in representation of this group can be seen as the type of charge becomes more serious. Thus, the data shows a trend where more African Americans were subjected to investigatory stops, subsequently arrested, and increasingly charged with the

more serious types of charges at a rate that is progressively higher than their Asian American, Latino American, and Caucasian American counterparts. This increase in proportion holds true for each variable from investigatory stop to felony charge.

The goals of this article were to determine if support for racial profiling does indeed exist with the minority community and to determine if African Americans suffer even greater amounts of disproportionate treatment than do other minority groups. The data in this study provides mixed support for racial profiling of minorities. While African and Asian Americans have higher rates of release than should occur with investigatory stops, Latino Americans do not. However, this research does show that the African American population is the hardest hit by this potential practice. This is true both in the disparate per capita percentage of investigatory stops as well as the progressive representation of African Americans in more severe sanctions.

The results of this study can reasonably conclude that African Americans are stopped and released from traffic stops at rates higher than would normally be expected. Thus, there is support for the argument that racial profiling is being used. However, these findings cannot provide full-proof statistical evidence as to why this may be the case. Therefore, it is likely that the pursuit of racial profiling will remain somewhat elusive in our society. Fully grasping this social phenomenon is likely to be metaphorically similar to grasping a handful of sand; the tighter we try to make our grip, the more likely it is to fall through our social grasp. It is through the use of theory that we are forced to settle for an academic and pseudo-real explanation of a social problem that holds very serious consequences for defendants, the police, and society as whole.

### References

- Bizjak, T. (2003). Report on Stops Stirs Race Concerns: *NAACP Speaks Out on Racial Profiling*. Bee Staff: Georgia Tech University.
- Black, D. (1976). *The Behavior of Law*. New York: Academic Press.
- Brennan, C. (1997). Race-Profiles Again Attacked. *Daily Record*, 212(4).
- Fagan, J. (2002). Law, Social Science, and Racial Profiling. *Justice Research and Policy*, 4, 103-129.
- Fitzgerald, J. D. & Cox, S. M. (2002). *Research methods and statistics in criminal justice: An introduction*. Belmont, CA: Wadsworth/Thomson Learning.

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Harris, D. (1999). The Stories, the Statistics, and the Law: Why Driving While Black Matters. *Minnesota Law Review*, 84, 265-326.

Hawkins, D. (1987). Beyond Anomalies: Rethinking the Conflict Perspective on Race And Criminal Justice. *Social Forces*, 65: 719-745.

Justice Department (2003). *Justice Department issues policy guidance to ban Racial profiling*. Retrieved from <http://search.usdoj.gov/compass?scope=racial+profiling&ui=sr&view-template=dojsimple>.

Lamberth, J. (1997). *Report of John Lamberth, Ph.D. American Civil Liberties Union*. Retrieved October 5, 2003, from <http://www.aclu.org/court/lamberth.html>.

Muharrar, M. (1998). *Racial Profiling in News Reporting*. Retrieved October 18, 2003, from <http://www.fair.org/extra/9809/media-blackface.html>.

Smith, M. R., & Alpert, G. P. (2002). Searching for direction: Courts, social science, and the adjudication of racial profiling claims. *Justice Quarterly*, 19(4), 673-703.

Smith, M. R., & Petrocelli, M. (2001). Racial Profiling? A Multivariate Analysis of Police Traffic Stop Data. *Police Quarterly*, 4(1), 4-27.

Walker, S., Spohn, C. & DeLone M. (2004). *The Color of Justice: Race, Ethnicity, and Crime in America* (3rd ed.). Canada: Wadsworth, 2004.

Ward, J. D. (2002). Race, Ethnicity, and Law Enforcement Profiling: Implications for Public Policy. *Public Administration Review*, 62(6), 726-735.

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# **A Collection of Traffic Stop Information and Biased Enforcement: The Research and Legal Perspective**

**Jill Joline Myers and Michael H. Hazlett**

Many Americans, especially Americans of color, view policing as discriminatory, either by policy and definition or by its day to day application. Thus, comparable to statutes in many other states, the State of Illinois enacted, The Illinois Traffic Stop Statistical Study Act which requires that every State and local law enforcement agency record data relative to traffic stops made within their jurisdiction. The Act further charges the Illinois Department of Transportation to provide statistical summaries (benchmarks) so that statistically significant aberrations in the race of those allegedly involved in traffic stops can be compared and analyzed against the total population traveling through an area to determine whether these discriminatory beliefs are factually founded. This paper discusses the research and legal perspectives involved in designing, defining and distinguishing behavior based on these benchmarks.

The experience of collecting traffic stop information in Illinois began with an act of the Illinois Legislature entitled *Traffic Stop Statistical Study (625 ILCS 5/11-212: 2003)*. This act requires that every State or local law enforcement agency record data relative to traffic stops made within their jurisdiction. This data collection began January 1, 2004 and is authorized until December 31, 2007. Even with the sunset provision, it is speculated by these researchers that this mandated collection of routine traffic stop data on each traffic stop is here to stay.

Comparable to statutes in many other states, the Illinois information is collected as part of an issuance of any uniform traffic citation or any warning citation for a violation of the Illinois Vehicle Code. Information gathered by the officer is collected on an Illinois Department of Transportation (IDOT) "Traffic Stop Data Sheet." This data sheet would include vehicle and driver stop information including a range of information on stop location, time, vehicle, driver and passenger demographics, and outcomes of the stop. Specifically, this information includes: name and address of the driver; birth date of the driver; gender of the driver, the officer's determination of the driver's race; the traffic violation alleged; the date and time of the stop; and the location of the stop. Further, the information should include a specific reason for the stop (moving violation, equipment violation, or license or registration violation), the make and year of the vehicle, and whether a search was conducted of the vehicle, driver, or passengers. Finally, the disposition of the stop (warning or citation) is recorded, along with any arrest made during

or incidental to the stop. The name and badge number of the officer making the stop is another requirement. Some agencies that provide officer-by-officer information on stops (for training or disciplinary reasons) may exchange an officer's identifier into a tracking pin number thereby affording confidentiality of the individual officer information.

The Illinois Traffic Stop Statistical Study Act, like similar acts in other states, charges IDOT and its other contracting agencies to provide statistical summaries (benchmarks) so that statistically significant aberrations in the race of those allegedly involved in traffic stops can be compared and analyzed against the total population traveling through an area. For example, a benchmark of 2.0 would mean that non-whites were twice as likely to be stopped as their representation in the population of drivers within that jurisdiction. By design the benchmark would be based on the census of documented vehicles anticipated to be driven within a specific area. In reality, IDOT records only stops of traffic law violating offenders within an area. Comparison of the two figures may not reflect the actual driving and stop pattern at all. Household ethnicity statistics within an area that claim a vehicle for census purposes may in fact not represent the actual ethnic percentage of persons engaged in traveling through an area. For example, urban areas typically have a higher percentage of non-white households claiming vehicles than non urban areas. However, the actual traffic flow through the urban area may reflect the reverse. Suburban Caucasians may comprise the majority of drivers who move through the area on their way to destinations within the urban area. Such urbanites may not comprise the "traveling population" due to their use of public transportation.

Furthermore, the legislative enactment charged IDOT with the task of identifying the volume of "false stops," including stops not resulting in the issuance of a traffic ticket or the making of an arrest. In some ways the term "false stops" is a misnomer because it assumes that stops that do not result in either a ticket or an arrest but that the stop was racially motivated. The reality may be that the stop was both legal (based upon objectively valid data) and non- racially motivated. The stop may simply have culminated in an officer using his discretion to warn rather than arrest. The legislative intent was for IDOT to identify "false stops" in order to determine whether disparities in the proportion of citations issued to minorities disparities among officers within the same agency regarding stop patterns and the proportion of searches made of non-white drivers exist. With such an expansive undertaking, the usefulness of such information must be closely scrutinized and questioned from both a research and legal perspective.

### **Research Validity Questions Raised by the Stop Data**

From a research perspective, the data collected pursuant to the study by IDOT has significant limitations if the intent is to actually document biased enforcement. From the experience of these researchers, the collection effort of IDOT and the established and existing benchmark summaries may not achieve the intent of the legislation, which is to document aberrations in traffic stops and “false stops” by race based upon disparities between the overall population and the proportion of reported traffic violating offenders.

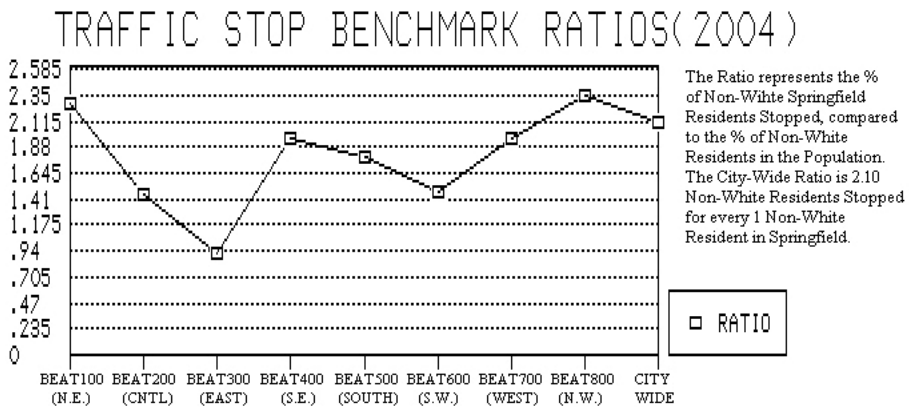
First, traffic stop data does not measure biased enforcement directly. Such traffic stop data does not actually reflect all police contacts and enforcement. Ordinance, felony stops, “Terry-type” stops, unreported, and ghost stops are not recorded; thus, they are not reflected. Only events believed to be alleged violations of the Illinois Vehicle Code are mandated to be included within the study. However, some jurisdictions have implemented policies that attempt to reflect all police contacts including traffic, felony or misdemeanor arrests, and other ordinance violations. Such policies may add a greater degree of understanding to the totality of activities involving vehicle stops, but even then the results are only as valid as the integrity of those that initially input the requested data.

Second, jurisdiction wide patterns of traffic stops (like agency aggregated benchmarks showing a high ratio of non-white stops) may not actually be principle evidence of biased enforcement due to their aggregation. Such overall findings tell researchers little about individual stops or officers’ or drivers’ behavior. To assume that these general patterns of traffic stops actually predict individual officer stop activity is to commit what researchers refer to as an “ecological fallacy” (Babbie, 2004). Such a fallacy is similar to individuals who believe that a general link between race and enforcement exists. General patterns of behavior cannot be automatically linked with an individual’s decision to stop a vehicle on a particular occasion. Each stop encompasses a complex set of factors and variables that may or may not include race. Factors such as enforcement policies, location and time of stops, the nature of the violation, economic demographics of the area, age of residents, officers’ training and experience, and governmental funding issues and policies may cause such benchmarks to vary widely within the same jurisdiction, even though that jurisdiction is being judged only upon the agency wide summary.

Such wide variations were found in a detailed study of the Springfield, Illinois traffic stop patterns, as shown in Figure 1 below (Hazlett, 2005). Concentrations of non-white stops may also be the result of intensive enforcement efforts within certain areas due to drug interdiction efforts (“weed and seed” operations or Project Safe Neighborhood incentives), land use differences (schools, half-way houses, commercial industry, sporting

arenas, etc.), or increased calls-for-service. Summary benchmarks comparing non-white stops to non-white residents do not reflect a magic threshold that constitutes racial profiling (is one and one-half times more non-white stops as there are non-white drivers a real bench mark of biased enforcement? Twice as many?). Benchmarks can never account for the detailed patterns of enforcement and deployment (by time and place).

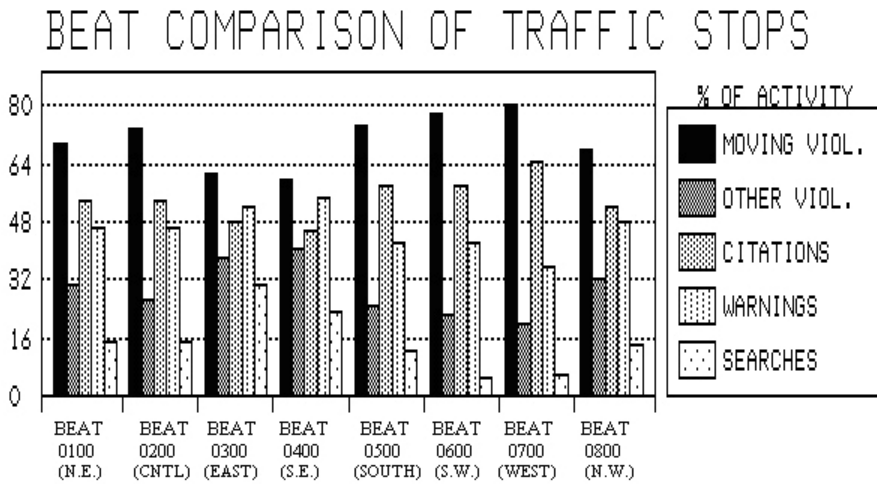
**Figure 1 Traffic stop benchmark ratios (2004)**



Source: Illinois Department of Transportation and the City of Springfield

Third, there is a tendency to link a single cause to traffic stops, especially when using traffic stop information as documentation of discriminatory enforcement. Multiple measures may give added weight supporting the presence or absence of biased enforcement. Such multiple measures are needed as a cross-check against those who may link race alone with traffic stop patterns. Using multiple factors may lend greater weight to any conclusions one may make from differences on traffic stops – not just race but also age, gender, shift, beat, age of the vehicle and so forth. This is illustrated by differences in stops across areas of the city in the Springfield, Illinois (Hazlett, 2005).

**Figure 2 Beat comparison of traffic stops.**



Source: Illinois Department of Transportation and the City of Springfield

Fourth, inherent problems exist within the collection process of IDOT traffic stop data itself. Such problems may include: over or under reporting; changing officer behavioral practices due to the now mandatory collection process; incomplete information; different practices or definitional variations used to classify and count certain activity such as “false stops”; record keeping changes or data entry problems; and inconsistent estimates of non-white drivers across jurisdictions. Also, the estimate of the driving public that is non-white may be made on assumptions of driver’s license records or limited traffic information based on old census (2000 Census) materials. Incorrect estimates of the driving population used in the benchmarks could lead to a general lack of validity of such information as agency benchmarks. Such problems can create artificial differences between jurisdictions on key benchmark information provided by reporting agencies or researchers attempting to use the information. As suggested previously, drive through zones may exist which would clearly skew the results if the benchmark was based upon residential census type data. (To date, there is no accurate or reliable mechanism used to collect the racial demographics of the driving population through certain areas. E-Z passes which can accurately count the number of vehicles passing through an area cannot provide this information in that the race of an individual is not listed on either the driver’s license or vehicle registration form. )

Fifth, even beyond the context of the traffic stop measures are the social factors surrounding traffic enforcement activities. These factors also need to be examined before a comprehensive understanding can be reached as to the cause or underlying force producing such stops is determined. While demographic patterns of stops may not completely defend an agency against litigation, such census patterns of social factors may provide greater weight for a race neutral reason for agency patterns of stops against non-white motorists. For greater clarity, summaries of vehicle stops by beat should be compared with selected demographic rates and percentages from the same area of the city. Such comparisons identify apples-to-apples rates of traffic enforcement as compared to the proportion of the residents within that area of the city. Such demographic analysis was not undertaken by IDOT. Using comparisons with baseline population, percentages and rates of particular sub-groups in the population (agency wide or for specific patrol areas) may be made. Some of the possible demographic comparisons are suggested below:

Percent of Population by Ethnicity ----- > Across City Police Beats (% of City Totals)

Percent of Population by Gender/Age ----- > Across City Police Beats (% of City Totals)

Crime and Arrest Information ----- > Across City Police Beats (% of City Totals)

Calls for Service & Traffic Stops ----- > Across City Police Beats (% of City Totals)

Demographics of Drivers Stopped ----- > Across City Police Beats (% of City Totals)

Rates of Traffic Stops and Outcomes ----- > Across City Police Beats (% of City Totals)

Rates of Calls, Crimes & Arrests ----- > Across City Police Beats (% of City Totals)

Rates of Driver Stop Demographics ----- > Across City Police Beats (% of City Totals)

(based upon Subgroup Population)

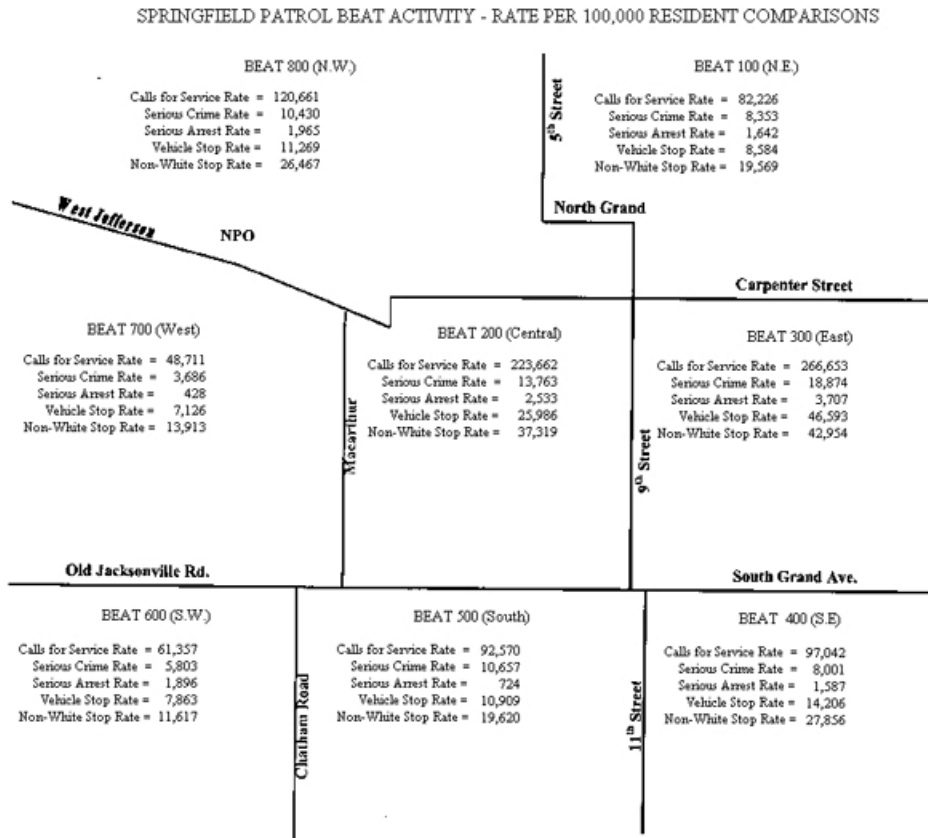
Age of Residents by Beat ----- > Age Rates & Percentages of Drivers Stopped by Beat

Gender of Residents by Beat ----- > Gender Rates & Percentages of Drivers Stopped by Beat

Race of Residents by Beat ----- > Racial Rates and Percentages of Drivers Stopped by Beat

This may give a clearer picture of the where and why such differences in non-white traffic stops occur within a jurisdiction. Such analysis may reveal areas of high non-white traffic stops were also areas of highest calls for service, crime, and arrests. These high non-white stop areas were also areas with a higher than expected rate of white motorists being stopped as well, demonstrating race neutrality in the stops. Higher calls for service, violent crime reporting and serious crime arrest may provide some additional understanding of deployment priorities in response to neighborhood requests or federally funded programs at crime interdiction. This was illustrated in a demographic map summary as found in the Springfield, Illinois research from 2004 (Hazlett, 2005).

**Figure 3: Springfield patrol beat activity – Rate per 100,000 resident comparisons.**



Sixth, stop card information must also be examined on an individual officer and examined according to the time and location of the stops. Such officer-by-officer comparisons should be done as part of a proactive monitoring of officer conduct as compared to similarly situated officers working at the same time or location. Officers that reveal high rates of non-white stops may be found to be the same officers who worked in areas of high crime or increased deployment. As found in previous litigation and research, there may not exist a systemic problem of biased enforcement. The overall department's record of enforcement may be evenhanded. Instead, there may be an issue with specific officers who demonstrate a pattern of bias. That type of situation could be addressed by proactive supervision and monitoring.

As part of the ongoing practice of supervision and training on a policy of zero tolerance toward biased enforcement, each officer's stop record should be compared against expected norms for all officers' working during the same shift or in the same area.



Each officer's non-white stops could be compared and displayed against agency-wide norms and other similarly situated officer's stops, including stops made by other law enforcement agencies within the same area or jurisdiction. Traffic stop activity could easily be posted beginning with the number of actual stops and broken down to the percent of total non-white stops. The actual reasons for the stop could also be posted, including such details as moving violations, equipment violations, and license and registration violations. Dispositions of stops may be summarized to include whether citations and warnings were issued, whether searches and arrests were made, or whether the stop was a "false stop." An individual officer's record could then be compared against an agency wide norm or the normal percentages for officers working in a similar location or shift.

Such a record of each officer's performance is critical in demonstrating that the department is complying with the intent of the legislation. Further, such detailed personnel summaries reveal a proactive effort to enforce agency policies against biased enforcement. Such measures help to identify officers who have a higher than expected pattern of non-white stops, as well as officers who may reduce their stops (productivity) due to the now mandated collection of information.

### **Legal Perspective of Data Collection and Usefulness of Traffic Stop Data**

While the collection of information has a number of critical components, perhaps even more important for consideration are the legal issues generated by the collection and use of such data. Many Americans, especially Americans of color, view policing as discriminatory, either by policy and definition or by its day to day application. It is the intent of the Illinois Traffic Stop Statistical Study to scrutinize the collected data for evidence of statistically significant aberrations to determine whether these beliefs are factually founded. The charts and concepts discussed previously suggest that the information collected has, at best, a limited ability to fulfill the desired results sought by the study. To truly evaluate whether statistically significant racial disproportionality occurs during traffic stops for alleged violations of the Illinois Vehicle Code, one must examine the stops (seizures) in light of Constitutional and statutory guidelines and within the parameters of current case law.

Law enforcement's power to stop, detain, and search individuals in traffic scenarios is governed primarily by the Fourth Amendment, the Fourteenth Amendment, 42 U.S.C. Section 1983, and Title VI of the Civil Rights Act of 1964.

### *Fourth Amendment*

The Fourth Amendment to the Constitution prohibits only unreasonable searches and seizures. Thus, each traffic stop must be justified by probable cause or a reasonable suspicion based on specific and articulable facts of unlawful conduct. The probable cause requirement is easily met as any traffic violation listed in the Illinois Vehicle Code provides the basis needed to justify the stop. Further, ulterior motives do not invalidate an otherwise valid traffic stop based upon probable cause. It is entirely irrelevant what the subjective motivation or intent of the officer was as long as the objective circumstances justified the stop (*Whren v. U.S.*, 1996). Simply stated, traffic or equipment violations meet the objective test and make the stop legitimate regardless of the subjective intent of the officer (*Lewis v. City of Topeka*, 2004). The IDOT requirement that the alleged traffic violation or that the reason that led to the stop of the motorist be recorded will most likely provide a legitimate objective foundation for the stop. Thus, as a preliminary matter, the race or ethnic background of the driver or occupant will be irrelevant under Fourth Amendment law.

Once a vehicular stop has occurred, the next consideration concerns the limitations imposed by the Fourth Amendment on those occupants affected by the police action. Court decisions indicate that the limitations on traffic stops require a dual inquiry: first, whether the officer's action was justified at the inception; and second, whether it was reasonably related in scope to the circumstances which justified the interference in the first place (*United States v. Hunnicutt*, 1998). As the first inquiry has already been addressed herein, the second inquiry will now be discussed in terms of traffic violations and the reasonable detention or seizure of the occupants of the vehicle. The two most common violations relative to this issue involve the duration of the stop and the manner of the stop.

### *Duration of the Stop*

The investigatory detention of a traffic violation must be temporary, lasting no longer than necessary to effectuate the purpose of the stop. In other words, the scope of the detention must be tailored or consistent with its underlying justification (*Florida v. Royer*, 1983). That being said, the application of the rule is often difficult to discern. Although the reasonableness clause of the Fourth Amendment does not hold a stopwatch on the police, courts are often tasked with "Monday morning quarterbacking" of an officer's speed in terms of reasonableness in handling a traffic investigation. For example, during a traffic stop for a failure to yield the right of way, a police officer is permitted to ask questions and examine documents and run computer verifications as necessary and related to the operation of the motor vehicle, e.g., valid license,

registration, and insurance. The officer may detain the driver and the vehicle as long as is reasonable to make these operational determinations and to issue a citation or warning.

The scope of the permissibility of the stop's duration is determined by assessing the reasonableness of each detention's length on a case-by-case basis, by considering the facts under a totality of the circumstances including the officers' expertise and training, and the permissible inferences and deductions from the cumulative information available to them. Furthermore, the investigative stops do not need to rule out the possibility of innocent conduct (United States v. Arvizu, 2002). From a review of the case law, it appears that the reasonableness of the duration of the stop involves:

1. whether police were pursuing the investigative purpose that justified the initial stop with due diligence (not whether some other alternative was available) (United States v. Sharpe, 1985);
2. whether the delay seriously interrupted the individual's travels;
3. the seriousness of the offense; and
4. the likelihood of the individual's involvement in criminal activity.

The IDOT statistical data is incapable of ferreting out these nuances that distinguish a reasonably justified duration of detention from an illegal detention. IDOT statistical data does not even remotely include relevant information related to an officer's expertise and training and the permissible inferences and deductions from the cumulative information available to him. Hence, it is impossible to assess, based upon the IDOT evidence whether a statistically significant aberration of minority based unconstitutional stops has occurred.

### *Manner of the Stop*

In conducting a stop, traffic or otherwise, an officer may take such precautions as are reasonably necessary to protect his personal safety and to maintain the status quo. Such precautions may include drawing his weapon when approaching a car to question a driver (Foote v. Dunagon, 1994) and, as a matter of course, ordering a person (driver and passenger) to step out of a vehicle with or without reasonable suspicion. The reasonableness of the manner of the stop depends upon a balancing of the nature and quality of the intrusion of the individual's Fourth Amendment interests against the importance of the governmental interests alleged to justify the intrusion. The balancing test was used in *Maryland v. Wilson* (1997) in allowing police to order passengers to exit a vehicle during a routine traffic stop. Therein, the Court weighed the public's strong interest in officer safety against the *de minimis* intrusion on the passenger's privacy interests.

The Fourth Amendment allows the police to make a forcible stop of a person when they have a reasonable, articulable suspicion that the person has been, is, or is about to be engaged in criminal activity. Forcible stops have been permitted when an officer had an objectively reasonable belief that the defendant had a gun nearby. In fact, officers have been allowed to reach through car windows to grab an occupant's waist when the officer believed that a gun was hidden at that location (*Adams v. Williams*, 1972). Recently, the Supreme Court upheld as reasonable on Fourth Amendment grounds an officer's tactic of compelling a suspect to identify himself under threat of arrest under a stop and identify statute when the officer demonstrated a reasonable suspicion of criminality (*Hiibel v. Sixth Judicial District Court of Nevada*, 2004).

The reasonable test requirement needed for Fourth Amendment evaluations does not easily translate into statistically measurable data. The current IDOT data recorded pursuant to the study cannot effectively measure the reasonableness of the manner of a stop. The data does not measure such intangibles as a reasonable belief that an occupant of a vehicle was in possession of an illegal weapon thereby justifying a "Terry" frisk. (Courts, not the participating officers, eventually make those determinations usually after lengthy and often times contested fact finding hearings.) If the data cannot distinguish between acceptable and unacceptable Fourth Amendment conduct, how can the data conclude that race played any role in the situation?

As explained above, the Fourth Amendment focuses on an objective standard. An officer's conduct is evaluated both initially when the decision to stop a vehicle occurs and thereafter in terms of scope and duration on reasonableness based upon the totality of the circumstances. The factors relevant in determining the reasonableness of these actions are complex, fact specific, officer experience oriented, and somewhat intangible. Thus, the IDOT collected data has limited value in determining whether the seizure or frisk or search was reasonable. Thus, its utility in illustrating whether race or ethnicity has any connection to traffic stops, false or valid, under a Fourth Amendment analysis is *de minimis*.

### *Fourteenth Amendment*

Those seeking to demonstrate that policing is discriminatory usually seek redress under the equal protection clause of the Fourteenth Amendment. Equal protection claims, unlike Fourth Amendment claims, focus on a police officer's subjective intentions. These claims usually allege that although a specific stop is objectively reasonable (passes Fourth Amendment muster), the facially race neutral traffic and race neutral interdiction policies are applied in a discriminatory manner. To a limited extent such an assertion may be born out by the traffic stop data as illustrated in the shift or area summaries, or individual officer reports of stop activity as discussed above. Although these claims are frequently asserted,

it is relatively difficult to successfully litigate a Fourteenth Amendment claim. To meet the burden, the litigant must provide evidence demonstrating that the conduct had both a discriminatory effect and that the conduct was motivated by a discriminatory purpose (United States v. Olvis, 2002).

Courts have established a three-part test for determining whether the claim has been met. First, the litigant must demonstrate that the officer has selected the individual based upon a constitutionally protected right such as race or religion and not selected others not belonging to that group in similar situations. Second, the selection must have been initiated with a discriminatory purpose (racial animus). Finally, the action must have a discriminatory effect on the group to which the litigant belongs (Gardenshire v. Schubert, 2000).

To show a discriminatory effect, the courts require that litigants demonstrate by at least a *prima facie* showing that similarly situated individuals of another group or race are not treated the same (*United States v. Bell*, 1996; *United States v. Armstrong*, 1996). Furthermore, "there is a strong presumption that the state actors have properly discharged their official duties, and to overcome that presumption the plaintiff must present clear evidence to the contrary; the standard is a demanding one" (Stemler v. City of Florence, 1997). Typically this is done by showing that similarly situated persons from another group were not stopped in the same place under similar circumstances (Gardenshire v. Schubert, 2000).

Because the standard is so demanding, statistical evidence such as stop card data is generally not sufficient to show that similarly situated persons of different races were treated unequally. For example, in *Harris v. City of Virginia Beach* (2001), the court was not persuaded by the plaintiff's statistical evidence because, as the Court noted, Virginia Beach is part of a metropolitan area, and residents of neighboring cities regularly travel through Virginia Beach. Therefore, a statistical comparison to the African- American population within the patrol area was not sufficient to meet this burden. However, a minority of cases suggest that statistics can be used to establish this discriminatory effect provided that the statistics include information about the officer's conduct with respect to similarly situated individuals of another race (*Chavez v. Illinois State Police*, 2001). Even in cases where the statistics have been allowed to establish the discriminatory effect, the statistics are not irrefutable. Their usefulness will depend on all of the surrounding facts and circumstances.

The IDOT data, to the extent that a reliable baseline can be gathered, has the capability of reflecting whether a statistically significant aberration of minorities were stopped or issued citations or warnings for traffic violations. It is possible to reach that conclusion based upon comparing the global population of traffic law violating offenders

with IDOT gathered data. The real difficulty inherent herein relates to the comparison of that data to similarly situated persons of a different race. No data is kept or collected for those who may have committed similar infractions under similar circumstances but who were neither stopped nor issued tickets. Thus, there are no statistics on which to make the comparison. For example, in *Chavez v. Illinois State Police* (1998), Chavez's claim failed because no data was kept concerning stops where no citations were issued or searches conducted.

Certain statistical comparisons can be made. IDOT global figures could discern that Caucasians are stopped twice as often as non-white individuals. IDOT figures could also indicate that of those stopped there are proportionally more non-whites issued citations or more non-whites are the subject of searches. However, one cannot conclude per se, that this statistical evidence indicates that discrimination is involved. Many non-race factors may be included in the decision-making process suggesting that the individuals are not similarly situated. For example, "travel throughs," deployment efforts, policy changes, police expertise, weather conditions, road repair, budgetary constraints, or political events may make the situations very dissimilar.

Even assuming that the statistics are so grossly out of proportion to the global traffic violating public (the decided norm or benchmark) that a statistical comparison could be made to show that similarly situated others were treated differently, the litigant still would not have met his burden of proof. Plaintiffs must also demonstrate that the conduct was motivated by a discriminatory purpose (*United States v. Olvis*, 2002), or that the decision to stop, investigate, search, etc. was invidious or in bad faith (*United States v. Berrios*, 1974). Thus, the plaintiff must demonstrate evidence of racial animus. (*Brown v. City of Oneonta*, 2000; *Carrasca v. Pomeroy*, 2002). Racial animus can be defined as a view held by the police toward the motorist that influences the officer's decision to stop, cite, or search. Active hostility or ill will by the officer needs to be shown toward the subject demonstrating that the stop or conduct of the officer was motivated by race. In the Carrasca case, racial animus was asserted because one ranger had referred to Mexicans in a derogatory tone.

Statistical differences in stop patterns or an individual officer's stop information cannot measure hostility directly. Statistics alone, showing that traffic enforcement had a disparate impact on one group over another, does not necessarily establish discriminatory intent or hostility (*Arlington Heights v. Metro Housing Dev. Corp.*, 1977). However, one should be aware of the handful of cases that hold that statistical evidence may be sufficient to prove intentional discrimination without the need to identify similarly situated persons (*National Congress for Puerto Rican Rights v. City of New York*, 1999; *Rodriguez v. California Highway Patrol*, 2000). In the New York case, it was not necessary to

demonstrate the disparate treatment of a similarly situated non-minority group because the litigants were challenging a law or policy that contained an express, racial classification, and those classifications are already subject to strict judicial scrutiny with regard to that precise issue. In *Rodriguez*, the court concluded that the plaintiff's statistical evidence along with other facts, if proven, would support an inference of discriminatory intent of which the defendants were aware but refused to stop. Thus, the statistical evidence alone may demonstrate unconstitutionality because the discrimination is very difficult to explain on non-racial grounds.

When analyzing statistical information for evidence of discriminatory intent in racial profiling, one must look for guidance to appellate court cases. Two recent cases serve as a model for equal protection litigation: *Batson v. Kentucky* (1986) (involving the jury selection process) and *United States v. Avery* (1997) (a drug interdiction case). These cases suggest the following approach:

1. Statistical or circumstantial evidence may demonstrate a *prima facie* (on the surface) finding of discriminatory practice. Statistics, particularly in situations where no direct proof of discrimination exists, may be used to infer that race is the motivating factor behind the police action. For example, through persuasive statistical evidence one might infer (make a *prima facie* showing) that race is the motivating factor to explain more non-white searches although there are more overall Caucasian stops (*United States v. Travis*, 1995, referred to herein as "*Travis A*").

However, many courts, including the *Avery* court, have considered similar statistics and held that the statistics do not provide a reliable basis for an inference of discrimination. Therein, the court, relying on the statistics from a previously reported decision, *United States v. Travis* (1995), noted that although airplane passengers nationwide are estimated at 88% white, 5% African American, and 1% Hispanic, a showing of a 53% African American based contact does not provide the necessary basis for an inference of discrimination. The finding merely supports a disparity in the ratio of Black travelers to Black persons reportedly stopped at the airport. Thus, concluding therein that the statistics were still lacking and no *prima facie* showing was established.

2. If, however, statistical evidence of a disparate impact is established, its role is limited to a creation of a refutable *prima facie* case that race is a motivating factor in the challenged action. Once the *prima facie* case is created, the government must articulate a race neutral reason for its action, or give a compelling governmental reason to justify its action. Race and gender alone will rarely rebut the presumption of discriminatory intent but coupled with other data,

like the need to interdict the interstate trafficking in drugs, sufficient justification to constitute a compelling governmental interest might be established to refute the claim (*United States v. Travis*, 1995).

Much of the IDOT required captured data will not provide the government with sufficient ammunition from which to rebut this presumption of discriminatory intent. Adequate rebuttal will most likely require an independent case by case assessment to accurately dispute the claims. This could involve expensive and labor intensive research including massive document review, witness interviews, policy guideline, and historical crime fighting statistics and deployment materials. (Race neutral reasons such as road construction, new officer training programs, new policy approaches may explain and justify the statistics sufficient to rebut the discriminatory claim.) In Batson situations, the rebuttal approach is relatively simple to apply as the numbers involved in jury selection are small, the data is finite, and the information is fresh. The party rebutting the discrimination claim does so almost contemporaneous with the claim. The rebuttal process, in light of the statistics generated pursuant to the IDOT Study, might involve massive amounts of information and dated, as well as currently, undocumented information. In fact, the Traffic Stop Statistical Study might result in further mandatory data collection legislation such that officers may be so burdened with paper work that they would be unable to perform their duties.

3. If the government meets its burden of rebuttal (sufficiently refutes the claim of discriminatory intent by either showing an adequate race neutral reason or providing a compelling governmental need to support their actions) then the plaintiff challenger bears the ultimate burden of proving discrimination by demonstrating particular evidence of racial animus. Only in extremely rare cases will a statistical pattern of discriminatory impact conclusively demonstrate a constitutional (Fourteenth Amendment) violation (*McCleskey.v. .Kemp*, 1987). Furthermore, in the context of stops, a defendant would have to demonstrate by a preponderance of the evidence that a police officer decided to approach or pursue solely because of race. (*United States v. Travis* (A ),1995).

4. Finally, it is essential that the complaining citizen must show that each defendant is personally involved with the alleged constitutional violations. Presence alone is not enough. The plaintiff must show that each defendant officer acted with racial animus – motivated by active hostility or ill will based upon the plaintiff's race. Hence, it is essential that the plaintiff identify the specific officers



by badge or name who violate the constitutional rights of the plaintiff. (*White v. Williams*, 2002; *Rode v. Dellarciprete*, 1988). Next, in order for liability to occur, the plaintiff must demonstrate that the defendant engaged in the constitutional violation through affirmative misconduct shown through allegations of personal direction or of actual knowledge and acquiescence. (*Randall, v. Prince George's County, Maryland* 2002) In *Randall*, the plaintiff's claim of racial animus was asserted under a theory of a tacit collaboration. Specifically, the plaintiff claimed affirmative misconduct of a bystanding officer, who stood by and did nothing when confronted with a fellow officer's illegal act, when the officer had the power to prevent it and to assist the victim.

### *42 U.S.C. Section 1983 Claims*

Section 1983 imposes liability upon any person who acting under color of state law deprives an individual of rights secured by the Constitution or law. There is no dispute that whenever a State or local law enforcement officer issues a citation or warning or stops a motorist for an alleged traffic violation, they are acting under color of state law. The issue becomes whether the officers violated an individual's rights under either the Fourth or Fourteenth Amendments of the Constitution.

Section 1983 claims predicated on Fourth Amendment grounds require a showing that the plaintiff was seized by an officer and that the seizure was unreasonable. As previously mentioned, the observation of a traffic violation gives the officer probable cause to stop a motorist. The troubling aspect of the Fourth Amendment concerns the requirement that the detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop. Detentions that extend beyond the original purpose of the stop, the original traffic violation, require that an officer have either probable cause or a reasonable, articulable suspicion that there is criminal activity afoot. This requires a particularized objective basis for continuing the detention of the motorist beyond the time needed to write a ticket for the traffic violation.

Fourth Amendment violations occur when the officer is unable to articulate reasons sufficient to distinguish the driver from the large category of presumably innocent travelers. Courts have held that some of the factors documented pursuant to the IDOT Study are not sufficient to justify the continued detention. For example, claims that a motorist possessed indicators of possible drug activity based upon the make and model of the vehicle, the direction, time, or location of the stop (source or recipient city), the color size and mileage of the vehicle, maps, nervousness, blood shot eyes, and partial permission to search were deemed innocuous factors not sufficient to justify a continued detention beyond the scope of the original traffic stop. Much of the IDOT collected data that

is available is insufficient to negate or confirm the discriminatory claims, which was the primary purpose of the legislation.

Section 1983 claims founded on the Fourteenth Amendment equal protection violations require that the plaintiff prove that the officer's actions had a discriminatory effect and were motivated by a discriminatory intent or purpose (*United States v. Armstrong*, 1996). To prove discriminatory effect, the plaintiff may present statistical evidence of bias by the police or other evidence showing how similarly situated motorists of a different race were treated differently by the police. (*Chavez v. Illinois State Police*, 2001). In fact, most claims where there is no blatant or overtly discriminatory policy or direct evidence of police motivation demonstrating bias are based on statistical comparisons (*Marshall v. Columbia Lea Regional Hospital*, 2003). The statistics usually compare the number of black or other minority Americans stopped or arrested with their percentage in some measure of the relevant population. The difficulty with such comparisons is to determine a reliable measure of the demographics of the relevant population. How does one determine whether the data truly represents similarly situated individuals so that a point of comparison to the actual incidence among different racial or ethnic segments of the population can be made (*United States v. Armstrong*, 1996). In such cases, agencies may have to conduct a random traffic study of apparent race of drivers during different times of day and at different locations. This would allow estimated race proportions by area and time. Still such a traffic study is expensive – usually beyond the budgets of many law enforcement agencies.

The use of statistics to make a successful equal protection claim requires acquiring the appropriate statistics to demonstrate that an officer's actions, or a department's official practice, had a discriminatory effect on particular motorists. The statistics must provide reliable data on the number of white motorists who were within the violating public pool (the benchmark) and compare them to the statistics of non whites. If the disparities between the two pools show significant aberrations, that element of an equal protection claim will be met. Thus, it is essential that the benchmark be based on a realistic footing as to who comprises the driving public and that no generalized or universal concept be used as the baseline for all areas. Refer to figures cited above that note the deviations in activity based upon the single factor such as beat locations within the City of Springfield.

Stop card information analysis that examines an individual officer against himself and others similarly situated because of shifts and location of the stops has already been deemed sufficient statistical evidence to demonstrate the discriminatory effect. In *United States v. Mesa-Roche* (2003), sufficient statistical evidence was introduced to demonstrate that the law enforcement officer disproportionately stopped Hispanic drivers compared to white drivers. The Hispanic motorist produced statistical information including data on the

ethnicity of the motorists stopped by the defendant sheriff, other officers in his particular sheriff's office, and officers from other departments (the state police) who also patrolled the same general vicinity as the defendant sheriff. The Kansas court concluded that the statistics sufficiently demonstrated that the defendant sheriff stopped Hispanic motorists at a significantly higher rate when pitted against other officers patrolling the same area. Such differential stop patterns can be verified by the individual officer-by-officer breakout of traffic stop patterns.

The second requirement needed to make a Section 1983 claim under the Equal Protection clause involves a demonstration that the officer's action was motivated by a discriminatory intent or purpose. Statistics can create the inference of discrimination where they present a significant disparity in numbers of minorities stopped as compared to white motorists and are undisputed provided the comparison is between the racial composition of the motorist population violating the traffic laws and the racial composition of those arrested for traffic infractions on the relevant roadway patrolled by the police agency (State v. Soto, 1996; McCleskey v. Kemp, 1987).

It is also not necessary that the plaintiff prove that the officer's action was motivated solely for discriminatory purposes. It is enough that a discriminatory purpose was a motivating factor (Village of Arlington Heights v. Metro Housing Dev. Corp., 1977). Most law enforcement activity is based upon a multitude of factors. Whether invidious discriminatory purpose was a motivating factor requires research or an inquiry into such circumstantial and direct evidence of intent as may be available. Evidence of intentional discriminatory purpose can be gleaned from factors showing a departure from the norm; for instance, whether the officer's pattern of conduct bears more heavily on one race than another. Statistical aberrations could certainly support this claim. For example, IDOT data reflects how many consensual searches were conducted per officer. Abnormally skewed numbers as compared to similarly situated officers could potentially support a claim of "invidious purpose."

### *Supervisor Liability and 1983 Litigation*

Holding a supervisor liable under 1983 requires a resulting constitutional violation by a subordinate. Three elements must be met to establish supervisory liability under Section 1983 (City of Canton v. Harris, 1989).

1. The supervisor needs actual or constructive knowledge that the subordinate was engaged in conduct that presented a pervasive and unreasonable risk of constitutional violations to the plaintiff's class;
2. The supervisor's inaction in the face of that risk amounted to a deliberate indifference or tacit authorization of the offensive practices; and

3. There must be an affirmative causal link between the supervisor's inaction and the constitutional harm suffered by the plaintiff.

Statistical data available to the agency through the IDOT study may provide the requisite knowledge of the illegal conduct to meet the first hurdle. Ordinarily, examples of a single incident or isolated incidents will not satisfy this requirement because a supervisor cannot anticipate all misconduct or promulgate rules and procedures guarding against every conceivable occurrence within the area of his responsibilities. However, in *Shaw v. Stroud* (1994), supervisory knowledge of three previously alleged incidents of unconstitutional action by an officer was sufficient to show actual knowledge of misconduct. Thus, reports generated pursuant to this Traffic Stop Statistical Study may provide the "notice" of differences in individual officer's conduct and activity or systemic discrepancies such that proactive reviews, training, and closer scrutiny may become necessary.

When potentially "discriminatory activity" is noted or suspected due to the IDOT generated data, the supervisor and/or agency should respond by investigating the matter and determining whether the suspicion is founded or unfounded. Continued inaction in the face of well documented pervasive and unreasonable risk of harm or abuse has been found sufficient to support a finding of deliberate indifference (*Owens v. Haas*, 1979; *Orpiano v. Johnson*, 1980). Statistical evidence supporting these investigations should be maintained. This type of statistical data could potentially be used to defeat the claim that there was deliberate indifference or tacit authorization if the claim is raised. For example, in situations where an officer's rate of arrest based upon race appears disproportionate, documentation of contact and concern, or actual discipline, over the elevated figure could be used to form the basis for granting a summary judgment as to supervisory liability.

At a minimum, in order to defend against claims of discriminatory activity and supervisory deliberate indifference, statistical evidence of stop patterns by officers must be reviewed with regularity (*Maryland State Conference of NAACP Branches v. Maryland Department of State Police*, 1999). Such reviews should include deployment data as well as demographics in statistics showing a compelling necessity versus race or ethnic background for deployment. Inadequate and imprudent responses do not necessarily result in a finding of deliberate indifference particularly when they are viewed in hindsight. In fact, agencies are more likely to successfully defend against 1983 litigation when:

1. The agency is proactive in reviewing its statistics (stop patterns and demographic necessity for such patterns);

2. The agency has established guidelines of conduct and policies against toleration of any form of biased enforcement;
3. The agency heads and supervisors review the files of offending officers and discipline those officers when appropriate;
4. The agency documents citizen complaints of discrimination and its response to said complaints; and
5. The agency documents its disciplinary action and its link to an officer's record of traffic enforcement. The documentation clearly demonstrates that there was no deliberate indifference or tacit authorization of the conduct by the officers, and that such behavior led to sanctions.

### *Title VI of the Civil Rights Act of 1964*

Those seeking redress under a Title VI claim must prove that the defendants engaged in intentional discrimination based on "race, color, or national origin" and that the defendant administers a program or activity which receives Federal financial assistance. The intentional element may be proved by demonstrating unreasonable and deliberate indifference to acts of discrimination. As previously mentioned, statistics may be useful in establishing this requirement. Statistical analysis puts the officials and their respective agencies on notice of a pattern or practice of discrimination (*Maryland State Conference of NAACP Branches v. Maryland Department of State Police*, 1999). Statistics will provide data to support or dispute whether corrective action was taken or whether the agency acted with deliberate indifference with regard to the illegality. Furthermore, statistical data can provide evidence to support whether an agency's response to discrimination was reasonable or unreasonable. For example, providing evidence of a statistical analysis on each officers record of stop and stop activity as it compares to other officer's working in similar circumstances and in similar areas; anti-discrimination training activities; policy and managerial efforts; and reactive and proactive approaches to alleged violations of racial discrimination are all potential methods to establish or refute the allegations.

At the very least, statistical data could be used to establish a *prima facie* case of intentional disparate treatment based on race, color or national origin. Statistical data could also be used to rebut the case by articulating legitimate, non-discriminatory reasons to explain the allegations. This may be supportable that more non-white stops occur in areas with high calls for service – similar to the map of activity for Springfield, Illinois presented as the first illustration in this article. Again, this map shows coincidence of highest area of non-white stops with calls for service, serious crime and arrest rates and total traffic stops – all occurring within beat 300 (Hazlett, 2005).

### **Specific Legal and Data Collection Recommendations**

Specific recommendations may be developed regarding agency data collection and policies. First, comprehensive analysis of traffic stop data will allow identification of possible officer conduct outside the norms and policies of an agency. Second, a general order prohibiting profiling and discriminatory practices toward public and fellow law enforcement personnel are essential as part of the data collection and monitoring of officer conduct. General orders that specifically address or renounced the challenged conduct may show that no deliberate indifference or tacit authorization of the offensive practices is tolerated (*Rizzo v. Goode*, 1976).

Sensitivity and related training are essential for an agency to defend against claims of deliberate indifference or tacit authorization of the offensive practices. Failure to train subordinates in necessary skills is a sufficient basis for liability provided the supervisor demonstrated a reckless or callous indifference to the rights of citizens (*Febus-Rodriguez v. Betancourt-Lebron*, 1994).

Agencies are encouraged to develop statistical benchmarks for discrimination. The inclusion of specifically required agency data collection items within the Illinois law should intimate that the legislation was not established to highlight general patterns of conduct or to provide a broad overview of discriminatory activity. The legislative purpose was to provide a detailed and comprehensive comparative analysis, by time, place, and vehicle and driver information, of the population of individuals cited for violations of traffic offenses. The required IDOT data, linked with demographic data and documentation of deployment, could significantly assist state law enforcement agencies in a defense against claims of biased enforcement. The combined data, along with training, evaluation, and supervision of individual officers, could serve as a baseline for monitoring and correcting problems that may lead to litigation.

It is also recommended that agencies use video or audio surveillance to record traffic stops. An officer's conduct of racial bias is easily monitored by such video and audio surveillance. The totality of factors, including those not collected by the IDOT study, surrounding the stop may also be clearly discovered by reviewing audio and video information from the stops.

In addition to the data collection, along with officer training and monitoring as a means to avoid litigation, comes enhanced community outreach. Discussion with and feedback from various groups within the community may allow the dialogue to detect and understand perceptions of bias. Involvement of community groups and citizen reviews of agency policies allow for greater legitimacy or perceived legitimacy when patrol enforcement strategies target areas with higher concentration of non-white residents.

Knowledge of the problems and issues can diffuse or mitigate law enforcement's response or solution to crime based problems.

As part of this outreach, it is also recommended that increased minority recruitment efforts be undertaken. Such efforts again show a proactive effort to promote diversity within the agency and to promote an agency culture that does not support or tolerate bias within the work place or in dealings with citizens.

Departments should establish a program for promotions and disciplinary actions for officers who exemplify a culture of diversity, as well as officers that reflect racial bias in their behavior without a compelling reason for such behavior. Documentation of officer stop records, with individual officer promotions, commendations or disciplinary action should be undertaken as part of the officer stop record compiled by an agency. Linking documented behavior with appropriate administration action (rewards or sanctions) may demonstrate that the agency has renounced biased conduct by it's employees and that no deliberate indifference or tacit authorization of the offensive practices is tolerated.

Although an agency that ceases to practice biased enforcement, proactively monitors data for discrimination among its employees, trains, and disciplines employees for illegal conduct, is not immune from litigation, these steps certainly reduce the numbers of allegations or make them much easier to defend. Furthermore, just because an agency ceases its illegal conduct, this does not make all potential lawsuits moot as conduct could be resumed in the future. These agency efforts may make it difficult for a plaintiff to show that the government will again engage in prohibited practices.

### References

Adams v. Williams, 407 U.S. 143, 146 (1972).

Arlington Heights v. Metro. Housing Dev. Corp., 429 U.S. 252, 266, (1977).

Babbie, E. (2004). *The Practice of Social Research* (10 ed.). Belmont, CA: Wadsworth/Thompson.

Batson v. Kentucky, 476 U.S. 79. (1986).

Brown v. City of Oneonta, 195 F. 3d 111 (2d Cir. 1999).

Brown v. City of Oneonta, 221 F.3d 329,338 ( 2d Cir. 2000) *rehearing and rehearing en banc denied*, 235 F.3d 769 ( 2d Cir. 2000) and *cert.denied* U.S. LEXIS 5530 (2001).

Carric, G. (2000). Professional police traffic stops: Strategies to address racial profiling. *FBI Law Enforcement Bulletin*, 69(11), 8-10.

Carrasca v. Pomeroy, 313 F.3d 828, 834 (3d Cir. 2002).

Chavez v. Illinois State Police, 251 F.3d 612, 636-37 (7<sup>th</sup> Cir. 2001).

City of Canton v. Harris, 489 U.S. 378, 390 (1989).

Cox, S.M., & Hazlett, M.H. (2001). Biased enforcement, racial profiling, and data collection: Addressing the issues. *Illinois Law Enforcement Executive Forum*, July, 2001, 91-99.

Febus-Rodriquez v. Betancourt-Lebron, 14 F.3d 87 (1<sup>st</sup> Cir. 1994).

Foote v. Dunagon, 33 F.3d 445, 449 (4<sup>th</sup> Cir. 1994).

Florida v. Royer, 460 U.S. 491, 500 (1983).

Gardenshire v. Schubert, 205 F.3d 303, 319 (6<sup>th</sup> Cir. 2000) *rehearing denied* 2000 U.S. App. LEXIS 7027 (2000).

Harris v. City of Virginia Beach, 11 Fed. Appx, 212, 215-16 (4<sup>th</sup> Cir. 2001).

Hazlett, M.H. (1992). *Applied Criminal Justice Analysis*. Dubuque, Iowa: Kendall-Hunt Publishing.

Hazlett (2005). An Analysis of Traffic Stop Patterns For Springfield, Illinois –2004 Data. (p. 49) Springfield, Illinois: City of Springfield Retrieved from <http://www.springfield.il.us/IMAGES/TrafficStopStudy.pdf>.

Hiibel v. Sixth Judicial District Court of Nevada, 542 U.S. 177 *rehearing denied*, 542 U.S. 960 (2004).

Hoover, L.T. (2000, July). Why the resistance to collecting race data on traffic stops? *Police Labor Monthly*.



Lewis v. City of Topeka, 305 F. Supp. 1209, 1214 ( D. Kansas, 2004).

MacDonald, H. (2001). The myth of racial profiling. *City Journal*, 11 (2), 14-27.  
[http://www.city-journal.org/html/11\\_2\\_the\\_myth.html](http://www.city-journal.org/html/11_2_the_myth.html).

Marshall v. Columbia Lea Regional Hospital, 345 F.3d 1157, 1168 (10<sup>th</sup> Cir. 2003).

Maryland v. Wilson, 519 U.S. 408, 413 (1997).

Maryland State Conference of NAACP Branches v. Maryland Department of State Police, 72 F. Supp. 2d 560, 566 (D.Md. (1999).

McCleskey v. Kemp, 481 U.S. 279, 292, (1987).

National Congress for Puerto Rican Rights by Perez v. City of New York, 191 F.R.D. 52, 53 (S.D.N.Y. 1999).

Orpiano v. Johnson, 632 F.2d 1096, 1101 (4<sup>th</sup> Cir. 1980), *cert. denied*, 450 U.S. 929 (1981).

Owens v. Haas, 601 F.2d 1242, 1246, (2d Cir. 1979) *cert. denied*, 444 U.S. 980 (1979).

Peters v. Jenney, 327 F.3d 307, 321, notes 17 and 18 (4<sup>th</sup> Cir. 2003)..

Randall v. Prince George's County, Maryland, 302 F. 3d 188, 202 (4<sup>th</sup> Cir. 2002).

Rizzo v. Goode, 423 U.S. 362 (1976).

Rode v. Dellarciprete, 845 F. 2d 1195, 1207 (3d Cir.1988).

Rodriguez v. California Highway Patrol, 89 F. Supp. 2d 1131, 1141 (N.D. Cal. 2000).

Shaw v. Stroud, 13 F.3d 791, 800 (4<sup>th</sup> Cir. 1994), *cert. denied*, 1994 U.S. LEXIS 5500.

State v. Soto, 324 N.J. Super. 66, 84, 734 A.2d 350, 360 (N.J. 1996).

Myers and Hazlett

Stemler v. City of Florence, 126 F.3d 856, 873 (6th Cir. 1997), *rehearing denied* 1997

U.S. App. LEXIS 33996, *cert. denied*. 1998 U.S. LEXIS 3117.

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.

United States v. Armstrong, 517 U.S. 456,465 (1996).

United States v. Arvizu, 534 U.S. 266, 273 (2002).

United States v. Avery, 137 F. 3d 343 (6<sup>th</sup> Cir. 1997).

United States v. Bell , 86 F.3<sup>rd</sup> 820, 823 (8<sup>th</sup> Cir. 1996), *cert. denied*, 519 U.S. 955  
(1996).

United States v. Berrios, 501 F.2d 1207, 1211 (2d Cir. 1974).

United States v. Hunnicutt, 135 F.3d 1345, 1348 (10<sup>th</sup> Cir. 1998).

United States v. Mesa-Roche, 288 F.Supp. 2d 1172, 1192 (D.Kansas 2003).

United States v. Olvis, 97 F. 3d 739, 743 (4<sup>th</sup> Cir. 1996), *cert. denied* 537 U.S. 1011  
(2002).

United States v. Sharpe , 470 U.S. 675, 686-87 (1985).

United States v. Travis, 837 F. Supp. 1386, 1391 note 2 and 1395 (E.D. Ky. 1993) *aff'd*,  
United States v. Travis, 62 F.3d 170 (6th Cir. 1995).

United States v. Travis, 62 F.3d 170, 174 (6th Cir. 1995) ("Travis A"), *cert. denied*, 516  
U.S. 1060, (1996) .

Village of Arlington Heights v. Metro Housing Dev. Corp., 429 U.S. 252, 265 (1977).

Whren v. United States, 517 U.S. 806 (1996).

White v. Williams, 179 F. Supp. 2d 405, 418 (D.N. J. 2000).

Zoufal, D. (2000). *Developments in racial profiling litigation: a tale of two cities*. Retrieved from: [www.aele.org/zoufal.htm](http://www.aele.org/zoufal.htm).

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