The role of the rank and file in police reform

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INTRODUCTION

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Police departments today are more attractive places than they used to be for experiments in participatory management and other forms of workforce empowerment, but experiments of this kind in law enforcement remain disappointingly rare. The articles in this special issue, drawn from an international, cross-disciplinary conference on 'police reform from the bottom up,' highlight the potential benefits of giving rank-and-file officers a larger collective voice in the shaping of their work, as well as some of the difficulties of doing so, and the conditions under which it is most likely to succeed.

Keywords: participatory management; policy diversity; police management; police rank and file; police unionism; workplace democracy

The dominant mindset of police departments, police reformers, appellate judges, and criminal justice scholars—the dominant mindset, in short, of nearly everyone who thinks about policing and its problems—is, and always has been, that policing needs strong, top-down management. Good police officers are police officers who follow rules. Rank-and-file organizing is an obstacle to reform and an impediment to maintaining a 'disciplined' work force. The rule of law makes policing no place for participatory management. Even the fiercest foes of authoritarian worksites tend to make an exception for law enforcement.

In many ways, of course, police officers necessarily collaborate in the shaping of their work. Partners assigned to the same patrol car discuss how they should spend their time and what the best ways are of responding to known problems in familiar places. Teams of officers plan undercover stings and neighborhood sweeps. At a more indirect level, police officers have a say in organizational planning and policy making through strongly supported police unions. Today police unions may be joined at the table by identity-based caucuses of police officers—groups, for example, of minority officers, or women officers, or of gay and lesbian officers. And even without pressure from below, wise sergeants, lieutenants, and captains—like wise supervisors in any occupation—find ways to enlist the rank and file in processes of cooperative problem solving. However, in law enforcement all of this occurs at the margins. Arguments for systematically involving frontline employees in workplace decision making have gained extraordinarily broad currency over the past several decades, in the public sector and the private sector alike—but not in policing. This is despite the increasing frequency with which police executives around the globe speak

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in terms of team management, shared organizational outcomes and aligning police managerial systems with private sector employment relations practices (McLaughlin and Murji 1998; Silvestri 2007).

Part of the explanation is historical. At the very point in the twentieth century when interest in workplace democracy reached its zenith—the late 1960s and early 1970s—American police departments seemed peculiarly inhospitable places for experiments in participatory management. Police officers at that time were almost uniformly white, male, and politically reactionary. Rank-and-file organizing was in fact on the rise, but it took unappealing and often frightening forms. In particular, a surge in police unionism in the United States was closely linked with fierce opposition to outside oversight, open contempt for civilian authorities, orchestrated brutality against political protesters, vigilante attacks on Black militants, and active membership in far-right organizations. As a result, the very scholars and community activists who might otherwise have been most sympathetic to calls for participatory management of law enforcement agencies instead concluded that democracy required tight, top-down control of the police (Walker forthcoming; Sklansky 2005). Awarding further rights to the police, even within their own organizations, seemed to be antithetical to the construction of more open, pluralized societies.

By the end of the 1970s, when policing was among the most heavily organized of all public occupations, police unions had joined 'the mainstream of American trade unionism,' devoting the bulk of their attention to working conditions, job security, and the 'bread-and-butter . . . issues that have been near and dear to the hearts of U.S. trade unionists for decades' (Delaney and Feuille 1987: 301). However, by then the damage had been done. The frightening forms taken by police activism in the late 1960s and early 1970s had dulled the appetite of virtually all scholars and police reformers for bringing workplace democracy to law enforcement. And at any rate the police unions were not calling for more participatory workplace arrangements, perhaps because they feared that these would upset the apple cart of established (often hierarchical) workplace practices. Equally, however the reactionary and defensive posture of police unions may owe something to the way in which rank-and-file officers have been frozen out of departmental decision making (Kelling and Kliesmet 1996).

By the end of the 1980s, community policing had replaced politically insulated, technocratic 'professionalism' as the reigning orthodoxy of police executives and police reformers alike, but the 'dominant form of policing' continued 'to view police officers as automatons' (Goldstein 1990: 27). It still does today. Encouraging patrol officers to be thoughtful and creative about their work is often said to be part of community policing, and even more so of problem-solving policing, but in practice this rarely means more than placing additional discretion in the hands of individual officers. There are few efforts to give officers a collective, deliberative voice in how policing is carried out, or to enlist police unions or identity-based police organizations as partners in police reform. The 'community' in 'community policing' seldom includes police officers themselves.

Police forces, though, are no longer monolithically white, male, and reactionary. Desegregation of police departments still has a ways to go, and in the United States there are reasons to fear that progress may be stalling. However, much of the transformation has already occurred. Among the most important consequences of the new demographics of law enforcement may be a decline in the solidarity and

insularity of the police—hard to quantify, but widely remarked upon by police officers and the scholars who study them (see Chan 2007). The notion of police departments as insular, homogeneous bastions of unchallenged patriarchy, racism, and authoritarianism may be increasingly oversimplified. Police departments today are more socially complex, more open to debate and disagreement, and more representative of the divisions in the communities they serve (Sklansky 2007). And in societies in transition, like South Africa, organizations of rank-and-file police officers have been strong forces not only for police reform but also for social reform more broadly (Marks 2006). All of this suggests that police departments today may be more attractive places than they used to be for experiments in participatory management and other forms of workforce empowerment.

This special issue of *Policing & Society* grows out of an international, cross-disciplinary conference on 'police reform from the bottom up,' hosted in October 2006 by Boalt Hall School of Law at the University of California, Berkeley, and co-sponsored by the Berkeley Center for Criminal Justice, the Center for the Study of Law and Society, and the Regulatory Institutions Network at Australian National University. Aimed at reexamining the role of rank-and-file officers in police reform, the conference brought together a stellar collection of police scholars, policeunionists, police executives, and representatives of identity-based police associations.[1] As the contributions to this special issue reflect, the participants included well-established academics, justly famed for their path-breaking studies of policing, along with younger scholars, bringing fresh perspectives to old controversies.

The discussions in Berkeley were wide-ranging and spirited. There were many areas of disagreement—over the potential for police unions to adopt progressive agendas; over the ability of academics to fully grasp the daily realities of policing; over the degree to which police forces remain racist, sexist, and homophobic; and over the best ways to take advantage of the collective insights of rank-and-file officers. However, there was also striking consensus on several important points, well illustrated in the contributions to this special issue.

The first and most important point of consensus is the extraordinary potential of bottom-up approaches to police reform. Outside of policing, three overlapping arguments are commonly made for involving employees in workplace decision making: it heightens morale and commitment, it develops democratic skills and habits, and it makes for better decisions. Each of these arguments can be applied to law enforcement and may, in fact, acquire special force in this context (Sklansky 2008 forthcoming). The morale of officers, and their commitment to the rule of law, are abiding problems in the policing of democratic societies, and the limited experience we have with participatory management in law enforcement suggests that here, as in other sectors, giving employees a say in the shaping of their work strongly increases their job satisfaction and their attachment to the organization's mission (Steinheider and Wuestewald 2007 forthcoming; Toch and Grant 2005; Wycoff and Skogan 1993). William Ker Muir's (1977) commentary in this issue expands on his earlier, classic discussion of the importance of developing the democratic skills and habits of police officers.

And in their own, separate contributions to this issue, David Bayley, David Thacher and Hans Toch each emphasizes how police decision making could be improved by securing what John Dewey (1927)/1946: 217) would have called the 'diffused and seminal intelligence' of the police rank and file. Bayley calls it 'craft

knowledge,' Toch calls it 'street knowledge,' and Thacher calls it 'context-specific, situated knowledge.' It includes not only the kind of micro-level sociological understanding all good officers acquire about their beats, but also, as Bayley and Toch each makes clear, a hands-on feel for best practices, innovative ideas for improving those practices, and a thorough, nuanced understanding of their fellow officers—who can be trusted, who shirks responsibility, who cuts corners, who is prone to violence. Thacher argues, moreover, that line officers can collectively offer not only richer and more nuanced *answers* to central problems of policing, but also distinctive and important *questions*—questions different than, and complementary to, the ones typically posed by police executives and typically pursued by scholars.

Despite the special knowledge and capacity that officers on the ground can bring to discussions of policing, bottom-up approaches to police reform remain rare, a point Bayley drives home. And the obstacles to such initiatives are considerable, as other articles in this issue make clear. Jerome Skolnick focuses on the lingering pathologies of police occupational culture, and Wesley Skogan catalogs the hurdles facing any effort at police reform—but especially, perhaps, ones based on ideas that come from the bottom rather than the top of the law enforcement power structure. Moreover, new obstacles to bottom-up reform in policing may be arising today from the increasing privatization of policing (led by firms that tend to be resolutely anti-union) and, in some cases, from the related tendency for public police agencies themselves to embrace a relentless, business-like focus on efficiency, cost-effectiveness, and numerically measured performance (Sklansky 2007; Toch and Grant 2005).

Despite all these obstacles, another strong theme of the Berkeley conference, reflected in the contributions to this issue, is that bottom-up reform is in fact feasible, at least under the right conditions. Muir underscores the ways in which democratic decision making within a police department can build on aspects of 'social democracy' already latent in the nature of police work, or at least police work carried out well. Bayley notes a handful of successful experiments in involving the rank-and-file in police policy making, in communities that include Madison, Houston, Toronto, Newport News, and Oakland. Toch expands on the oldest of these experiments, the one in Oakland, in which he himself was involved (see Toch and Grant 2005), and he also discusses a similar, more recent initiative in Seattle. Jennifer Wood, Jenny Fleming, and Monique Marks discuss an approach to conducting research with the police in Victoria (Australia) that taps into the knowledge of those police that are the 'doers'. They demonstrate the practical and normative importance of harnessing the dynamism of police officers at all levels in forging new practices and new ways of thinking within police organizations.

Skogan notes that although police unions have been obstacles to reform, they have offered important support for community policing in Chicago—an experience that underscores the capacity, as yet largely unrealized, for police unions, and other associations of frontline officers, to be progressive voices for change (see also Marks 2007, Jan Berry et al. forthcoming). There are grounds for hope, therefore, that giving officers a larger, collective voice in the shaping of their work may help make not only individual officers but also their bargaining representatives more invested in the overall goals of democratic police reform—at least, again, under the right circumstances (Marks and Fleming 2006).

What are the right conditions for involving rank-and-file officers in the progressive improvement of policing? A final theme emerging strongly from the Berkeley conference, and from the contributions to this special issue, is that bottom-up reform, when successful, is rarely if ever *entirely* bottom-up. Rather it depends both on enlightened leadership and on constructive engagement with outsiders. Bayley, Muir, Skolnick, and Toch all note the important role that progressive police chiefs have played in the handful of American departments that have systematically involved rank-and-file officers in policy making.[2] Wood et al. find the same thing in Australia. However, they also make the point that the initiative that they have been involved in with the Victoria Police owes much of its success to its purposeful, systematic facilitation of collaboration between academic researchers and rank-and-file officers. This, too, finds echoes elsewhere. Bayley credits most of the successes of American police reform to the openness that law enforcement agencies have shown to outside researchers and to the proposals those researchers have developed, often in collaboration with innovative leaders inside policing. And Thacher suggests that frontline police officers could have a large and positive effect on police reform simply by helping researchers reshape the kinds of questions they ask.

Perhaps some skepticism is warranted when a collaborative conference, bringing together scholars and the police rank and file, produces articles calling for more collaboration between scholars and the police rank and file. However, we think the suggestion is sound. The sparks of creativity and constructive engagement we saw at the Berkeley conference were the same kinds of sparks that proved so productive in Oakland and Madison, and more recently in places such as Seattle and Victoria. For decades, police departments and police reformers have been all but ignoring a priceless asset: the collective knowledge, insight, and commitment of rank-and-file officers. We are far from understanding how to take best advantage of that asset. However, the contributions to this special issue, like the conference from which they emerged, underscore the importance of pursuing that question, and they suggest some helpful ways to begin.

Notes

1. For a list of the participants and preliminary drafts of the papers presented at the Berkeley conference, see http://www.law.berkeley.edu/centers/bccj/conferences/policereform/.
2. For a more recent example in the Broken Arrow, Oklahoma, Police Department, see Steinheider and Wuestewald (2007).

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