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INTRODUCTION

Voices from below: unions and participatory arrangements in the police workplace

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In October 2006, Boalt Hall School of Law at the University of California, Berkeley, hosted an international, multidisciplinary roundtable on 'Police Reform from the Bottom Up.' This unprecedented gathering, co-sponsored by the Berkeley Center for Criminal Justice, the Center for the Study of Law & Society, and the Regulatory Institutions Network at Australian National University, provided an opportunity for policing scholars, police unionists, representatives of identity-based police organizations, and police executives to exchange ideas about the role of rank-and-file officers in the ongoing process of police reform.¹

Some participants in the Berkeley roundtable have argued for years or even decades that rank-and-file police officers should be given a greater collective voice in shaping the nature of their work. Most often the argument has sounded in management theory: participation in departmental decision-making will make officers more engaged and more committed, will lessen their opposition to reform, and will infuse managerial judgments with localized, hands-on knowledge of the day-to-day realities of policing. But sometimes the argument has sounded in civics: police are citizens and should be awarded the same rights as other citizens; police are most likely to respect and protect citizen rights if they themselves are afforded those rights – not only rights to speech and free association, but also rights to bargain collectively, and to fair and impartial adjudication of disciplinary allegations and workplace grievances. Democratic policing, in short, has been linked to a measure of workplace democracy for police officers (Broderick, 1977, p. 206; Sklansky, 2005, pp. 1774–1778).

That linkage has never achieved anything close to mainstream acceptance, either within policing or among scholars of policing. The dominant assumption in policing, and in policing scholarship, is and always has been that good policing, and effective police reform, requires strong, top-down management. The Berkeley roundtable was purposely comprised of academics and practitioners who shared at least some skepticism of that assumption, but not all participants were equally resolute about increasing the individual and collective rights of the police. Nor were all the participants equally convinced about the possibility for reform from below or even from within police organizations. There was skepticism voiced, too, about the capacity for police unions to be forces for reform, rather than obstacles. For their part, some of the police unionists at the roundtable criticized existing policing scholarship as uninformed and unnuanced.

This special issue of *Police Practice and Research* contains a selection of five papers that were presented at the Berkeley roundtable. The theme of this special issue is police unionism, police labor rights, and participatory management. This issue, very much in the

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spirit of the journal, brings together the thinking of four practitioners (Todd Wuestewald, Paul Wilson, Greg O'Connor, and Jan Berry) and five academic researchers (Maurice Punch, Brigitte Steinheider, Mark Finnane, Roy Adams, and Samuel Walker). The papers collected here reflect the diversity of views expressed at the Berkeley roundtable, but they also reveal a strong consensus, broadly shared by the roundtable participants, that more effort should be made to harness the talents and commitment of rank-and-file officers in ongoing efforts to improve policing.

In these introductory comments, we wish to call attention to two trends in policing that underscore the importance of the paper collected here: first, the escalating challenges to traditional police management practices, and second, the steadily growing influence of police unions. We will end by identifying some possible new directions for policing research suggested by the Berkeley roundtable and by this special issue.

Emerging challenges to traditional police management

Police organizations are famously bureaucratic and conservative. Nonetheless recent decades have seen police executives borrowing heavily from the rhetoric and practices of managers in other service sectors (Kiely & Peek, 2002). Many of the new ideas call for greater flexibility, less hierarchical rigidity, and more openness to 'bottom-up' processes of decision-making. Police managers and leaders increasingly demonstrate 'a predilection for articulating new philosophies, concepts and approaches to the provision of policing "services"'; policing, some argue, now 'meets the criteria of a "performance culture", offers "best value", advocates "partnerships" with the communities policed, supports the development of a new legal and political culture with "human rights" at its core and is confident in its "professionalism"' (Adlam, 2002, p. 17).

A familiar range of political, economic, and social changes in policing have cast doubt on previously accepted managerial practices. Community-oriented policing calls for more localized and flexible decision-making, which in turn requires recognizing and encouraging greater responsibility and initiative from police officers who work directly with communities (Deukmedjian, 2003; Goldstein, 1979). New governance arrangements throughout the industrialized world are less bureaucratic (or at least claim to be), and emphasize 'partnerships' and 'networks' (Fleming & Rhodes, 2005). And public sector organizations are expected, increasingly, to have the virtues traditionally expected of large businesses: cost-effectiveness, financial accountability, objectively measured efficiency, and even competition and the marketization of services (Davies & Thomas, 2001; Murphy, 2004; O'Malley & Hutchinson, 2007; Vickers & Kouzmin, 2001). As one Canadian police executive puts it:

Police executives are no longer managers of continuing organizational growth and service expansion, they are now confronted with inexorable political demands to find ways to cut costs, increase efficiency, improve productivity and demonstrate what is called 'value for money'. Pressured to abandon traditional quasi-military, bureaucratic police management models for more contemporary and efficient private-sector service management philosophies and strategies, modern police executives must now provide business-based planning models, argue the cost efficiency of various policing strategies and promote radical organizational change. (Murphy, 2004, p. 2)

Faced with these challenges, police leaders, particularly in English-speaking, established democracies, are increasingly voicing skepticism about traditional, paramilitary organizational structures in law enforcement. A new, 'soft HR discourse' emphasizes 'a

more relaxed, informal, caring and supportive organisation' (Davies & Thomas, 2001, p. 8). A range of police services have introduced 'team leadership programmes' in an effort to let employees share their experiences and exchange ideas for improving how their jobs are structured (O'Malley, 2005).

Australian police leaders, by way of example, have for some years now been declaring a 'new era' in law enforcement management. At a recent police leadership conference, John Murray, the then Chief Police Officer of the Australian Federal Police (AFP), argued for 'a more democratic style' of police management (2002, p. 15). He explained that:

... police leaders across the developed world have been forced to examine the appropriateness and efficacy of [the] traditional model for at least two reasons. The first is its inflexibility and consequently inability to meet the demands of efficiency effectiveness in an environment described as volatile as any competitive market ... The second is the experience of many police leaders that the autocratic style of leadership and the strict enforcement of rules associated with the traditional model is at odds with the expectations of a modern workforce. (2002, p. 1)

The AFP has in fact 'flatten[ed]' its organizational structure, in an effort to extend 'the concept of empowerment ... to all areas of the organization' and to 'increase the authority and decision making power of members from the lowest level up' (Murray, 2002, p. 17). Along similar lines, 'corporate governance committees' in the Victoria Police now formulate policy, set performance targets and budget priorities, and monitor organizational behavior (Victoria Police, 2004, 2005). And in the UK, recruitment, selection, and training of senior police officers has been completely revamped in an effort to foster 'transformational leadership,' marked by 'participation, consultation and inclusion' (Silvestri, 2007, p. 39).

All of this, though, needs to be taken with a grain of salt. Most of the evidence suggests that 'traditional,' 'hierarchical,' 'authoritarian' styles of management persist in policing (Silvestri, 2007, p. 54). Bureaucratic and even autocratic ways of doing things are 'alive and well in police organizations' (Fleming & Rhodes, 2005, p. 194). Clifford Shearing provides an explanation for why this is the case, even in police organizations that aspire to be innovative:

... resistance to change on the part of traditional police managers is not simply a blind, thoughtless clinging to the known and familiar ... Rather it is a statement that the business of management must be concerned with enabling managers to control rank-and-file members at a distance by shaping the inner being of the officers who will be making discretionary decisions. Seen from this perspective, the resistance of traditional managers to the remedial approach is a claim that policing traditions require a style of management that focuses on the identities of rank-and-file officers as 'regulatory regimes' that can be used to control the existence of discretion. (1992, p. 22)

Rank-based authority, that is to say, frees police managers from the obstacles associated with 'dissent, equivocation [and] debate' (Murray, 2002, p. 7), and there is a long tradition of thinking this kind of managerial freedom is especially important in policing.

The joint paper in this special issue by Berry, O'Connor, Punch, and Wilson highlights three other factors underpinning the inconsistent, ambivalent progress in reforming police management practice. First, they argue, the community-oriented policing movement has had an uneven reach. In some police departments, community-oriented policing is relegated to marginalized branches and regarded with disdain by officers who want to get on with the job of crime control. Second, the drive to make law enforcement more business-like has

sometimes translated into a kind of ‘no-nonsense’ policing, in which pressure to meet agency-wide targets has crowded out innovation at the local level. Third, despite a marked increase in the demographic diversity of police forces (e.g., Sklansky, 2006), minority officers often still find themselves struggling against the ingrained organizational culture of their agencies.

We will discuss below yet another factor influencing the uneven progress in revamping police management practices: the varying, even contradictory responses by police unions and associations to managerial reform agendas. For now, though, the important point is that traditional, authoritarian patterns of police management are today competing with a range of less centralized, less hierarchical managerial ideas, often but not always infused with concern for ‘performance,’ ‘efficiency,’ and ‘value for money’ (Murphy, 2004). It is perhaps premature to conclude which values and practices are likely to dominate in the decades to come. What is apparent, however, is that space has been cleared for formulating new workplace arrangements as police leaders (and, as we discuss below, police unions and other rank-and-file associations) struggle to respond to the changes around them (Kiely & Peek, 2002; Marks, 2007; Paoline et al., 2000).

The contribution to this issue by Steinheider and Wuestewald describes and assesses a particularly interesting example of this sort of experimentation. Steinheider, an academic psychologist, has been working with Wuestewald, the police chief in Broken Arrow, Oklahoma, in introducing and assessing a system of ‘shared leadership’ for Wuestewald’s department. The Broken Arrow program has many points in common with the Australian and British initiatives described earlier. It also resembles isolated, pioneering experiments with participatory management in policing carried out decades ago in the USA, notably in Oakland, California, in the 1970s (Toch & Grant, 2005) and in Madison, Wisconsin, in the 1980s (Wycoff & Skogan, 1994). But the Broken Arrow initiative is in some ways more thoroughgoing. While Wuestewald, as chief, retains control over operational, day-to-day decision-making, policy formulation is largely delegated to an employee steering committee.

It is an open question how broadly the results from Broken Arrow can be generalized – particularly to larger, more diverse cities and larger, more embattled police forces. But at a minimum the Broken Arrow initiative highlights a series of important questions that must be confronted in any effort to foster ‘bottom-up’ police reform, and it suggests some possible answers. First, how can rank-and-file participation in decision-making be increased while maintaining appropriate space for managerial flexibility? Broken Arrow provides one model for resolving this conflict – letting the chief decide what issues should be delegated to the ‘leadership team,’ but making the team’s resolution of those issues binding. There may be, of course, other ways to strike this balance – some involving more radical challenges to management prerogative. Second, what role, if any, should scholars and research institutions play in devising, implementing, and assessing new modes of police management? Again, the Broken Arrow initiative provides an intriguing model, that may or may not work elsewhere. Third – a matter to which we will return momentarily – what role should police *unions*, and other organizations of rank-and-file officers, play in a system of ‘shared leadership’?

In Broken Arrow, as in Madison, the police union was brought into the process of participatory management, with union officers sitting on the policymaking committee. Again, there may be other models – purposely preserving the oppositional character of police unions, for example, or drawing more heavily on identity-based police associations. Finally, if police departments and their subunits are viewed as laboratories where theories are tested, new practices are experimented with, and grounded policies are developed, how can those

theories, practices, and policies best be evaluated and, where appropriate, exported to other police agencies?

Police unions as insiders

Management-structured exercises in participatory decision-making are one way to deepen democracy within police organizations. Clearing space for collective representation of rank-and-file officers is another. As Roy Adams suggests in his contribution to this special issue, basic labor rights, including the rights to freedom of association and collective bargaining, can pose a profound challenge to traditional managerial prerogatives in police organizations. But affording police these basic rights, Adams argues, is important not simply because police are both workers and citizens, but also because it sensitizes the police to the importance of these rights for other groupings.

From the beginning of the twentieth century, police in most Western democratic countries have campaigned for their right to unionize and to bargain collectively. Police unions 'have become an increasingly prominent feature of the modern agency and its environment of interested parties' (Magenau & Hunt, 1989, p. 547). Despite initial resistance to the unionization of police, even in Western liberal democracies, police unions have been remarkably successful in achieving benefits for their members. Their success has been achieved using what Freeman and Medoff (1984) would refer to as the 'monopoly face of unionism': the face that focuses on raising wages over and above the market value and achieving above par conditions of service. Police unions in many countries enjoy membership levels of almost 100%, and they have become prominent 'insiders' in the formulation of policing practices (Finnane, 2002).

While the trade union movement across the world is in decline, the police union movement is expanding, gaining strength, and slowly becoming more coordinated. Remarkably, these trends can be observed even in countries and regions still characterized by authoritarian rule. Southern Africa offers a particularly striking example. In February 2007, a group of Swaziland police officers came together – in violation of the law – to form a police union. Unsurprisingly, the Swaziland government refused to recognize the union and threatened its organizers with arrest (Nxumalo, 2007). Also unsurprisingly, the police unionists turned for strategic and legal advice to South Africa's Police and Civil Rights Union (POPCRU), the region's oldest and most firmly established police union, something of a signifier throughout Southern Africa for the possibilities of attaining social and labor rights for the police. At roughly the same time, the Mauritian Police Association approached POPCRU for assistance and support in their efforts to gain collective bargaining rights similar to those enjoyed by workers in other sectors, both public and private.² These Southern African initiatives, while audacious for the region, are mirrored by efforts by police officers around the globe to increase their social and labor rights.

An international network of police unions was formed in 1996. The network brings together police unionists from Europe, North America, South Africa, and Australasia. The network initially called itself the International Law Enforcement Council (ILEC) but in September 2006, at a meeting in Texas, decided to rename itself the International Council of Police Representative Associations (ICPRA). ICPRA's objectives are to promote the rights, efficiency, and welfare of police officers worldwide; to foster and assist in the establishment of police representative associations across the world; to secure the participation of, and influence of ICPRA members in the administration, development, and planning of international policing initiatives; to cooperate with like organizations; to promote international improvements in policing methods and the standard of policing; and to

enhance the professional standing of members of ICPRA (see ICPRA website: <http://www.ilecnet.org/resources.htm>). ICPRA has offered advice and support, for example, to the nascent police union in Swaziland, as well as to police officers from the Guardia Civil in Spain whose rights have been limited by the Spanish government.³

Regional and international networks of police unions remain loosely constituted, however, in part because police unions themselves vary widely in their activities, their powers and privileges, and their understanding of their own roles. As Berry, O'Connor, Punch, and Wilson explain, the nature of police unionism has been shaped by a range of factors that themselves vary from place to place. These factors include police and labor legislative frameworks; the national labor-management climate; broad police reform programs; the self-perception and external status of police officers as laborer or professionals; and the alliances that local police unions have struck with community groups and the broader trade union movement.

Partly as a result of these varying influences, and partly because members of police unions often are pulled in one direction as police officers and a different direction as unionists, police unions have reacted in complicated and sometimes contradictory ways to efforts to reform police management. They have campaigned for less authoritarian approaches to management, while at the same time opposing the importation of private sector mentalities and techniques. Police officers want to be consulted, they want to be included in organizational decision-making, and they want their individual contributions to be recognized. Yet at the same time police officers at all ranks attach cultural significance to police organizations as havens of discipline, restraint, and authority.

In his contribution to this special issue, Walker describes the diversity of police unions in the USA, a microcosm of the fragmentation of the public police more broadly. At times US police unions have pushed for democratic reform not just of the internal management of their agencies but also of police practices on the street. More often, however, they have been obstacles to reform: contesting civilian oversight bodies, for example, or stalling innovative reform projects. Elsewhere in this issue, Finnane argues that state police unions in Australia have become more and more alike, mounting similar challenges, adopting similar strategies, and mouthing similar rhetoric. Paralleling what Walker describes in the USA, though, Finnane observes that while police unions occasionally have been forward-looking, for the most part their campaigns have been inward-looking and defensive.

As significant repositories and transmitters of law enforcement culture, police unions have the potential to refashion that culture, and policing along with it. But police unionists have been inclined to take their bearings – structurally, culturally, and normatively – from within the police organization (Marks, 2007). There may be moments of dissidence but these are not often sustained. The primary identity of a police union member is as a police officer, not as a trade unionist or a social activist. For the most part, police unions have been fiercely protective both of officers' rights and of the professional distinctiveness of the public police; as a result, they have often served as insular and defensive upholders of the more traditional characteristics of police culture (Reiner, 1992).

Police unions will always present a challenge from below, but since union members identify themselves primarily as police officers so too their union culture will always have a strong affinity with the umbrella culture of the police organization. Managers have experimented with new ways of governing police organizations (Wood & Dupont, 2006), but police union leadership has been much less inclined to step into in the vanguard of reform. Even so, there is nothing inevitable about the cultural influence of police unions, and simply branding them as 'conservative,' is a good deal too simplistic, particularly given their steady resistance to orthodox hierarchies. And when they stand up, as they not

infrequently do, for the integrity of public policing as a form of public service, their voice can resonate with progressive voices emanating from a range of other public service trade unions.

The discussion of Britain's Black Police Association in the joint paper by Berry, O'Connor, Punch, and Wilson underscores the growing importance of identity-based associations of police officers, and the dramatic impact these organizations can have on the internal dynamics of law enforcement agencies. This is not a development limited to the UK. POPCRU's success owes something to its original status as an organization chiefly of *black* police and correctional officers, fully committed to the struggle against racial oppression in South Africa (Marks, 2006). In the USA, organizations of minority police officers, women police officers, and – more recently – gay, lesbian, and transgendered police officers have loosened up the internal politics of police forces, have made manifest the absence of a unified 'police position' on a range of controversial issues affecting law enforcement, and have opened up reform possibilities previously blocked by monolithic police opposition. There are signs, too, that competition with identity-based associations may be pushing police unions to be more inclusive, more forward-thinking, and more open to proposals for police reform (Sklansky, 2007).

Toward a new research agenda

Like the Berkeley roundtable for which they were originally prepared, the papers in this special issue highlight a range of important questions for future research. We have already touched on most of these questions, but they bear repetition and reemphasis.

First, much remains to be learned about participatory management in policing – its successes, its failures, and its untapped possibilities. Steinheider and Wuestewald rightly invite tests of the Broken Arrow model in other police agencies. But other models deserve consideration or reconsideration, too – some implemented by innovative police leaders decades ago but now largely forgotten; others developed in sectors outside policing; and still others, no doubt, as yet unnoticed by scholars. Nor should we assume that past and present efforts, in policing or elsewhere, have exhausted the possible ways of structuring participatory management in policing. On the contrary, the tradition of rigid, top-down management remains so powerful in policing, and scholars and outside activists have so rarely mounted serious challenges to that tradition, that the possibilities for 'bottom-up' reform in policing remain largely unexplored.

There is no avoiding the difficulty of reconciling strong leadership with participatory forms of management, or the murky issue of the limits of 'team leadership' in an organization that is operationally dependent on discipline and command responsiveness. But those limits may be far less restrictive than we generally think. Much of the current thinking about best practices in law enforcement, in fact, stresses the need for knowledge generation, responsiveness, and community networking at the bottom of police organizations. Then, too, the potential links between various forms of democracy inside police agencies and the democratic behavior of police officers on their beats deserve more attention than they have received (Sklansky, 2005). All of this suggests that policing scholars might profitably pay more attention to localized experiments with participatory management in policing, and to the possibilities for narrowing the gap between the rhetoric and the reality of new management approaches in policing.

Second, as Walker argues in this issue, research on police unions remains embarrassingly thin. Given the large and growing role of police unions, it is surprising how little we know about how they operate; how similar or dissimilar they are; how they influence and

are in turn shaped by workplace cultures in policing; how they alternately obstruct, facilitate, and redirect reform initiatives; and how they navigate the new fields of pluralized governance within which the police operate, and the simultaneous (even contradictory) pressures on the police to remilitarize and to perform as corporate entities. Berry, O'Connor, Punch, and Wilson are right to suggest that unions and employee associations deserve much more attention in the analysis of current changes and future possibilities in policing. Finnane's paper invites us to find out more about how committed the police unions (in Australia and beyond) are to change and to test out empirically whether or not there is a convergence of police union strategy and rhetoric within and across national boundaries. And Roy Adams plausibly suggests that the belief by many police leaders and policymakers that awarding police basic labor rights will lead to civil disorder and to a breakdown in police discipline may be unfounded; he sensibly calls for more research on the actual relationship between police labor rights on the one hand, and police effectiveness and respect for civil rights on the other.

Third and finally, running through much of this special issue is a broad set of questions about how the kinds of connections that police scholars, and their academic institutions, can profitably forge with police practitioners and *their* organizations – a broad set of questions, that is to say, about making real this journal's aspiration to combine 'police practice and research.' The paper by Steinheider and Wuestewald both discusses and illustrates the potential benefits of a partnership between a police department and a university. Police reform, Steinheider and Wuestewald suggest, can be locally and internally driven with academic researchers providing support, a different knowledge base, and methods for analysis and assessment. These are not novel claims, and the kind of collaboration found in the Broken Arrow initiative, although rarer than it should be, is far from unprecedented (Toch & Grant, 2005). There is increasing (but unfortunately still uncommon) recognition of the importance of developing research partnerships between police and academic researchers that are based on mutual respect for the knowledge that each partner brings to the collaboration – including, in particular, attention to the needs and the insights of frontline officers (Thatcher, 2008; Wood, Fleming, & Marks, 2008).

In contrast, there have been virtually no examples of partnering between academic institutions and police unions. Doubtless this reflects in part a large barrier of mutual mistrust. Scholars view police unions as reactionary, narrow-minded, inflexible bastions of law-and-order conservatism. Unions see academics as arrogant, ivory tower pontificators, insensitive to the reform weariness of police officers or to the real world constraints that union leaders face in addressing the concerns of their members. We hope this special issue will help foster research partnerships between police unions and academics. The papers here illustrate both the robustness and the diversity of the police union movement; they show, too, the key role unions and other associations of rank-and-file officers have come to play in shaping police reform agendas. Forward-thinking police unionists recognize that scholars can help them address, in more reflective and proactive ways, the needs and concerns of their members in the ever-changing field of policing. The paper in this issue by Berry, O'Connor, Punch, and Wilson is, among other things, a provocative and nearly unprecedented model for this kind of collaboration.⁴

The Berkeley roundtable itself was exciting and important, in large part, because of the links it forged and the conversations it opened up among scholars, police executives, police unionists, and representatives of identity-based police associations. We hope this special issue demonstrates to its readers what the roundtable made clear to its participants: that 'bottom-up' processes of police reform offer enormous, largely untapped possibilities – but also enormous, largely unexplored challenges – in the continuing effort to make law

enforcement fairer, more effective, and more consistent with democratic values; that police unions and other associations of rank-and-file officers have become indispensable, unavoidable, and poorly understood participants in the formulation of police policies and practices; and that police research and police practice both stand to gain from new, more systematic, and more cooperative efforts to understand the police workplace, its management, its increasingly manifold cultures, and its potential to participate in its own transformation.

Notes

1. For more information about the roundtable, see <http://www.law.berkeley.edu/centers/bccj/conferences/police-reform/index.html>
2. Information obtained via email correspondence with Ntombizodwa de Toit, International Officer, POPCRU, February 2007.
3. Information obtained via email correspondence with Dale Kinnear, General Secretary of International Council of Police Representative Associations, February 2007.
4. For a rare, earlier example – and another good illustration of what is to be gained by collaborations between academics and police unionists – see Kelling and Kliesmet (1996).

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