

The Craft of Policing

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“So you’ve got legions of people who have lost craftsmanship.

They’ve lost the romance of what they’re doing. The virtuosity.”¹

Middle-aged Americans are fond of looking back to the era when women wore miniskirts, gasoline was thirty cents a gallon, cars had shiny bumpers and motorists placed twenty-dollar bills behind their driver licenses to buy their way out of a ticket. But times have changed and pulling that trick today could get someone arrested. Substantial increases in pay have placed cops squarely in the middle class, allowing agencies to be far pickier when choosing recruits and leading to noticeable improvements in professionalism. Two years of college is now a commonplace entry requirement and graduate degrees are often necessary for advancement into the management ranks.

Still, it is unlikely that salaries will ever overtake that one intractable aspect of human nature – greed. An epidemic of drug abuse that began in the 1960’s created immense profits for drug traffickers and new opportunities for crooked cops. Instead of worrying that officer Jones might take in twenty bucks to buy his wife a new dress, we now fret that detective Smith might take in twenty-*thousand* to buy himself a new boat. Fears about the corrupting influence of drug money led the FBI’s much-feared founding director, the late J. Edgar Hoover, to prohibit agents from investigating narcotics cases.

¹ Painter Robert Williams on the demise of craft and technique in modern art. *Los Angeles Times Magazine*, June 5, 2005, p. 7

Soon after his death in May 1972 the rule changed. Thirteen years later, Special Agent Dan A. Mitrione, Jr. earned the unpleasant distinction of becoming the first FBI agent to be convicted of drug corruption, for pocketing \$850,000 from a cocaine theft (Kessler, 1993).

American law enforcement officers seize millions of pounds of narcotics and hundreds of millions of dollars in cash each year. While most cops remain honest, some inevitably succumb to the temptations posed by torrents of drugs and money. They may accept payoffs to look the other way, guard and transport drugs, rob drug peddlers and even turn into dealers themselves.

- During the late 1960's New York City police drug detectives routinely robbed and extorted narcotics dealers. Their activities were publicly exposed during the Knapp Commission hearings of 1972, where secret tapes were played of conversations between the famous undercover narcotics detective Frank Serpico, who was cooperating with the commission's investigators, and his corrupt colleagues (Knapp Commission, 1973).
- In the mid 1980's thirteen officers of NYPD's 77th. precinct were arrested for robbing dealers and selling confiscated drugs. The scandal led to another set of hearings, this time conducted by the Mollen Commission (Mollen Commission, 1994).
- In the late 1980's Miami drug cops earned huge sums selling large quantities of cocaine they stole during raids. It turned out that the officers spent most of their time planning robberies rather than fighting crime (Kappeler et al, 1998.)

- During the same period members of an elite Los Angeles County Sheriff's narcotics squad stole millions of dollars from drug dealers and used the money to buy boats, cars and vacation homes. Rumors of their new-found wealth found their way back to agency executives, who enlisted the help of the FBI. In due course, an elaborately staged undercover sting caught the officers stealing cash from what they thought was a drug dealer's hotel room. Testimony by the squad's supervisor (who actually instigated the corruption) led to the conviction of his entire crew (Merina, 1993).
- In the mid-1990's drug corruption again took hold of the NYPD when more than two dozen officers from the 30th. precinct (nicknamed "The Dirty Thirty") were arrested for robbing drug dealers and selling drugs. One cop pocketed \$100,000 in cash that he found in a home. Another auctioned off a kilo of stolen cocaine from his patrol car (the high bid was \$16,000). Others called on department experts to crack open a safe that contained a lot of cash. They then took everything but a few thousand dollars, which was booked as evidence to avert suspicion (Gladwell, 1994).

Since drug dealers are unlikely to file complaints, police corruption may be difficult to detect. Even when there are suspicions, the absence of cooperating "victims" can make it impossible to collect evidence and build a case in the conventional way. To draw out crooked officers the FBI turned to undercover operations, creating scenarios where agents posed as drug dealers. In 1994 twelve Washington, D.C. police officers were convicted of protecting a cocaine distribution ring that was actually an FBI "sting" (Seigle, 1994). In 1996 seven Chicago police officers were arrested for taking protection

money and for robbing undercover agents (Campbell & Gillis, 1996). In 1998 an incredible *forty-nine* Cleveland-area cops and jail guards received prison sentences ranging from 2½ to nine years for guarding what they were thought were large shipments of drugs (Rollenhagen & Quinn, 1998).

Police corruption, like any moral decline, is not something that happens all at once. The L.A. County officers began by skimming small amounts of cash to buy investigative supplies and fund beer parties. Their descent into hardcore graft was lubricated with the same excuses and justifications used by crooked cops everywhere. Drug dealers are not “victims”. Taking their money is not “stealing”, as one cannot steal what was not legitimately earned. Anyway, it’s probably the only *real* punishment that criminals will ever get. And why shouldn’t officers take advantage when they can? Being a cop is dangerous and under-appreciated. Really, citizens would *want* them to have the money.

Police organizations have traditionally relied on internal controls to keep employees in check. When trouble strikes they discipline those responsible, toughen up the rules, order more training, shuffle managers and institute reorganizations, what some might call moving around the deck chairs of a sinking ship. Should a severe scandal strike, politicians rush to appoint investigating committees. Hearings are conducted and experts testify. Once the chest-beating is done and everyone has had their say a massive report is issued condemning the misconduct, setting out its causes and outlining an extensive programme of reforms. Then everyone goes back to what they were doing and the cycle begins anew (Sherman, 1978).

Leafing through the many studies and reports one is struck by the similarities. Inferior hiring practices are blamed for letting questionable characters into the police service, lax supervision for failing to keep them under control, and ineffective disciplinary procedures for letting them remain on the force and infect others. The police “culture” is criticized for its insularity, inattention to moral values and, particularly, for promoting a code of silence that discourages officers from informing on their colleagues and allows corruption to flourish. The most recent Federal study of police corruption meticulously plowed through each of these factors but added nothing new to the mix (General Accounting Office, 1998).

Raising standards and tightening controls are not bad ideas. We should carefully examine the backgrounds of applicants for the police service and of current officers who wish to be promoted or transfer to a specialized unit. Periodic updates, including thorough financial checks of those who serve in sensitive posts, are an excellent idea. Since oversight is difficult and most cops work alone or in pairs, first-level supervisors must not be so saddled with administrative chores that they cannot monitor what officers do in the field. One approach is to post mid-level managers (Lieutenants and above) in units that pose high moral risks, such as vice and drug enforcement. Supervisory training can help, as can classes in ethics, particularly if they include contributions from experienced officers.

Yet here we are in the twenty-first century, approaching the two-hundredth anniversary of the Western world’s first modern police force, the Metropolitan Police of London, and corruption remains a festering sore. No matter how carefully we calibrate the selection process, unsuitable candidates slip through. As for internal controls – well,

every parent knows that simply tightening the screws is insufficient. Temptations abound. Supervisors cannot be everywhere and they too are corruptible. Finding the situation hopeless, some experts have concluded that the best hopes for reform lie in changing society rather than the police (Kappeler et al, 1998).

Is there something we are missing?

At the age of thirteen my father was apprenticed to a woodworker in his native Hungary. Thirty years and several countries later he was a well-established woodcarver in West Hollywood's decorators row. Among his customers were the actor Burt Reynolds, a talented amateur woodworker in his own right, and the musician/songwriter Hoagy Carmichael, for whom my dad carved an exquisite elephant from a solid block of wood.

Like other hard-working immigrants, my father was determined that I avoid any occupation that called for manual labor and endless hours of toil. And while I admired his artistry, sweat and sawdust were really not my cup of tea. Passing into my teens, a bit apprehensive about what the future might bring, I became fascinated with a fictional movie and T.V. character, the Oriental detective Charlie Chan. Enthralled by the brave and shrewd detective's skill at bringing evildoers to account, I happily discovered my future calling.

Actually, Charlie and my dad were alike in one important respect. Both were highly-skilled craftsmen who delighted in tackling difficult problems. Whether restoring a delicate antique or solving a murder that was committed with such foresight and precision as to leave virtually no clue, neither the old-country woodworker nor the savvy

detective would have considered doing anything but their very best. Making excuses or taking the easy way out was not an option.

Although I didn't always measure up to my father's standards – nor Charlie Chan's – an appreciation for craftsmanship shaped my career as a Federal criminal investigator. Pausing after eight years to work on a doctorate, I chose for my dissertation to analyze narcotics enforcement from the perspective of a craft. I soon discovered that concepts such as quality and craftsmanship were seldom addressed in the police literature. Still, several well-known scholars had recognized that good police work could not be measured by numbers of arrests; indeed, the concepts often seemed in opposition (Toch, 1971; Marx, 1976; Goldstein, 1977; Bayley, 1984; Bittner, 1990).²

The quantification craze first took hold of the American public service in the 1960's when the newly-appointed Secretary of Defense, Robert McNamara, infused the Federal government with management practices brought over from the Ford Motor Company, where he had served as president. During the Vietnam War, McNamara's endless reports of bombs dropped, acres deforested and enemy killed were repeatedly offered as proof that victory was inevitable. Enthralled (some might say, blinded) by this newfangled, "scientific" approach to management, criminal justice agencies eagerly jumped on the bandwagon. Little thought was given to the possibility that reducing measures of output to numbers might misconstrue, if not fundamentally distort, what was produced:

Beginning in the 1970's, a series of federally funded studies addressed the issue of performance indicators. To varying degrees, the studies stressed measures

² Happily, two scholars who warned about the tyranny of arrest quotas – Professors Hans Toch and Gary Marx – served on my dissertation committee.

emphasizing process rather than results, efficiency rather than effectiveness, and program outcomes rather than policy outcomes. As a consequence, we know a lot about conviction rates, numbers of dismissals, percentages of guilty pleas, case processing times, and the use of various sentencing options — yardsticks that say little about the quality of justice (Cole, 1993, pp. 87-88).

A decade later, as my colleagues and I at the Treasury Department's Bureau of Alcohol, Tobacco and Firearms pursued gun traffickers, we were well aware that our agency used numbers of arrests to justify its budget.³ Although qualitative impressions of casework were used when rating individual employees, arrest statistics — just like McNamara's body count — were indisputably the key metric for evaluating the performance of the Bureau as a whole. Even so, we seemed far more relaxed about numerical productivity than our detective friends in local police departments, who were clearly under great pressure to make as many arrests as possible.

As I worked on my dissertation that great sociologist of privacy, Gary Marx, was writing *Undercover*, his seminal study of undercover policing in America (Marx, 1988). As one of his research assistants, I interviewed narcotics officers in police departments across the country. Their views about “numbers” largely coincided with my prior experiences:

It filters down [that superiors] want higher numbers, so inevitably we give them higher numbers. You turn in your monthly report, you've got two arrests, they say “you had only two drug arrests”? Now, you may have gotten the two biggest dealers in the State, but they're still going to complain because you've only got

³ Now known as the Bureau of Alcohol, Tobacco, Firearms and Explosives, in the Justice Department.

two. You turn in a monthly report where you get fifteen or twenty arrests...now they say that's good. (Wachtel, 1985, p. 269)

Make cases, put people in jail, numbers. Our department right now is heavily into numbers...There are [statistics] being taken through the chain of command, "see how good a job we're doing, how many people we're putting in jail," that sort of thing. (Wachtel, 1985, p. 269)

Getting right down to it, it's numbers. We got out and [arrest] an individual for...a pound of cocaine it doesn't carry as much weight here as four busts that total a pound of cocaine. So we're talking about the numbers of defendants...as opposed to one spectacular case. (Wachtel, 1982, p. 183)

In Federal practice, we reserved the term "quality case" for the more complex and time-consuming investigations, which required that agents surmount considerable obstacles on the road to arrest and prosecution. But the officers I interviewed set the bar much lower. In their view, virtually any case that had been competently handled merited the "quality" label.

A quality case is a case where you cover all the little aspects. You make sure your reports are descriptive, that they contain all the elements of the offense necessary for prosecution, that the evidence is properly handled....Basically

you're [covering] all the bases that you feel will be necessary to successfully prosecute that case. (Wachtel, 1985, p. 271)

If quality work was really just a matter of applying the appropriate techniques, job satisfaction should have proved uniformly high. But this was clearly not so. Many officers grumbled that pressures to produce prevented them from tackling the more significant investigations:

I would personally make the five good cases as opposed to the one-hundred small cases. (Wachtel, 1982, p. 183)

I'm not a numbers person, I'm an investigator. I would much rather spend two months and put one person in jail and do him right than go out there and get twenty small-time people. (Wachtel, 1982, p. 184)

The thing that keeps us off those pie-in-the-sky cases is that we don't have that kind of time. A team [of two officers is expected] to bring in ten hypes a week. After that we're pretty much allowed to carry on our own investigations [but] they don't want you to get tied up on something that's going to take you out for two and three weeks. (Wachtel, 1985, p. 272)

Of course, there are legitimate reasons to make lots of arrests. Going after small-time drug offenders can reduce the availability of drugs and help restore order to areas impacted by street drug dealing. In any event, local police have limited time, money and

manpower; as one respondent pointed out, their unit's entire budget to buy drugs could be swallowed up in a single major case, something that no agency could realistically allow. Yet, most officers wanted to make bigger cases. It may be that a narrow view of case quality accommodated their self-image as craftspersons while minimizing the dissonance between personal preferences and bureaucratic imperatives.

Police work has been described as a routine that is occasionally punctuated by moments of terror. Patrol can be tedious and repetitive, much more a matter of taking reports and settling minor disputes than fighting crime. Not surprisingly, a recent study of community policing reported that officers assigned to special projects seemed considerably more enthusiastic and satisfied with their jobs than those on uniformed patrol, possibly because the former enjoyed a far more varied work environment (Pelfrey, 2004).⁴

Job enrichment theory posits that increases in task variety and complexity can boost job satisfaction (Hackman & Oldham, 1980). But manufacturing science has conclusively demonstrated that increasing numerical output requires that jobs be simplified and routinized rather than expanded. The effects of an assembly-line orientation in policing were clearly evident in my study of narcotics enforcement, where pressures to make lots of arrests – in practice meaning lots of *petty* arrests – reduced the job to a routine that some investigators barely tolerated.

Aside from diminishing morale, emphasizing numerical productivity can distort the functions of the police. Not long ago twenty government employees, including prison

⁴ Since calls for service must still be answered, pulling officers for special assignments inevitably deteriorate the working environment of those who remain on routine patrol.

guards, immigration agents and members of the Air Force and National Guard were caught hauling cocaine from the Arizona-Mexico border to Phoenix and Las Vegas. Each episode was controlled by undercover FBI agents who supplied the drugs on one end and accepted deliveries on the other. It all began with a single, small-time criminal who agreed to transport a load of drugs. He soon brought in others and the scheme snowballed. Lured with promises of easy money, the mules received up to \$30,000 for what amounted to relocating Government property between points of the compass. By the time that the Feds called a press conference to announce their great success more than \$250,000 had been paid out. So far nothing has been presented to suggest that anyone other than the original crook had previously trafficked in drugs (Vartabedian, 2005).

Excepting a lack of police officer defendants, this sting resembled the many Federal undercover operations that snared dirty cops.⁵ Presumably those arrested on this occasion were also behaving as they normally would. But as every undercover agent knows, waving around fistfuls of cash is as likely to attract opportunists as “real” criminals – perhaps even more so. That was the criticism leveled by families and lawyers of the accused in the Cleveland corruption case, whose forty-nine defendants literally lured each other into the FBI’s artfully laid web. When target selection is left exclusively in the hands of those already duped, there is a strong possibility that the police may cause crimes to take place that would not have otherwise occurred. One need not endorse misconduct of any kind to point out that such loosely controlled integrity tests raise public policy issues of some significance (Wachtel, 1992; Marx, 1988; Rollenhagen & Quinn, 1998).

⁵ A partial listing of FBI police drug corruption stings between 1992-1998 is in General Accounting Office, 1998.

Few investigators or prosecutors are ever presented the opportunity to convict dozens of persons of felonies in one fell swoop. Doing so is undeniably a good career move. While the outcomes of the Arizona and Cleveland cases seemed at least technically supported by law, other impressive numerical “success stories” ultimately turned out quite differently:

- In July 1999 Tulia, Texas police arrested 46 persons, mostly poor blacks, for selling “minute” amounts of cocaine to an undercover officer during an 18-month period. Thirty-eight defendants were convicted and imprisoned on the sole word of an undercover agent who always worked alone and made no formal notes. Several years later the cop was convicted of perjury. His victims were freed, pardoned and shared in a \$6 million settlement (Pasztor, 2003).
- In 2001 Dallas, Texas police arrested 30 immigrants for narcotics violations. As it turned out, the “drugs” were mostly ground-up chalk that had been s planted on the defendants by informers and corrupt narcotics detectives. (Korosec, 2005).
- In the late 1990’s a squad of gang officers planted evidence, brutalized suspects and falsified reports in the Rampart area, a crime-ridden section of central Los Angeles. The abuses were brought to light when evidence custodians noticed that a Rampart officer failed to return eight pounds of cocaine that he had checked out “to take to court.” But there was no court case. Two thick reports later, LAPD agreed to be placed under official watch of the U.S. Department of Justice for an indefinite period. More than one-hundred cases were dropped

and millions of dollars were paid out to wrongfully-convicted defendants (Los Angeles Police Dept., 2000; Rampart, 2000; U.S. DOJ, 2000).⁶

Why did the officers in Texas and Los Angeles cross the line? It seems unlikely that they were only trying to produce impressive statistics. Overzealous behavior can reflect deep-seated frustrations with a system that seems to stack the decks against the forces of law and order. Cops long to do more than paperwork – they want to fight crime. But they quickly discover that enthusiasm is not enough. Pressed to show results but lacking legitimate means to accomplish what may be impossible goals, some have turned to the “Dirty Harry” solution, ignoring law and morality to deliver their own brand of street justice (Klockars, 1983). Unlike fictional heroes such as Inspector Harry Callahan, who was careful to never hurt an innocent person, officers on crusades have done virtually anything to get at the “bad guys”, snaring both the guilty and the innocent along the way.⁷ And if so doing happens to generate the “numbers” that everyone wants, well, so much the better.

In a country as obsessed with productivity as the U.S. it was probably inevitable that pressures to quantify output would eventually affect the work of the police. Explanations of police corruption have focused almost exclusively on control mechanisms and cultural attributes but ignored critical workplace issues such as quality, craftsmanship and pressures to produce. Yet I am convinced that rediscovering the craft

⁶ The US Department of Justice is empowered by Federal law (42 U.S.C. §14141) to file lawsuits against police departments who may be engaging in a pattern of civil rights violations.

⁷ Poor police work has led to the imprisonment of innocent persons. Many have been released with the help of DNA technology, some from death row. For more information see www.innocenceproject.org.

of policing would go a long ways towards preventing misconduct. Here are some approaches for incorporating this theme into a program of reform:

- Saying one thing in public (“quality is job one”) but insinuating something quite different in practice (“get the numbers”) breeds cynicism, devalues the craft and can precipitate a moral decline in the ranks. One must avoid doing so at all costs.
- Agencies should state with precision what it means to do a quality job at each level of the organization. Definitions must not be so narrowly drawn as to exclude the underlying purposes of policing. Work is not “quality” unless one can affirmatively answer *both* questions: Was it done well? Was it worth doing?
- Descriptions of quality work should be the principal templates for evaluating the work of officers and organizational units.
- When numerical productivity *is* an important objective, it should not stand alone but be carefully integrated into the definition of quality work. Considering the undeniable appeal of measuring with numbers, steps must be taken to assure that doing so does not undermine other worthy criteria.
- Instruction about quality, craftsmanship and pressures to produce should be incorporated into pre-service and in-service training.
- Citizens and political leaders should be educated about the pitfalls of quantifying output. They must also be reminded that police are not well positioned to remedy underlying social ills. To this end, managers must avoid assigning “mission impossibles” to anyone, particularly specialized units,

whose ethic of success may impel officers to stretch the moral boundaries of their craft.

Quantifying output has become a ready way for public agencies to prove their worth. Giving little thought to the inherent contradiction between how *many* and how *well*, some police leaders have inadvertently promoted a production-line mentality, straining the marginal moral atmosphere that may already be present in their organizations and neutralizing whatever tendencies towards craftsmanship might exist. Meanwhile, there is growing evidence – some would say, overwhelming proof – that controls alone cannot win the fight against police misconduct and corruption. Perhaps nothing can. But before we throw in the towel, why not take a page from other occupations and strive to promote pride in the craft of policing? The gap between woodcarving and detective work may not be as wide as it seems.

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